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REPORTS: No

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P.L. 2002, CHAPTER 85, *approved October 16, 2002*
Assembly, No. 1346

1 **AN ACT** concerning personal identifying information and amending
2 N.J.S. 2C:20-1, N.J.S.2C:21-1, P.L.1983, c.565 and N.J.S. 2C:21-
3 17 and supplementing Title 2C of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.2C:20-1 is amended to read as follows:

9 2C:20-1. Definitions. In chapters 20 and 21, unless a different
10 meaning plainly is required:

11 a. "Deprive" means: (1) to withhold or cause to be withheld
12 property of another permanently or for so extended a period as to
13 appropriate a substantial portion of its economic value, or with
14 purpose to restore only upon payment of reward or other
15 compensation; or (2) to dispose or cause disposal of the property so
16 as to make it unlikely that the owner will recover it.

17 b. "Fiduciary" means an executor, general administrator of an
18 intestate, administrator with the will annexed, substituted
19 administrator, guardian, substituted guardian, trustee under any trust,
20 express, implied, resulting or constructive, substituted trustee,
21 executor, conservator, curator, receiver, trustee in bankruptcy,
22 assignee for the benefit of creditors, partner, agent or officer of a
23 corporation, public or private, temporary administrator, administrator,
24 administrator pendente lite, administrator ad prosequendum,
25 administrator ad litem or other person acting in a similar capacity.

26 c. "Financial institution" means a bank, insurance company, credit
27 union, savings and loan association, investment trust or other
28 organization held out to the public as a place of deposit of funds or
29 medium of savings or collective investment.

30 d. "Government" means the United States, any state, county,
31 municipality, or other political unit, or any department, agency or
32 subdivision of any of the foregoing, or any corporation or other
33 association carrying out the functions of government.

34 e. "Movable property" means property the location of which can
35 be changed, including things growing on, affixed to, or found in land,
36 and documents, although the rights represented thereby have no
37 physical location. "Immovable property" is all other property.

38 f. "Obtain" means: (1) in relation to property, to bring about a
39 transfer or purported transfer of a legal interest in the property,
40 whether to the obtainer or another; or (2) in relation to labor or
41 service, to secure performance thereof.

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 g. "Property" means anything of value, including real estate,
2 tangible and intangible personal property, trade secrets, contract
3 rights, choses in action and other interests in or claims to wealth,
4 admission or transportation tickets, captured or domestic animals,
5 food and drink, electric, gas, steam or other power, financial
6 instruments, information, data, and computer software, in either
7 human readable or computer readable form, copies or originals.
- 8 h. "Property of another" includes property in which any person
9 other than the actor has an interest which the actor is not privileged to
10 infringe, regardless of the fact that the actor also has an interest in the
11 property and regardless of the fact that the other person might be
12 precluded from civil recovery because the property was used in an
13 unlawful transaction or was subject to forfeiture as contraband.
14 Property in possession of the actor shall not be deemed property of
15 another who has only a security interest therein, even if legal title is in
16 the creditor pursuant to a conditional sales contract or other security
17 agreement.
- 18 i. "Trade secret" means the whole or any portion or phase of any
19 scientific or technical information, design, process, procedure, formula
20 or improvement which is secret and of value. A trade secret shall be
21 presumed to be secret when the owner thereof takes measures to
22 prevent it from becoming available to persons other than those
23 selected by the owner to have access thereto for limited purposes.
- 24 j. "Dealer in property" means a person who buys and sells property
25 as a business.
- 26 k. "Traffic" means:
27 (1) To sell, transfer, distribute, dispense or otherwise dispose of
28 property to another person; or
29 (2) To buy, receive, possess, or obtain control of or use property,
30 with intent to sell, transfer, distribute, dispense or otherwise dispose
31 of such property to another person.
- 32 l. "Broken succession of title" means lack of regular documents of
33 purchase and transfer by any seller except the manufacturer of the
34 subject property, or possession of documents of purchase and transfer
35 by any buyer without corresponding documents of sale and transfer in
36 possession of seller, or possession of documents of sale and transfer
37 by seller without corresponding documents of purchase and transfer
38 in possession of any buyer.
- 39 m. "Person" includes any individual or entity or enterprise, as
40 defined herein, holding or capable of holding a legal or beneficial
41 interest in property.
- 42 n. "Anything of value" means any direct or indirect gain or
43 advantage to any person.
- 44 o. "Interest in property which has been stolen" means title or right
45 of possession to such property.
- 46 p. "Stolen property" means property that has been the subject of

1 any unlawful taking.

2 q. "Enterprise" includes any individual, sole proprietorship,
3 partnership, corporation, business trust, association, or other legal
4 entity, and any union or group of individuals associated in fact,
5 although not a legal entity, and it includes illicit as well as licit
6 enterprises and governmental as well as other entities.

7 r. "Attorney General" includes the Attorney General of New
8 Jersey, his assistants and deputies. The term shall also include a
9 county prosecutor or his designated assistant prosecutor, if a county
10 prosecutor is expressly authorized in writing by the Attorney General
11 to carry out the powers conferred on the Attorney General by this
12 chapter.

13 s. "Access device" means property consisting of any telephone
14 calling card number, credit card number, account number, mobile
15 identification number, electronic serial number, personal identification
16 number, or any other data intended to control or limit access to
17 telecommunications or other computer networks in either human
18 readable or computer readable form, either copy or original, that can
19 be used to obtain telephone service.

20 t. "Defaced access device" means any access device, in either
21 human readable or computer readable form, either copy or original,
22 which has been removed, erased, defaced, altered, destroyed, covered
23 or otherwise changed in any manner from its original configuration.

24 u. "Domestic companion animal" means any animal commonly
25 referred to as a pet or one that has been bought, bred, raised or
26 otherwise acquired, in accordance with local ordinances and State and
27 federal law for the primary purpose of providing companionship to the
28 owner, rather than for business or agricultural purposes.

29 v. "Personal identifying information" means any name, number or
30 other information that may be used, alone or in conjunction with any
31 other information, to identify a specific individual and includes, but is
32 not limited to, the name, address, telephone number, date of birth,
33 social security number, official State issued identification number,
34 employer or taxpayer number, place of employment, employee
35 identification number, demand deposit account number, savings
36 account number, credit card number, mother's maiden name, unique
37 biometric data, such as fingerprint, voice print, retina or iris image or
38 other unique physical representation, or unique electronic
39 identification number, address or routing code of the individual.

40 (cf: P.L.1998, c.100, s.1)

41

42 2. N.J.S.2C:21-1 is amended to read as follows:

43 2C:21-1. Forgery and Related Offenses.

44 a. Forgery. A person is guilty of forgery if, with purpose to
45 defraud or injure anyone, or with knowledge that he is facilitating a
46 fraud or injury to be perpetrated by anyone, the actor:

1 (1) Alters or changes any writing of another without his
2 authorization;

3 (2) Makes, completes, executes, authenticates, issues or transfers
4 any writing so that it purports to be the act of another who did not
5 authorize that act or of a fictitious person, or to have been executed
6 at a time or place or in a numbered sequence other than was in fact
7 the case, or to be a copy of an original when no such original existed;
8 or

9 (3) Utters any writing which he knows to be forged in a manner
10 specified in paragraph (1) or (2).

11 "Writing" includes printing or any other method of recording
12 information, money, coins, tokens, stamps, seals, credit cards, badges,
13 trademarks, access devices, and other symbols of value, right,
14 privilege, or identification, including retail sales receipts, universal
15 product code (UPC) labels and checks. This section shall apply
16 without limitation to forged, copied or imitated checks.

17 As used in this section, "information" includes, but is not limited to,
18 personal identifying information as defined in subsection v. of
19 N.J.S.2C:20-1.

20 b. Grading of forgery. Forgery is a crime of the third degree if
21 the writing is or purports to be part of an issue of money, securities,
22 postage or revenue stamps, or other instruments, certificates or
23 licenses issued by the government, New Jersey Prescription Blanks as
24 referred to in R.S.45:14-14, or part of an issue of stock, bonds or
25 other instruments representing interest in or claims against any
26 property or enterprise, personal identifying information or an access
27 device. Forgery is a crime of the third degree if the writing is or
28 purports to be a check. Forgery is a crime of the third degree if the
29 writing is or purports to be 15 or more forged or altered retail sales
30 receipts or universal product code labels.

31 Otherwise forgery is a crime of the fourth degree.

32 c. Possession of forgery devices. A person is guilty of possession
33 of forgery devices, a crime of the third degree, when with purpose to
34 use, or to aid or permit another to use the same for purposes of
35 forging written instruments, including access devices and personal
36 identifying information, he makes or possesses any device, apparatus,
37 equipment, computer, computer equipment, computer software or
38 article specially designed or adapted to such use.

39 (cf: P.L.2001, c.110, s.1).

40

41 3. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to read
42 as follows:

43 1. a. A person who knowingly sells, offers or exposes for sale, or
44 otherwise transfers, or possesses with the intent to sell, offer or
45 expose for sale, or otherwise transfer, a document, printed form or
46 other writing which falsely purports to be a driver's license or other

1 document issued by a governmental agency and which could be used
2 as a means of verifying a person's identity or age or any other personal
3 identifying information is guilty of a crime of the third degree.

4 b. A person who knowingly makes, or possesses devices or
5 materials to make, a document or other writing which falsely purports
6 to be a driver's license or other document issued by a governmental
7 agency and which could be used as a means of verifying a person's
8 identity or age or any other personal identifying information is guilty
9 of a crime of the third degree.

10 c. A person who knowingly exhibits, displays or utters a document
11 or other writing which falsely purports to be a driver's license or other
12 document issued by a governmental agency and which could be used
13 as a means of verifying a person's identity or age or any other personal
14 identifying information is guilty of a crime of the fourth degree.

15 d. A person who knowingly possesses a document or other writing
16 which falsely purports to be a driver's license or other document issued
17 by a governmental agency and which could be used as a means of
18 verifying a person's identity or age or any other personal identifying
19 information is guilty of a disorderly persons offense.

20 e. In addition to any other disposition authorized by this Title, the
21 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other
22 statute indicating the dispositions that may be ordered for an
23 adjudication of delinquency, and, notwithstanding the provisions of
24 subsection c. of N.J.S.2C:43-2, every person convicted of or
25 adjudicated delinquent for a violation of any offense defined in this
26 section shall forthwith forfeit his right to operate a motor vehicle over
27 the highways of this State for a period to be fixed by the court at not
28 less than six months or more than two years which shall commence on
29 the day the sentence is imposed. In the case of any person who at the
30 time of the imposition of the sentence is less than 17 years of age, the
31 period of the suspension of driving privileges authorized herein,
32 including a suspension of the privilege of operating a motorized
33 bicycle, shall commence on the day the sentence is imposed and shall
34 run for a period as fixed by the court of not less than six months or
35 more than two years after the day the person reaches the age of
36 17 years. If the driving privilege of any person is under revocation,
37 suspension, or postponement for a violation of any provision of this
38 Title or Title 39 of the Revised Statutes at the time of any conviction
39 or adjudication of delinquency for a violation of any offense defined
40 in this chapter or chapter 36 of this Title, the revocation, suspension,
41 or postponement period imposed herein shall commence as of the date
42 of termination of the existing revocation, suspension or postponement.

43 The court before whom any person is convicted of or adjudicated
44 delinquent for a violation of any offense defined in this section shall
45 collect forthwith the New Jersey driver's license or licenses of that
46 person and forward the license or licenses to the Director of the

1 Division of Motor Vehicles along with a report indicating the first and
2 last day of the suspension or postponement period imposed by the
3 court pursuant to this section. If the court is for any reason unable to
4 collect the license or licenses of the person, the court shall cause a
5 report of the conviction or adjudication of delinquency to be filed with
6 the director. The report shall include the complete name, address,
7 date of birth, eye color and sex of the person and shall indicate the
8 first and last day of the suspension or postponement period imposed
9 by the court pursuant to this section. The court shall inform the
10 person orally and in writing that if the person is convicted of
11 personally operating a motor vehicle during the period of license
12 suspension or postponement imposed pursuant to this section, the
13 person shall, upon conviction, be subject to the penalties set forth in
14 R.S.39:3-40. A person shall be required to acknowledge receipt of the
15 written notice in writing. Failure to receive a written notice or failure
16 to acknowledge in writing the receipt of a written notice shall not be
17 a defense to a subsequent charge of a violation of R.S.39:3-40. If the
18 person is the holder of a driver's license from another jurisdiction, the
19 court shall not collect the license, but shall notify forthwith the
20 director who shall notify the appropriate officials in that licensing
21 jurisdiction. The court shall, however, in accordance with the
22 provisions of this section, revoke the person's non-resident driving
23 privileges in this State.

24 In addition to any other condition imposed, a court, in its
25 discretion, may suspend, revoke or postpone the driving privileges of
26 a person admitted to supervisory treatment under N.J.S.2C:36A-1 or
27 N.J.S.2C:43-12 without a plea of guilty or finding of guilt.
28 (cf: P.L.1999, c.28, s.14.)

29

30 4. (New section) Restitution to a victim of an offense under
31 N.J.S.2C:21-1, section 1 of P.L.1983, c.565 (C.2C:21-2.1) or N.J.S.
32 2C:21-17 when the offense concerns personal identifying information
33 may include costs incurred by the victim:

34 a. in clearing the credit history or credit rating of the victim; or
35 b. in connection with any civil or administrative proceeding to
36 satisfy any debt, lien, or other obligation of the victim arising as a
37 result of the actions of the defendant.

38

39 5. N.J.S.2C:21-17 is amended to read as follows:

40 2C:21-17. Impersonation; Theft of Identity; disorderly persons
41 offense, crime.

42 a. A person is guilty of an offense when he:

43 (1) Impersonates another or assumes a false identity and does an
44 act in such assumed character or false identity for purpose of obtaining
45 a pecuniary benefit for himself or another or to injure or defraud
46 another;

1 (2) Pretends to be a representative of some person or organization
2 and does an act in such pretended capacity for the purpose of
3 obtaining a benefit for himself or another or to injure or defraud
4 another;

5 (3) Impersonates another, assumes a false identity or makes a false
6 or misleading statement regarding the identity of any person, in an oral
7 or written application for services, for the purpose of obtaining
8 services; or

9 (4) Obtains any personal identifying information pertaining to
10 another person and uses that information, or assists another person in
11 using the information, in order to assume the identity of or represent
12 themselves as another person, without that person's authorization and
13 with the purpose to fraudulently obtain or attempt to obtain a
14 pecuniary benefit or services, or avoid the payment of debt or other
15 legal obligation or avoid prosecution for a crime by using the name of
16 the other person.

17 [As used in this paragraph: "personal identifying information"
18 means, but is not limited to, the name, address, telephone number,
19 social security number, place of employment, employee identification
20 number, demand deposit account number, savings account number,
21 credit card number or mother's maiden name of an individual person.]

22 b. A person is guilty of an offense if, in the course of making an
23 oral or written application for services, he impersonates another,
24 assumes a false identity or makes a false or misleading statement with
25 the purpose of avoiding payment for prior services. Purpose to avoid
26 payment for prior services may be presumed upon proof that the
27 person has not made full payment for prior services and has
28 impersonated another, assumed a false identity or made a false or
29 misleading statement regarding the identity of any person in the course
30 of making oral or written application for services.

31 c. (1) A person who violates subsection a. or b. of this section is
32 guilty of a crime of the second degree if the pecuniary benefit, the
33 value of the services received, the payment sought to be avoided or the
34 injury or fraud perpetrated on another is \$75,000 or more. If the
35 pecuniary benefit, the value of the services received, the payment
36 sought to be avoided or the injury or fraud perpetrated on another is
37 at least \$500 but is less than \$75,000, the offender is guilty of a crime
38 of the third degree. If the pecuniary benefit, the value of the services
39 received, the payment sought to be avoided or the injury or fraud
40 perpetrated on another is at least \$200 but is less than \$500, the
41 offender is guilty of a crime of the fourth degree.

42 (2) If the pecuniary benefit, the value of the services received, the
43 payment sought to be avoided or the injury or fraud perpetrated on
44 another is less than \$200, or if the benefit or services received or the
45 injury or fraud perpetrated on another has no pecuniary value, or if the
46 person was unsuccessful in an attempt to receive a benefit or services

1 or to injure or perpetrate a fraud on another, then the person is guilty
2 of a disorderly persons offense.

3 d. A violation of R.S.39:3-37 for using the personal information of
4 another to obtain a driver's license or register a motor vehicle or a
5 violation of R.S.33:1-81 or section 6 of P.L.1968. c.313 (C.33:1-81.7)
6 for using the personal information of another to illegally purchase an
7 alcoholic beverage shall not constitute an offense under this section if
8 the actor received only that benefit or service and did not perpetrate
9 or attempt to perpetrate any additional injury or fraud on another.
10 (cf: P.L.1999, c.117, s.1).

11

12 6. This act shall take effect immediately.

13

14

15

16

17 _____
18 Concerns offenses related to unlawful use of personal identifying
information.

ASSEMBLY, No. 1346

STATE OF NEW JERSEY 210th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2002 SESSION

Sponsored by:

Assemblyman GEORGE F. GEIST

District 4 (Camden and Gloucester)

Assemblyman JOHN S. WISNIEWSKI

District 19 (Middlesex)

SYNOPSIS

Concerns offenses related to unlawful use of personal identifying information.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning personal identifying information and amending
2 N.J.S. 2C:20-1, N.J.S.2C:21-1, P.L.1983, c.565 and N.J.S. 2C:21-
3 17 and supplementing Title 2C of the New Jersey Statutes.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State
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13 appropriate a substantial portion of its economic value, or with
14 purpose to restore only upon payment of reward or other
15 compensation; or (2) to dispose or cause disposal of the property so
16 as to make it unlikely that the owner will recover it.

17 b. "Fiduciary" means an executor, general administrator of an
18 intestate, administrator with the will annexed, substituted
19 administrator, guardian, substituted guardian, trustee under any trust,
20 express, implied, resulting or constructive, substituted trustee,
21 executor, conservator, curator, receiver, trustee in bankruptcy,
22 assignee for the benefit of creditors, partner, agent or officer of a
23 corporation, public or private, temporary administrator, administrator,
24 administrator pendente lite, administrator ad prosequendum,
25 administrator ad litem or other person acting in a similar capacity.

26 c. "Financial institution" means a bank, insurance company, credit
27 union, savings and loan association, investment trust or other
28 organization held out to the public as a place of deposit of funds or
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31 municipality, or other political unit, or any department, agency or
32 subdivision of any of the foregoing, or any corporation or other
33 association carrying out the functions of government.

34 e. "Movable property" means property the location of which can
35 be changed, including things growing on, affixed to, or found in land,
36 and documents, although the rights represented thereby have no
37 physical location. "Immovable property" is all other property.

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39 transfer or purported transfer of a legal interest in the property,
40 whether to the obtainer or another; or (2) in relation to labor or
41 service, to secure performance thereof.

42 g. "Property" means anything of value, including real estate,
43 tangible and intangible personal property, trade secrets, contract

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1 rights, choses in action and other interests in or claims to wealth,
2 admission or transportation tickets, captured or domestic animals,
3 food and drink, electric, gas, steam or other power, financial
4 instruments, information, data, and computer software, in either
5 human readable or computer readable form, copies or originals.

6 h. "Property of another" includes property in which any person
7 other than the actor has an interest which the actor is not privileged to
8 infringe, regardless of the fact that the actor also has an interest in the
9 property and regardless of the fact that the other person might be
10 precluded from civil recovery because the property was used in an
11 unlawful transaction or was subject to forfeiture as contraband.
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14 the creditor pursuant to a conditional sales contract or other security
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20 prevent it from becoming available to persons other than those
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23 as a business.

24 k. "Traffic" means:

25 (1) To sell, transfer, distribute, dispense or otherwise dispose of
26 property to another person; or

27 (2) To buy, receive, possess, or obtain control of or use property,
28 with intent to sell, transfer, distribute, dispense or otherwise dispose
29 of such property to another person.

30 l. "Broken succession of title" means lack of regular documents of
31 purchase and transfer by any seller except the manufacturer of the
32 subject property, or possession of documents of purchase and transfer
33 by any buyer without corresponding documents of sale and transfer in
34 possession of seller, or possession of documents of sale and transfer
35 by seller without corresponding documents of purchase and transfer
36 in possession of any buyer.

37 m. "Person" includes any individual or entity or enterprise, as
38 defined herein, holding or capable of holding a legal or beneficial
39 interest in property.

40 n. "Anything of value" means any direct or indirect gain or
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5 enterprises and governmental as well as other entities.

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7 Jersey, his assistants and deputies. The term shall also include a
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9 prosecutor is expressly authorized in writing by the Attorney General
10 to carry out the powers conferred on the Attorney General by this
11 chapter.

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13 calling card number, credit card number, account number, mobile
14 identification number, electronic serial number, personal identification
15 number, or any other data intended to control or limit access to
16 telecommunications or other computer networks in either human
17 readable or computer readable form, either copy or original, that can
18 be used to obtain telephone service.

19 t. "Defaced access device" means any access device, in either
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21 which has been removed, erased, defaced, altered, destroyed, covered
22 or otherwise changed in any manner from its original configuration.

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24 referred to as a pet or one that has been bought, bred, raised or
25 otherwise acquired, in accordance with local ordinances and State and
26 federal law for the primary purpose of providing companionship to the
27 owner, rather than for business or agricultural purposes.

28 v. "Personal identifying information" means any name, number or
29 other information that may be used, alone or in conjunction with any
30 other information, to identify a specific individual and includes, but is
31 not limited to, the name, address, telephone number, date of birth,
32 social security number, official State issued identification number,
33 employer or taxpayer number, place of employment, employee
34 identification number, demand deposit account number, savings
35 account number, credit card number, mother's maiden name, unique
36 biometric data, such as fingerprint, voice print, retina or iris image or
37 other unique physical representation, or unique electronic
38 identification number, address or routing code of the individual.

39 (cf: P.L.1998, c.100, s.1)

40

41 2. N.J.S.2C:21-1 is amended to read as follows:

42 2C:21-1. Forgery and Related Offenses.

43 a. Forgery. A person is guilty of forgery if, with purpose to
44 defraud or injure anyone, or with knowledge that he is facilitating a
45 fraud or injury to be perpetrated by anyone, the actor:

1 (1) Alters or changes any writing of another without his
2 authorization;

3 (2) Makes, completes, executes, authenticates, issues or transfers
4 any writing so that it purports to be the act of another who did not
5 authorize that act or of a fictitious person, or to have been executed
6 at a time or place or in a numbered sequence other than was in fact
7 the case, or to be a copy of an original when no such original existed;
8 or

9 (3) Utters any writing which he knows to be forged in a manner
10 specified in paragraph (1) or (2).

11 "Writing" includes printing or any other method of recording
12 information, money, coins, tokens, stamps, seals, credit cards, badges,
13 trademarks, access devices, and other symbols of value, right,
14 privilege, or [means of] identification.

15 As used in this section, "information" includes, but is not limited to,
16 personal identifying information as defined in subsection v. of
17 N.J.S.2C:20-1.

18 b. Grading of forgery. Forgery is a crime of the third degree if the
19 writing is or purports to be part of an issue of money, securities,
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21 licenses issued by the government, New Jersey Prescription Blanks as
22 referred to in R.S.45:14-14, or part of an issue of stock, bonds or
23 other instruments representing interest in or claims against any
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25 device.

26 Otherwise forgery is a crime of the fourth degree.

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28 of forgery devices, a crime of the third degree, when with purpose to
29 use, or to aid or permit another to use the same for purposes of
30 forging written instruments, including access devices personal
31 identifying information, he makes or possesses any device, apparatus,
32 equipment, computer, computer equipment, computer software or
33 article specially designed or adapted to such use.

34 (cf: P.L.1997, c.6, s.5)

35

36 3. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to read
37 as follows:

38 1. a. A person who knowingly sells, offers or exposes for sale, or
39 otherwise transfers, or possesses with the intent to sell, offer or
40 expose for sale, or otherwise transfer, a document, printed form or
41 other writing which falsely purports to be a driver's license or other
42 document issued by a governmental agency and which could be used
43 as a means of verifying a person's identity or age or any other personal
44 identifying information is guilty of a crime of the third degree.

45 b. A person who knowingly makes, or possesses devices or
46 materials to make, a document or other writing which falsely purports

1 to be a driver's license or other document issued by a governmental
2 agency and which could be used as a means of verifying a person's
3 identity or age or any other personal identifying information is guilty
4 of a crime of the third degree.

5 c. A person who knowingly exhibits, displays or utters a document
6 or other writing which falsely purports to be a driver's license or other
7 document issued by a governmental agency and which could be used
8 as a means of verifying a person's identity or age or any other personal
9 identifying information is guilty of a crime of the fourth degree.

10 d. A person who knowingly possesses a document or other writing
11 which falsely purports to be a driver's license or other document issued
12 by a governmental agency and which could be used as a means of
13 verifying a person's identity or age or any other personal identifying
14 information is guilty of a disorderly persons offense.

15 e. In addition to any other disposition authorized by this Title, the
16 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other
17 statute indicating the dispositions that may be ordered for an
18 adjudication of delinquency, and, notwithstanding the provisions of
19 subsection c. of N.J.S.2C:43-2, every person convicted of or
20 adjudicated delinquent for a violation of any offense defined in this
21 section shall forthwith forfeit his right to operate a motor vehicle over
22 the highways of this State for a period to be fixed by the court at not
23 less than six months or more than two years which shall commence on
24 the day the sentence is imposed. In the case of any person who at the
25 time of the imposition of the sentence is less than 17 years of age, the
26 period of the suspension of driving privileges authorized herein,
27 including a suspension of the privilege of operating a motorized
28 bicycle, shall commence on the day the sentence is imposed and shall
29 run for a period as fixed by the court of not less than six months or
30 more than two years after the day the person reaches the age of
31 17 years. If the driving privilege of any person is under revocation,
32 suspension, or postponement for a violation of any provision of this
33 Title or Title 39 of the Revised Statutes at the time of any conviction
34 or adjudication of delinquency for a violation of any offense defined
35 in this chapter or chapter 36 of this Title, the revocation, suspension,
36 or postponement period imposed herein shall commence as of the date
37 of termination of the existing revocation, suspension or postponement.

38 The court before whom any person is convicted of or adjudicated
39 delinquent for a violation of any offense defined in this section shall
40 collect forthwith the New Jersey driver's license or licenses of that
41 person and forward the license or licenses to the Director of the
42 Division of Motor Vehicles along with a report indicating the first and
43 last day of the suspension or postponement period imposed by the
44 court pursuant to this section. If the court is for any reason unable to
45 collect the license or licenses of the person, the court shall cause a
46 report of the conviction or adjudication of delinquency to be filed with

1 the director. The report shall include the complete name, address,
2 date of birth, eye color and sex of the person and shall indicate the
3 first and last day of the suspension or postponement period imposed
4 by the court pursuant to this section. The court shall inform the
5 person orally and in writing that if the person is convicted of
6 personally operating a motor vehicle during the period of license
7 suspension or postponement imposed pursuant to this section, the
8 person shall, upon conviction, be subject to the penalties set forth in
9 R.S.39:3-40. A person shall be required to acknowledge receipt of the
10 written notice in writing. Failure to receive a written notice or failure
11 to acknowledge in writing the receipt of a written notice shall not be
12 a defense to a subsequent charge of a violation of R.S.39:3-40. If the
13 person is the holder of a driver's license from another jurisdiction, the
14 court shall not collect the license, but shall notify forthwith the
15 director who shall notify the appropriate officials in that licensing
16 jurisdiction. The court shall, however, in accordance with the
17 provisions of this section, revoke the person's non-resident driving
18 privileges in this State.

19 In addition to any other condition imposed, a court, in its
20 discretion, may suspend, revoke or postpone the driving privileges of
21 a person admitted to supervisory treatment under N.J.S.2C:36A-1 or
22 N.J.S.2C:43-12 without a plea of guilty or finding of guilt.
23 (cf: P.L.1999, c.28, s.14.)

24

25 4. (New section) Restitution to a victim of an offense under
26 N.J.S.2C:21-1, section 1 of P.L.1983, c.565 (C.2C:21-2.1) or N.J.S.
27 2C:21-17 when the offense concerns personal identifying information
28 may include costs incurred by the victim:

29 a. in clearing the credit history or credit rating of the victim; or
30 b. in connection with any civil or administrative proceeding to
31 satisfy any debt, lien, or other obligation of the victim arising as a
32 result of the actions of the defendant.

33

34 5. N.J.S.2C:21-17 is amended to read as follows:

35 2C:21-17. Impersonation; Theft of Identity; disorderly persons
36 offense, crime.

37 a. A person is guilty of an offense when he:

38 (1) Impersonates another or assumes a false identity and does an
39 act in such assumed character or false identity for purpose of obtaining
40 a pecuniary benefit for himself or another or to injure or defraud
41 another;

42 (2) Pretends to be a representative of some person or organization
43 and does an act in such pretended capacity for the purpose of
44 obtaining a benefit for himself or another or to injure or defraud
45 another;

46 (3) Impersonates another, assumes a false identity or makes a false

1 or misleading statement regarding the identity of any person, in an oral
2 or written application for services, for the purpose of obtaining
3 services; or

4 (4) Obtains any personal identifying information pertaining to
5 another person and uses that information, or assists another person in
6 using the information, in order to assume the identity of or represent
7 themselves as another person, without that person's authorization and
8 with the purpose to fraudulently obtain or attempt to obtain a
9 pecuniary benefit or services, or avoid the payment of debt or other
10 legal obligation or avoid prosecution for a crime by using the name of
11 the other person.

12 [As used in this paragraph: "personal identifying information"
13 means, but is not limited to, the name, address, telephone number,
14 social security number, place of employment, employee identification
15 number, demand deposit account number, savings account number,
16 credit card number or mother's maiden name of an individual person.]

17 b. A person is guilty of an offense if, in the course of making an
18 oral or written application for services, he impersonates another,
19 assumes a false identity or makes a false or misleading statement with
20 the purpose of avoiding payment for prior services. Purpose to avoid
21 payment for prior services may be presumed upon proof that the
22 person has not made full payment for prior services and has
23 impersonated another, assumed a false identity or made a false or
24 misleading statement regarding the identity of any person in the course
25 of making oral or written application for services.

26 c. (1) A person who violates subsection a. or b. of this section is
27 guilty of a crime of the second degree if the pecuniary benefit, the
28 value of the services received, the payment sought to be avoided or the
29 injury or fraud perpetrated on another is \$75,000 or more. If the
30 pecuniary benefit, the value of the services received, the payment
31 sought to be avoided or the injury or fraud perpetrated on another is
32 at least \$500 but is less than \$75,000, the offender is guilty of a crime
33 of the third degree. If the pecuniary benefit, the value of the services
34 received, the payment sought to be avoided or the injury or fraud
35 perpetrated on another is at least \$200 but is less than \$500, the
36 offender is guilty of a crime of the fourth degree.

37 (2) If the pecuniary benefit, the value of the services received, the
38 payment sought to be avoided or the injury or fraud perpetrated on
39 another is less than \$200, or if the benefit or services received or the
40 injury or fraud perpetrated on another has no pecuniary value, or if the
41 person was unsuccessful in an attempt to receive a benefit or services
42 or to injure or perpetrate a fraud on another, then the person is guilty
43 of a disorderly persons offense.

44 d. A violation of R.S.39:3-37 for using the personal information of
45 another to obtain a driver's license or register a motor vehicle or a
46 violation of R.S.33:1-81 or section 6 of P.L.1968. c.313 (C.33:1-81.7)

1 for using the personal information of another to illegally purchase an
2 alcoholic beverage shall not constitute an offense under this section if
3 the actor received only that benefit or service and did not perpetrate
4 or attempt to perpetrate any additional injury or fraud on another.
5 (cf: P.L.1999, c.117, s.1).

6
7 6. This act shall take effect immediately.

8
9
10 STATEMENT

11
12 This bill concerns offenses related to unlawful use of personal
13 identifying information. The bill includes the term "personal
14 identifying information" in the general definitional section in chapter
15 20 of Title 2C concerning theft and related offenses. "Personal
16 identifying information" is defined as any name, number or other
17 information that may be used, alone or in conjunction with any other
18 information, to identify a specific individual and includes, but is not
19 limited to, the name, address, telephone number, date of birth, social
20 security number, official State issued identification number, employer
21 or taxpayer number, place of employment, employee identification
22 number, demand deposit account number, savings account number,
23 credit card number, mother's maiden name, unique biometric data,
24 such as fingerprint, voice print, retina or iris image or other unique
25 physical representation, or unique electronic identification number,
26 address or routing code of the individual.

27 The bill also amends N.J.S.2C:21-2.1, concerning sale of a driver's
28 license or other government issue document, to specifically include
29 "personal identifying information" in the four offenses set forth
30 therein.

31 The bill includes a reference to N.J.S.2C:21-17 in the section in the
32 bill providing for specific relief for victims such as restitution including
33 costs incurred by the victim in clearing the credit history or credit
34 rating of the victim; or in connection with any civil or administrative
35 proceeding to satisfy any debt, lien, or other obligation of the victim
36 arising as a result of the offense.

37 In addition, the bill adds a new section to the bill which amends
38 N.J.S.A.2C:21-17, concerning theft of identity. The amendments
39 remove the definitional paragraph concerning "personal identifying
40 information" since the term is being placed in the general definitional
41 section and being defined more broadly.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1346

STATE OF NEW JERSEY

DATED: FEBRUARY 4, 2002

The Assembly Judiciary Committee reports favorably Assembly Bill No. 1346.

This bill concerns offenses related to unlawful use of personal identifying information. The bill includes the term "personal identifying information" in the general definitional section in chapter 20 of Title 2C concerning theft and related offenses. "Personal identifying information" is defined as any name, number or other information that may be used, alone or in conjunction with any other information, to identify a specific individual and includes, but is not limited to, the name, address, telephone number, date of birth, social security number, official State issued identification number, employer or taxpayer number, place of employment, employee identification number, demand deposit account number, savings account number, credit card number, mother's maiden name, unique biometric data, such as fingerprint, voice print, retina or iris image or other unique physical representation, or unique electronic identification number, address or routing code of the individual.

The bill also amends N.J.S.2C:21-2.1, concerning sale of a driver's license or other government issue document, to specifically include "personal identifying information" in the four offenses set forth therein.

The bill includes a reference to N.J.S.2C:21-17 in the section in the bill providing for specific relief for victims such as restitution including costs incurred by the victim in clearing the credit history or credit rating of the victim; or in connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising as a result of the offense.

In addition, the bill adds a new section to the bill which amends N.J.S.2C:21-17, concerning theft of identity. The amendments remove the definitional paragraph concerning "personal identifying information" since the term is being placed in the general definitional section and being defined more broadly.

This bill was prefiled for introduction in the 2002 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE, No. 1332

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED MARCH 14, 2002

Sponsored by:

Senator SHIRLEY K. TURNER

District 15 (Mercer)

Senator NIA H. GILL

District 34 (Essex and Passaic)

SYNOPSIS

Concerns offenses related to unlawful use of personal identifying information.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 9/10/2002)

S1332 TURNER, GILL

2

1 AN ACT concerning personal identifying information and amending
2 N.J.S. 2C:20-1, N.J.S.2C:21-1, P.L.1983, c.565 and N.J.S. 2C:21-
3 17 and supplementing Title 2C of the New Jersey Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. N.J.S.2C:20-1 is amended to read as follows:

9 2C:20-1. Definitions. In chapters 20 and 21, unless a different
10 meaning plainly is required:

11 a. "Deprive" means: (1) to withhold or cause to be withheld
12 property of another permanently or for so extended a period as to
13 appropriate a substantial portion of its economic value, or with
14 purpose to restore only upon payment of reward or other
15 compensation; or (2) to dispose or cause disposal of the property so
16 as to make it unlikely that the owner will recover it.

17 b. "Fiduciary" means an executor, general administrator of an
18 intestate, administrator with the will annexed, substituted
19 administrator, guardian, substituted guardian, trustee under any trust,
20 express, implied, resulting or constructive, substituted trustee,
21 executor, conservator, curator, receiver, trustee in bankruptcy,
22 assignee for the benefit of creditors, partner, agent or officer of a
23 corporation, public or private, temporary administrator, administrator,
24 administrator pendente lite, administrator ad prosequendum,
25 administrator ad litem or other person acting in a similar capacity.

26 c. "Financial institution" means a bank, insurance company, credit
27 union, savings and loan association, investment trust or other
28 organization held out to the public as a place of deposit of funds or
29 medium of savings or collective investment.

30 d. "Government" means the United States, any state, county,
31 municipality, or other political unit, or any department, agency or
32 subdivision of any of the foregoing, or any corporation or other
33 association carrying out the functions of government.

34 e. "Movable property" means property the location of which can
35 be changed, including things growing on, affixed to, or found in land,
36 and documents, although the rights represented thereby have no
37 physical location. "Immovable property" is all other property.

38 f. "Obtain" means: (1) in relation to property, to bring about a
39 transfer or purported transfer of a legal interest in the property,
40 whether to the obtainer or another; or (2) in relation to labor or
41 service, to secure performance thereof.

42 g. "Property" means anything of value, including real estate,
43 tangible and intangible personal property, trade secrets, contract

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 rights, choses in action and other interests in or claims to wealth,
2 admission or transportation tickets, captured or domestic animals,
3 food and drink, electric, gas, steam or other power, financial
4 instruments, information, data, and computer software, in either
5 human readable or computer readable form, copies or originals.

6 h. "Property of another" includes property in which any person
7 other than the actor has an interest which the actor is not privileged to
8 infringe, regardless of the fact that the actor also has an interest in the
9 property and regardless of the fact that the other person might be
10 precluded from civil recovery because the property was used in an
11 unlawful transaction or was subject to forfeiture as contraband.
12 Property in possession of the actor shall not be deemed property of
13 another who has only a security interest therein, even if legal title is in
14 the creditor pursuant to a conditional sales contract or other security
15 agreement.

16 i. "Trade secret" means the whole or any portion or phase of any
17 scientific or technical information, design, process, procedure, formula
18 or improvement which is secret and of value. A trade secret shall be
19 presumed to be secret when the owner thereof takes measures to
20 prevent it from becoming available to persons other than those
21 selected by the owner to have access thereto for limited purposes.

22 j. "Dealer in property" means a person who buys and sells property
23 as a business.

24 k. "Traffic" means:

25 (1) To sell, transfer, distribute, dispense or otherwise dispose of
26 property to another person; or

27 (2) To buy, receive, possess, or obtain control of or use property,
28 with intent to sell, transfer, distribute, dispense or otherwise dispose
29 of such property to another person.

30 l. "Broken succession of title" means lack of regular documents of
31 purchase and transfer by any seller except the manufacturer of the
32 subject property, or possession of documents of purchase and transfer
33 by any buyer without corresponding documents of sale and transfer in
34 possession of seller, or possession of documents of sale and transfer
35 by seller without corresponding documents of purchase and transfer
36 in possession of any buyer.

37 m. "Person" includes any individual or entity or enterprise, as
38 defined herein, holding or capable of holding a legal or beneficial
39 interest in property.

40 n. "Anything of value" means any direct or indirect gain or
41 advantage to any person.

42 o. "Interest in property which has been stolen" means title or right
43 of possession to such property.

44 p. "Stolen property" means property that has been the subject of
45 any unlawful taking.

1 q. "Enterprise" includes any individual, sole proprietorship,
2 partnership, corporation, business trust, association, or other legal
3 entity, and any union or group of individuals associated in fact,
4 although not a legal entity, and it includes illicit as well as licit
5 enterprises and governmental as well as other entities.

6 r. "Attorney General" includes the Attorney General of New
7 Jersey, his assistants and deputies. The term shall also include a
8 county prosecutor or his designated assistant prosecutor, if a county
9 prosecutor is expressly authorized in writing by the Attorney General
10 to carry out the powers conferred on the Attorney General by this
11 chapter.

12 s. "Access device" means property consisting of any telephone
13 calling card number, credit card number, account number, mobile
14 identification number, electronic serial number, personal identification
15 number, or any other data intended to control or limit access to
16 telecommunications or other computer networks in either human
17 readable or computer readable form, either copy or original, that can
18 be used to obtain telephone service.

19 t. "Defaced access device" means any access device, in either
20 human readable or computer readable form, either copy or original,
21 which has been removed, erased, defaced, altered, destroyed, covered
22 or otherwise changed in any manner from its original configuration.

23 u. "Domestic companion animal" means any animal commonly
24 referred to as a pet or one that has been bought, bred, raised or
25 otherwise acquired, in accordance with local ordinances and State and
26 federal law for the primary purpose of providing companionship to the
27 owner, rather than for business or agricultural purposes.

28 v. "Personal identifying information" means any name, number or
29 other information that may be used, alone or in conjunction with any
30 other information, to identify a specific individual and includes, but is
31 not limited to, the name, address, telephone number, date of birth,
32 social security number, official State issued identification number,
33 employer or taxpayer number, place of employment, employee
34 identification number, demand deposit account number, savings
35 account number, credit card number, mother's maiden name, unique
36 biometric data, such as fingerprint, voice print, retina or iris image or
37 other unique physical representation, or unique electronic
38 identification number, address or routing code of the individual.

39 (cf: P.L.1998, c.100, s.1)

40
41 2. N.J.S.2C:21-1 is amended to read as follows:

42 2C:21-1. Forgery and Related Offenses.

43 a. Forgery. A person is guilty of forgery if, with purpose to
44 defraud or injure anyone, or with knowledge that he is facilitating a
45 fraud or injury to be perpetrated by anyone, the actor:

1 (1) Alters or changes any writing of another without his
2 authorization;

3 (2) Makes, completes, executes, authenticates, issues or transfers
4 any writing so that it purports to be the act of another who did not
5 authorize that act or of a fictitious person, or to have been executed
6 at a time or place or in a numbered sequence other than was in fact
7 the case, or to be a copy of an original when no such original existed;
8 or

9 (3) Utters any writing which he knows to be forged in a manner
10 specified in paragraph (1) or (2).

11 "Writing" includes printing or any other method of recording
12 information, money, coins, tokens, stamps, seals, credit cards, badges,
13 trademarks, access devices, and other symbols of value, right,
14 privilege, or identification, including retail sales receipts, universal
15 product code (UPC) labels and checks. This section shall apply
16 without limitation to forged, copied or imitated checks.

17 As used in this section, "information" includes, but is not limited to,
18 personal identifying information as defined in subsection v. of
19 N.J.S.2C:20-1.

20 b. Grading of forgery. Forgery is a crime of the third degree if
21 the writing is or purports to be part of an issue of money, securities,
22 postage or revenue stamps, or other instruments, certificates or
23 licenses issued by the government, New Jersey Prescription Blanks as
24 referred to in R.S.45:14-14, or part of an issue of stock, bonds or
25 other instruments representing interest in or claims against any
26 property or enterprise, personal identifying information or an access
27 device. Forgery is a crime of the third degree if the writing is or
28 purports to be a check. Forgery is a crime of the third degree if the
29 writing is or purports to be 15 or more forged or altered retail sales
30 receipts or universal product code labels.

31 Otherwise forgery is a crime of the fourth degree.

32 c. Possession of forgery devices. A person is guilty of possession
33 of forgery devices, a crime of the third degree, when with purpose to
34 use, or to aid or permit another to use the same for purposes of
35 forging written instruments, including access devices and personal
36 identifying information, he makes or possesses any device, apparatus,
37 equipment, computer, computer equipment, computer software or
38 article specially designed or adapted to such use.

39 (cf: P.L.2001, c.110, s.1).

40

41 3. Section 1 of P.L.1983, c.565 (C.2C:21-2.1) is amended to read
42 as follows:

43 1. a. A person who knowingly sells, offers or exposes for sale, or
44 otherwise transfers, or possesses with the intent to sell, offer or
45 expose for sale, or otherwise transfer, a document, printed form or
46 other writing which falsely purports to be a driver's license or other

1 document issued by a governmental agency and which could be used
2 as a means of verifying a person's identity or age or any other personal
3 identifying information is guilty of a crime of the third degree.

4 b. A person who knowingly makes, or possesses devices or
5 materials to make, a document or other writing which falsely purports
6 to be a driver's license or other document issued by a governmental
7 agency and which could be used as a means of verifying a person's
8 identity or age or any other personal identifying information is guilty
9 of a crime of the third degree.

10 c. A person who knowingly exhibits, displays or utters a document
11 or other writing which falsely purports to be a driver's license or other
12 document issued by a governmental agency and which could be used
13 as a means of verifying a person's identity or age or any other personal
14 identifying information is guilty of a crime of the fourth degree.

15 d. A person who knowingly possesses a document or other writing
16 which falsely purports to be a driver's license or other document issued
17 by a governmental agency and which could be used as a means of
18 verifying a person's identity or age or any other personal identifying
19 information is guilty of a disorderly persons offense.

20 e. In addition to any other disposition authorized by this Title, the
21 provisions of section 24 of P.L.1982, c.77 (C.2A:4A-43), or any other
22 statute indicating the dispositions that may be ordered for an
23 adjudication of delinquency, and, notwithstanding the provisions of
24 subsection c. of N.J.S.2C:43-2, every person convicted of or
25 adjudicated delinquent for a violation of any offense defined in this
26 section shall forthwith forfeit his right to operate a motor vehicle over
27 the highways of this State for a period to be fixed by the court at not
28 less than six months or more than two years which shall commence on
29 the day the sentence is imposed. In the case of any person who at the
30 time of the imposition of the sentence is less than 17 years of age, the
31 period of the suspension of driving privileges authorized herein,
32 including a suspension of the privilege of operating a motorized
33 bicycle, shall commence on the day the sentence is imposed and shall
34 run for a period as fixed by the court of not less than six months or
35 more than two years after the day the person reaches the age of
36 17 years. If the driving privilege of any person is under revocation,
37 suspension, or postponement for a violation of any provision of this
38 Title or Title 39 of the Revised Statutes at the time of any conviction
39 or adjudication of delinquency for a violation of any offense defined
40 in this chapter or chapter 36 of this Title, the revocation, suspension,
41 or postponement period imposed herein shall commence as of the date
42 of termination of the existing revocation, suspension or postponement.

43 The court before whom any person is convicted of or adjudicated
44 delinquent for a violation of any offense defined in this section shall
45 collect forthwith the New Jersey driver's license or licenses of that
46 person and forward the license or licenses to the Director of the

1 Division of Motor Vehicles along with a report indicating the first and
2 last day of the suspension or postponement period imposed by the
3 court pursuant to this section. If the court is for any reason unable to
4 collect the license or licenses of the person, the court shall cause a
5 report of the conviction or adjudication of delinquency to be filed with
6 the director. The report shall include the complete name, address,
7 date of birth, eye color and sex of the person and shall indicate the
8 first and last day of the suspension or postponement period imposed
9 by the court pursuant to this section. The court shall inform the
10 person orally and in writing that if the person is convicted of
11 personally operating a motor vehicle during the period of license
12 suspension or postponement imposed pursuant to this section, the
13 person shall, upon conviction, be subject to the penalties set forth in
14 R.S.39:3-40. A person shall be required to acknowledge receipt of the
15 written notice in writing. Failure to receive a written notice or failure
16 to acknowledge in writing the receipt of a written notice shall not be
17 a defense to a subsequent charge of a violation of R.S.39:3-40. If the
18 person is the holder of a driver's license from another jurisdiction, the
19 court shall not collect the license, but shall notify forthwith the
20 director who shall notify the appropriate officials in that licensing
21 jurisdiction. The court shall, however, in accordance with the
22 provisions of this section, revoke the person's non-resident driving
23 privileges in this State.

24 In addition to any other condition imposed, a court, in its
25 discretion, may suspend, revoke or postpone the driving privileges of
26 a person admitted to supervisory treatment under N.J.S.2C:36A-1 or
27 N.J.S.2C:43-12 without a plea of guilty or finding of guilt.
28 (cf: P.L.1999, c.28, s.14.)
29

30 4. (New section) Restitution to a victim of an offense under
31 N.J.S.2C:21-1, section 1 of P.L.1983, c.565 (C.2C:21-2.1) or N.J.S.
32 2C:21-17 when the offense concerns personal identifying information
33 may include costs incurred by the victim:

34 a. in clearing the credit history or credit rating of the victim; or
35 b. in connection with any civil or administrative proceeding to
36 satisfy any debt, lien, or other obligation of the victim arising as a
37 result of the actions of the defendant.
38

39 5. N.J.S.2C:21-17 is amended to read as follows:

40 2C:21-17. Impersonation; Theft of Identity; disorderly persons
41 offense, crime.

42 a. A person is guilty of an offense when he:

43 (1) Impersonates another or assumes a false identity and does an
44 act in such assumed character or false identity for purpose of obtaining
45 a pecuniary benefit for himself or another or to injure or defraud
46 another;

1 (2) Pretends to be a representative of some person or organization
2 and does an act in such pretended capacity for the purpose of
3 obtaining a benefit for himself or another or to injure or defraud
4 another;

5 (3) Impersonates another, assumes a false identity or makes a false
6 or misleading statement regarding the identity of any person, in an oral
7 or written application for services, for the purpose of obtaining
8 services; or

9 (4) Obtains any personal identifying information pertaining to
10 another person and uses that information, or assists another person in
11 using the information, in order to assume the identity of or represent
12 themselves as another person, without that person's authorization and
13 with the purpose to fraudulently obtain or attempt to obtain a
14 pecuniary benefit or services, or avoid the payment of debt or other
15 legal obligation or avoid prosecution for a crime by using the name of
16 the other person.

17 [As used in this paragraph: "personal identifying information"
18 means, but is not limited to, the name, address, telephone number,
19 social security number, place of employment, employee identification
20 number, demand deposit account number, savings account number,
21 credit card number or mother's maiden name of an individual person.]

22 b. A person is guilty of an offense if, in the course of making an
23 oral or written application for services, he impersonates another,
24 assumes a false identity or makes a false or misleading statement with
25 the purpose of avoiding payment for prior services. Purpose to avoid
26 payment for prior services may be presumed upon proof that the
27 person has not made full payment for prior services and has
28 impersonated another, assumed a false identity or made a false or
29 misleading statement regarding the identity of any person in the course
30 of making oral or written application for services.

31 c. (1) A person who violates subsection a. or b. of this section is
32 guilty of a crime of the second degree if the pecuniary benefit, the
33 value of the services received, the payment sought to be avoided or the
34 injury or fraud perpetrated on another is \$75,000 or more. If the
35 pecuniary benefit, the value of the services received, the payment
36 sought to be avoided or the injury or fraud perpetrated on another is
37 at least \$500 but is less than \$75,000, the offender is guilty of a crime
38 of the third degree. If the pecuniary benefit, the value of the services
39 received, the payment sought to be avoided or the injury or fraud
40 perpetrated on another is at least \$200 but is less than \$500, the
41 offender is guilty of a crime of the fourth degree.

42 (2) If the pecuniary benefit, the value of the services received, the
43 payment sought to be avoided or the injury or fraud perpetrated on
44 another is less than \$200, or if the benefit or services received or the
45 injury or fraud perpetrated on another has no pecuniary value, or if the
46 person was unsuccessful in an attempt to receive a benefit or services

1 or to injure or perpetrate a fraud on another, then the person is guilty
2 of a disorderly persons offense.

3 d. A violation of R.S.39:3-37 for using the personal information of
4 another to obtain a driver's license or register a motor vehicle or a
5 violation of R.S.33:1-81 or section 6 of P.L.1968. c.313 (C.33:1-81.7)
6 for using the personal information of another to illegally purchase an
7 alcoholic beverage shall not constitute an offense under this section if
8 the actor received only that benefit or service and did not perpetrate
9 or attempt to perpetrate any additional injury or fraud on another.
10 (cf: P.L.1999, c.117, s.1).

11
12 6. This act shall take effect immediately.

13
14
15 STATEMENT

16
17 This bill concerns offenses related to unlawful use of personal
18 identifying information.

19 The bill includes the term "personal identifying information" in the
20 general definitional section in chapter 20 of Title 2C concerning theft
21 and related offenses. "Personal identifying information" is defined as
22 any name, number or other information that may be used, alone or in
23 conjunction with any other information, to identify a specific individual
24 and includes, but is not limited to, the name, address, telephone
25 number, date of birth, social security number, official State issued
26 identification number, employer or taxpayer number, place of
27 employment, employee identification number, demand deposit account
28 number, savings account number, credit card number, mother's maiden
29 name, unique biometric data, such as fingerprint, voice print, retina or
30 iris image or other unique physical representation, or unique electronic
31 identification number, address or routing code of the individual.

32 The bill amends N.J.S.2C:21-1, forgery, to clarify that the term
33 "information" includes, but is not limited to personal identifying
34 information.

35 The bill also amends N.J.S.2C:21-2.1, concerning sale of a driver's
36 license or other government issue document, to specifically include
37 "personal identifying information" in the four offenses set forth
38 therein.

39 The bill provides for restitution to victims which would include
40 costs incurred by the victim in clearing the credit history or credit
41 rating of the victim or costs in connection with any civil or
42 administrative proceeding to satisfy any debt, lien, or other obligation
43 of the victim arising as a result of the offense.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1332

STATE OF NEW JERSEY

DATED: JUNE 13, 2002

The Senate Judiciary Committee reports favorably Senate Bill No. 1332.

This bill concerns offenses related to unlawful use of personal identifying information.

The bill includes the term "personal identifying information" in the general definitional section in chapter 20 of Title 2C concerning theft and related offenses. "Personal identifying information" is defined as any name, number or other information that may be used, alone or in conjunction with any other information, to identify a specific individual and includes, but is not limited to, the name, address, telephone number, date of birth, social security number, official State issued identification number, employer or taxpayer number, place of employment, employee identification number, demand deposit account number, savings account number, credit card number, mother's maiden name, unique biometric data, such as fingerprint, voice print, retina or iris image or other unique physical representation, or unique electronic identification number, address or routing code of the individual.

The bill amends N.J.S.2C:21-1, forgery, to clarify that the term "information" includes, but is not limited to, personal identifying information.

The bill also amends N.J.S.2C:21-2.1, concerning sale of a driver's license or other government issued document, to specifically include "personal identifying information" in the four offenses set forth therein.

The bill provides for restitution to victims which would include costs incurred by the victim in clearing the credit history or credit rating of the victim or costs in connection with any civil or administrative proceeding to satisfy any debt, lien, or other obligation of the victim arising as a result of the offense.

The bill amends N.J.S.A.2C:21-17 concerning theft of identity to remove the definition of "personal identifying information" since the bill is placing that definition in the general definitional section and defining it more broadly.