

**Ala. Code 1975, § 13A-8-192**

**Identity Theft**

The defendant is charged with identity theft.

A person commits the crime of identity theft if, without the authorization, consent, or permission of the victim, and with the intent to defraud for his/her own benefit or the benefit of a third person, he/she: **[Read as appropriate]**:

- (1) Obtains, records, or accesses identifying information that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of the victim;
- (2) Obtains goods or services through the use of identifying information of the victim;
- (3) Obtains identification documents in the victim's name; **[OR]**
- (4) Obtains employment through the use of identifying information of the victim.

To convict, the State must prove beyond a reasonable doubt each of the following elements:

- (1) The defendant: **[Read as appropriate]**:
  - (a) Obtained, recorded, or accessed identifying information that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of the victim, **[insert name]**;
  - (b) Obtained goods or services through the use of identifying information of the victim, **[insert name]**;
  - (c) Obtained identification documents in the victim's name, **[insert name]**; **[OR]**
  - (d) Obtained employment through the use of identifying information of the victim, **[insert name]**;
- (2) The defendant did so without the authorization, consent, or permission of the victim, **[insert name]**; **(AND)**
- (3) The defendant did so with the intent to defraud for his/her own benefit or the benefit of a third person.

*Identifying information* is any information, used either alone or in conjunction with other information, that specifically identifies a person or a person's property, and includes, but is not limited to, any of the following information related to a person:

- a. Name
- b. Date of birth
- c. Social Security number
- d. Driver's license number
- e. Financial services account numbers, including checking and savings accounts
- f. Credit or debit card numbers
- g. Personal identification numbers (PIN)
- h. Electronic identification codes
- i. Automated or electronic signatures
- j. Biometric data
- k. Fingerprints
- l. Passwords
- m. Parent's legal surname prior to marriage
- n. Any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services. [13A-8-191(2)]

*Identification documents* are any papers, cards, or other documents issued by federal, state, or local governmental authorities that are used specifically to identify a person. Identification documents include, but are not limited to, driver's licenses, military identification cards, passports, birth certificates, Social Security cards, and other government-issued identification cards. [13A-8-191(1)]

*Victim* is a person whose identification documents or identifying information are used to perpetuate a crime created by this article. [13A-8-191(3)]

A person acts *intentionally* with respect to a result or to conduct described by a statute defining an offense, when his/her purpose is to cause that result or to engage in that conduct. [13A-2-2(1)]

If you find from the evidence that the State has proved beyond a reasonable doubt each of the above elements of identity theft, then you shall find the defendant guilty of identity theft.

If you find that the State has failed to prove any one or more of the elements of identity theft, then you cannot find the defendant guilty of identity theft.

**[If lesser-included offenses are included, the Court should instruct on those offenses at this point.]**

### **Use Notes**

This section shall not apply when a person obtains the identity of another person to misrepresent his/her age for the sole purpose of obtaining alcoholic beverages, tobacco, or another privilege denied to minors. [13A-8-192(c)]

[Approved 04-15-16.]