AN ACT to amend and reenact section 12.1-23-11 of the North Dakota Century Code, relating to identity theft; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-23-11 of the North Dakota Century Code is amended and reenacted as follows:


1. As used in this section, "personal identifying information" means any of the following information:

   a. An individual's name;
   b. An individual's address;
   c. An individual's telephone number;
   d. The distinguishing operator's license number assigned to an individual by the department of transportation under section 39-06-14;
   e. An individual's social security number;
   f. An individual's employer or place of employment;
   g. An identification number assigned to the individual by the individual's employer;
   h. The maiden name of the individual's mother;
   i. The identifying number of a depository account in a financial institution; or
   j. An individual's birth, death, or marriage certificate;
   k. An individual's photograph or computerized image;
   l. An individual's e-mail address; or
   m. An individual's username and password of any digital service or computer system.

2. A person uses or attempts to use any personal identifying information of another individual, living or deceased, to obtain credit, money, goods, services, or anything else of value without the authorization or consent of the other individual and by representing that person is the individual or is acting with the authorization or consent of the individual. The offense is a class B felony if the credit, money, goods, services, or anything else of value exceeds one thousand dollars in value, otherwise the offense is a class C felony. A second or subsequent offense is a class A felony.

3. A violation of this section, of a law of another state, or of federal law that is equivalent to this section and which resulted in a plea or finding of guilt must be considered a prior offense. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding
of guilt for the prior offense must have occurred before the date of the commission of the
offense or offenses charged in the complaint, information, or indictment.

4. A prosecution for a violation of this section must be commenced within six years after
discovery by the victim of the offense of the facts constituting the violation.

5. When a person commits violations of this section in more than one county involving either one
or more victims or the commission of acts constituting an element of the offense, the multiple
offenses may be consolidated for commencement of prosecution in any county where one of
the offenses was committed.
This certifies that the within bill originated in the House of Representatives of the Sixty-third Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1197.

House Vote: Yeas 88 Nays 0 Absent 6
Senate Vote: Yeas 46 Nays 0 Absent 1

Received by the Governor at ______M. on _____________________________, 2013.
Approved at ______M. on _____________________________, 2013.

Filed in this office this ______day of _____________________________, 2013,
at ______ o’clock ______M.