

Ala. Code 1975, § 13A-8-193

Trafficking in Stolen Identities

The defendant is charged with trafficking in stolen identities.

A person commits the crime of trafficking in stolen identities when, without the authorization, consent, or permission of the victim, he/she manufactures, sells, transfers, purchases, or possesses, with intent to manufacture, sell, transfer, or purchase, identification documents or identifying information for the purpose of committing identity theft.

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

- (1) The defendant manufactured, sold, transferred, purchased, or possessed, identification documents or identifying information for the purpose of committing identity theft;
- (2) The defendant did so without the authorization, consent, or permission of the victim, **[insert name]; (AND)**
- (3) The defendant did so with intent to manufacture, sell, transfer, or purchase, identification documents or identifying information.

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)]

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)]

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)]

[Read as appropriate]: Possession of five or more identification documents of the same person, or possession of identifying information of five or more separate persons, without the authorization, consent, or permission of the person or persons, shall create an inference that the identities are possessed with intent to manufacture, sell, transfer, or purchase identification documents or identifying information for the purpose of committing identity theft. [13A-8-193(b)]

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

If you find that the State has failed to prove any one or more of the elements of trafficking in stolen identities, then you cannot find the defendant guilty of trafficking in stolen identities.

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

[Approved 04-15-16.]