

Virgin Islands Code Annotated Currentness

Title 14. Crimes

Chapter 110. Theft

Subchapter I. Identity Theft

14 V.I.C. § 2202

§ 2202 Identity theft

(a) A person commits the offense of identity theft when he or she knowingly:

(1) uses any personal identifying information or personal identification document of another person to obtain credit, money, goods, services, or other property fraudulently, or

(2) uses any personal identification information or personal identification document of another with intent to commit any felony theft or other felony violation of the laws of the Virgin Islands not set forth in paragraph (1) of this subsection (a), or

(3) obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another with intent to commit or to aid or abet another in committing any felony theft or other felony violation of the laws of the Virgin Islands, or

(4) uses, obtains, records, possesses, sells, transfers, purchases, or manufactures any personal identification information or personal identification document of another knowing that such personal identification information or personal identification documents were stolen or produced without lawful authority, or

(5) uses, transfers, or possesses document-making implements to produce false identification or false documents with knowledge that they will be used by the person or another to commit any felony theft or other felony violation of law.

(b) Knowledge shall be determined by an evaluation of all circumstances surrounding the use of the other person's identifying information or document.

(c) When a charge of identity theft of credit, money, goods, services, or other property exceeding a specified value is brought, the value of the credit, money, goods, services, or other property is an element of the offense to be resolved by the trier of fact as either exceeding or not exceeding the specified value.

(d) Sentence.

(1) A person convicted of identity theft in violation of paragraph (1) of subsection (a) shall be sentenced as follows:

(A) identity theft of credit, money, goods, services, or other property not exceeding \$300 in value is a misdemeanor. A person who has been previously convicted of identity theft of less than \$300 who is convicted of a second or subsequent offense of identity theft of less than \$300 is guilty of a felony and is punishable by a term of imprisonment of 1 year and not more than 4 years. A person who has been convicted of identity theft of less than \$300 who has been previously convicted of any type of theft, robbery, armed robbery, burglary, residential burglary, possession of burglary tools, home invasion, home repair fraud, aggravated home repair fraud, or **financial exploitation** of an elderly or disabled person is guilty of a felony and is punishable by a term of imprisonment of 1 year and not more than 4 years. When a person has any such prior conviction, the information or indictment charging that person shall state the prior conviction so as to give notice of the Government's intention to treat the

charge as a felony. The fact of the prior conviction is not an element of the offense and may not be disclosed to the jury during trial unless otherwise permitted by issues properly raised during the trial.

(B) Identity theft of credit, money, goods, services, or other property exceeding \$300 and not exceeding \$2,000 in value is a felony and is punishable by a term of imprisonment of 1 year and not more than 4 years.

(C) Identity theft of credit, money, goods, services, or other property exceeding \$2,000 and not exceeding \$10,000 in value is a felony and is punishable by a term of imprisonment of not less than 2 years and not more than 5 years.

(D) Identity theft of credit, money, goods, services, or other property exceeding \$10,000 and not exceeding \$100,000 in value is a felony and is punishable by a term of imprisonment of not less than 3 years and not more than 7 years.

(E) Identity theft of credit, money, goods, services, or other property exceeding \$100,000 in value is a felony and is punishable by a term of imprisonment of not less than 4 years and not exceeding 15 years.

(2) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) is guilty of a felony and is punishable by a term of imprisonment of 1 year and not more than 4 years.

(3) A person convicted of any offense enumerated in paragraphs (2) through (5) of subsection (a) a second or subsequent time is guilty of a felony that is punishable by a term of imprisonment of not less than 2 years and not exceeding 5 years.

(4) A person who, within a 12 twelve month period, is found in violation of any offense enumerated in paragraphs (2) through (5) of subsection (a) with respect to the identifiers of 3 or more separate individuals, at the same time or consecutively, is guilty of a felony that is punishable by a term of imprisonment of not less than 2 years and not exceeding 5 years.

Credits

Added Oct. 17, 2005, No. 6789, § 2, Sess. L. 2005, pp. 3373#40.

14 V.I.C. § 2202, VI ST T. 14 § 2202

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