

S.C. Code Ann. § 16-13-510

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South Carolina Code of Laws Annotated by LexisNexis® > Title 16. Crimes and Offenses (Chs. 1 — 27) > Chapter 13. Forgery, Larceny, Embezzlement, False Pretenses and Cheats (Arts. 1 — 2) > Article 2. Personal Financial Security Act (§§ 16-13-500 — 16-13-530)

§ 16-13-510. Financial identity fraud or identity fraud; penalty.

- (A) It is unlawful for a person to commit the offense of financial identity fraud or identity fraud.
- (B) A person is guilty of financial identity fraud when the person, without the authorization or permission of another individual, and with the intent of unlawfully:
- (1) appropriating the financial resources of the other individual to the person's own use or the use of a third party;
 - (2) devising a scheme or artifice to defraud; or
 - (3) obtaining money, property, or services by means of false or fraudulent pretenses, representations, or promises obtains or records identifying information which would assist in accessing the financial records of the other individual or accesses or attempts to access the financial resources of the other individual through the use of identifying information as defined in subsection (D).
- (C) A person is guilty of identity fraud when the person uses identifying information, as defined in subsection (D), of another individual for the purpose of obtaining employment or avoiding identification by a law enforcement officer, criminal justice agency, or another governmental agency, including, but not limited to, law enforcement, detention, and correctional agencies or facilities.
- (D) "Personal identifying information" includes, but is not limited to:
- (1) social security numbers;
 - (2) driver's license numbers or state identification card numbers issued instead of a driver's license;
 - (3) checking account numbers;
 - (4) savings account numbers;
 - (5) credit card numbers;
 - (6) debit card numbers;
 - (7) personal identification (PIN) numbers;

- (8) electronic identification numbers;
 - (9) digital signatures;
 - (10) dates of birth;
 - (11) current or former names, including first and last names, middle and last names, or first, middle, and last names, but only when the names are used in combination with, and linked to, other identifying information provided in this section;
 - (12) current or former addresses, but only when the addresses are used in combination with, and linked to, other identifying information provided in this section; or
 - (13) other numbers, passwords, or information which may be used to access a person's financial resources, numbers, or information issued by a governmental or regulatory entity that uniquely will identify an individual or an individual's financial resources.
- (E) "Financial resources" includes:
- (1) existing money and financial wealth contained in a checking account, savings account, line of credit, or otherwise;
 - (2) a pension plan, retirement fund, annuity, or other fund which makes payments monthly or periodically to the recipient; and
 - (3) the establishment of a line of credit or an amount of debt whether by loan, credit card, or otherwise for the purpose of obtaining goods, services, or money.
- (F) A person who violates this section is guilty of a felony, and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, or both. The court may order restitution to the victim pursuant to the provisions of Section 17-25-322.
- (G) Venue for the prosecution of offenses pursuant to this section is in the county in which:
- (1) the victim resided at the time the information was obtained or used; or
 - (2) the information is obtained or used.
- (H) In a prosecution for a violation of this section, the State is not required to establish and it is not a defense that some of the acts constituting the crime did not occur in this State or within one city, county, or local jurisdiction.

History

2000 Act No. 305, § 1; 2006 Act No. 350, § 2, eff June 12, 2006; 2008 Act No. 190, § 8, eff December 31, 2008; 2013 Act No. 15, § 1, eff April 23, 2013.