

259.55 IDENTITY THEFT – SUBMISSION TO THE DEPARTMENT OF REVENUE.  
FELONY.

The defendant has been charged with identity theft.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt.

First, that the defendant knowingly [obtained] [possessed] [used] identifying information<sup>1</sup> of another person, living or dead. (*Name type of identifying information, e.g., social security number*) would be identifying information.

And Second, that the defendant acted knowingly to [obtain] [possess] [use] with the intent<sup>2</sup> to fraudulently utilize the information in a submission to the Department of Revenue<sup>3</sup> to obtain anything of [value] [benefit] [advantage] for themselves.

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant [obtained] [possessed] [used] identifying information of another person, living or dead and that the defendant did so knowingly, with the intent to fraudulently utilize the information in a submission to the Department of Revenue to obtain anything of [value] [benefit] [advantage] for themselves, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

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1 The term “identifying information” includes the following:

- a. Legal name
- b. Date of birth

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GENERAL CRIMINAL VOLUME

JUNE 2018

N.C. Gen. Stat. § 105-236(a)(9b)

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- c. Social Security Number
  - d. Taxpayer Identification Number
  - e. Federal Identification Number
  - f. Bank account numbers
  - g. Federal and State tax or tax return information.

2 If a definition of intent is needed, see N.C.P.I.–Crim. 120.10.

3 N.C. Gen. Stat. § 105-236(a)(9b) does not indicate which “department” it is referring to, but the committee believes the statute is referring to the Department of Revenue since that department is referenced in other sections of the statute.