

Introduced by

Representatives Delmore, DeKrey, Maragos

Senators Lyson, Nelson, Trenbeath

1 A BILL for an Act to amend and reenact sections 12.1-23-11 and 12.1-23-12 of the North
2 Dakota Century Code, relating to unauthorized use of personal identifying information of a
3 deceased individual and jurisdiction in offenses involving conduct outside this state; and to
4 provide a penalty.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

8 **12.1-23-11. Unauthorized use of personal identifying information - Penalty.**

- 9 1. As used in this section, "personal identifying information" means any of the
10 following information:
- 11 a. An individual's name;
 - 12 b. An individual's address;
 - 13 c. An individual's telephone number;
 - 14 d. The distinguishing operator's license number assigned to an individual by the
15 department of transportation under section 39-04-14;
 - 16 e. An individual's social security number;
 - 17 f. An individual's employer or place of employment;
 - 18 g. An identification number assigned to the individual by the individual's
19 employer;
 - 20 h. The maiden name of the individual's mother; ~~or~~
 - 21 i. The identifying number of a depository account in a financial institution; or
 - 22 j. An individual's birth, death, or marriage certificate.
- 23 2. A person is guilty of ~~a class C felony~~ an offense if the person uses or attempts to
24 use any personal identifying information of an individual, living or deceased, to

1 obtain credit, money, goods, services, or anything else of value without the
2 authorization or consent of the individual and by representing that person is the
3 individual or is acting with the authorization or consent of the individual. The
4 offense is a class B felony if the credit, money, goods, services, or anything else of
5 value exceeds one thousand dollars in value, otherwise the offense is a class C
6 felony. A second or subsequent offense is a class A felony.

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

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

15 5. When a person commits violations of this section in more than one county
16 involving either one or more victims or the commission of acts constituting an
17 element of the offense, the multiple offenses may be considered for
18 commencement of prosecution in any county where one of the offenses was
19 committed.

20 **SECTION 2. AMENDMENT.** Section 12.1-23-12 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **12.1-23-12. Jurisdiction - Conduct outside this state.** Notwithstanding section
23 29-03-01.1, a person who, while outside this state and by use of deception, obtains, deprives,
24 or conspires, solicits, or attempts to obtain the property of a person within this state or to
25 deprive ~~such~~ the person of property is subject to prosecution under this chapter in the courts of
26 this state. ~~The~~ Except as provided in section 12.1-23-11, the venue is in the county in which
27 the victim resides or any other county in which any part of the crime occurred.