

259.57 IDENTITY THEFT–SUBMISSION TO THE DEPARTMENT OF REVENUE
RESULTING IN ADVERSE FINANCIAL IMPACT. 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 information¹ of another person, living or dead. (*Name type of identifying information, e.g., social security number*) would be identifying information.

Second, that the defendant acted knowingly to [obtain] [possess] [use] with the intent² to fraudulently utilize the information in a submission to the Department of Revenue³ to obtain anything of [value] [benefit] [advantage] for themselves.

And Third, that as a proximate result of the defendant’s action, that other person suffered adverse financial impact.

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.

1 The term "identifying information" includes the following:

- a. Legal name
- b. Date of birth
- 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.