

Cherokee Nation Code Annotated

Title 21: Crimes and Punishments

Part VII. Crimes Against Property

Chapter 61: False Pretenses, False Personations, Cheats and Frauds

§ 1533.1. Identity theft--Penalties--Civil action

Cite as: 21 CNCA § 1533.1

A. It is unlawful for any person to willfully and with fraudulent intent obtain the name, address, Social Security number, date of birth, place of business or employment, debit, credit or account numbers, driver license number, or any other personal identifying information of another person, living or dead, with intent to use, sell, or allow any other person to use or sell such personal identifying information to obtain or attempt to obtain money, credit, goods, property, or service in the name of the other person without the consent of that person.

B. It is unlawful for any person to use with fraudulent intent the personal identity of another person, living or dead, or any information relating to the personal identity of another person, living or dead, to obtain or attempt to obtain credit or anything of value.

C. It is unlawful for any person with fraudulent intent to lend, sell, or otherwise offer the use of such person's own name, address, Social Security number, date of birth, or any other personal identifying information or document to any other person with the intent to allow such other person to use the personal identifying information or document to obtain or attempt to obtain any identifying document in the name of such other person.

D. It is unlawful for any person to willfully create, modify, alter or change any personal identifying information of another person with fraudulent intent to obtain any money, credit, goods, property, service or any benefit or thing of value, or to control, use, waste, hinder or encumber another person's credit, accounts, goods, property, title, interests, benefits or entitlements without the consent of that person.

E. Any person convicted of violating any provision of this section shall be guilty of identity theft. Any person who violates the provisions of subsection A, B or D of this section shall, upon conviction, be guilty of a felony punishable by imprisonment for a term not to exceed three (3) years, or a fine not to exceed Fifteen Thousand Dollars (\$15,000.00), or by both such fine and imprisonment. Any person who violates the provisions of subsection C of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment for a term not to exceed one (1) year, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. Restitution to the victim may be ordered in addition to any criminal penalty imposed by the court. The victim of identity theft may bring a civil

action for damages against any person participating in furthering the crime or attempted crime of identity theft.

Historical Data

LA 07-21, eff. February 22, 2021.