

## Subtitle

August 8<sup>th</sup>, 2022

I.C. 35-44.1-2-4 False  
identity statement

I.C. 35-43-5-3.5  
Identity Deception

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## Refresher

This News Letter is just to give everyone a refresher on the statutes relating to people giving false identifying statements or names. There are two statutes relating to false names and information. In this article we will discuss which statutes are appropriate for different scenarios.

It's good to read statutes again so you can build confidence in yourself while performing your duties.

This is why it's important to know Indiana statutes and our City Ordinances.

# The Name Game.....

Indiana Statutes relating to giving false identifying information.



There are two statutes relating to false identifying information. There is False Identity Statement and Identity Deception. If you have someone lying about their name or personal information it will depend upon the circumstances for which statute you should charge them with. As it relates to someone lying about their identifying information the False Informing statute does not generally relate. The Indiana Statute, False Informing usually relates to someone giving a False report of an incident/crime.

# False Identity Statement

35-44.1-2-4

**Sec. 4. (a) A person who:**

- (1) with intent to mislead public servants;**
- (2) in a five (5) year period; and**
- (3) in one (1) or more official proceedings or investigations;**

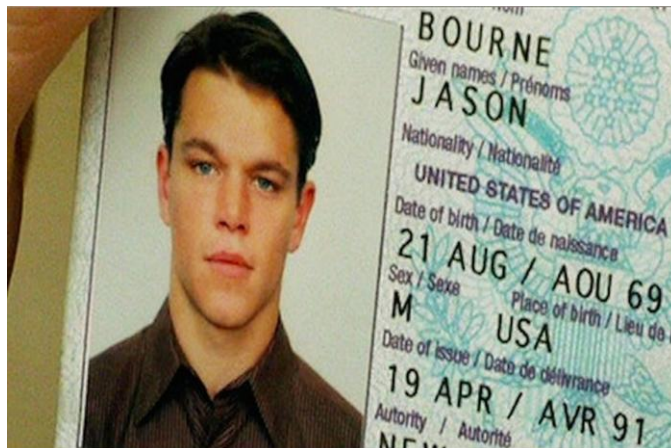
**has knowingly made at least two (2) material statements concerning the person's identity that are inconsistent to the degree that one (1) of them is necessarily false commits false identity statement, a Class A misdemeanor.**

**(b) It is a defense to a prosecution under this section that the material statements that are the basis of a prosecution under subsection (a) concerning the person's identity are accurate or were accurate in the past.**

**(c) In a prosecution under subsection (a):**

- (1) the indictment or information need not specify which statement is actually false; and**
- (2) the falsity of a statement may be established sufficiently for conviction by proof that the defendant made irreconcilably contradictory statements concerning the person's identity.**

*As added by P.L.126-2012, SEC.54.*



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## Identity Deception

### IC 35-43-5-3.5

#### Identity deception

**Sec. 3.5. (a)** Except as provided in subsection (c), a person who, with intent to harm or defraud another person, knowingly or intentionally obtains, possesses, transfers, or uses identifying information to profess to be another person, commits identity deception, a Level 6 felony.

**(b)** However, the offense defined in subsection (a) is a Level 5 felony if:

- (1)** a person obtains, possesses, transfers, or uses the identifying information of more than one hundred (100) persons;
- (2)** the fair market value of the fraud or harm caused by the offense is at least fifty thousand dollars (\$50,000); or
- (3)** a person obtains, possesses, transfers, or uses the identifying information of a person who is less than eighteen (18) years of age and is:

- (A)** the person's son or daughter;
- (B)** a dependent of the person;
- (C)** a ward of the person; or
- (D)** an individual for whom the person is a guardian.

**(c)** The conduct prohibited in subsections (a) and (b) does not apply to:

- (1)** a person less than twenty-one (21) years of age who uses identifying information to acquire an alcoholic beverage (as defined in [IC 7.1-1-3-5](#));
- (2)** a minor (as defined in [IC 35-49-1-4](#)) who uses identifying information to acquire:
  - (A)** a cigarette, an electronic cigarette (as defined in [IC 35-46-1-1.5](#)), or a tobacco product (as defined in [IC 6-7-2-5](#));
  - (B)** a periodical, a videotape, or other communication medium that contains or depicts nudity (as defined in [IC 35-49-1-5](#));
  - (C)** admittance to a performance (live or film) that prohibits the attendance of the minor based on age; or
  - (D)** an item that is prohibited by law for use or consumption by a minor; or
- (3)** any person who uses identifying information for a lawful purpose.

**(d)** It is not a defense in a prosecution under subsection (a) or (b) that no person was harmed or defrauded.

*As added by P.L.180-2001, SEC.2. Amended by P.L.22-2003, SEC.2; P.L.125-2006, SEC.9; P.L.137-2009, SEC.14; P.L.20-2013, SEC.3; P.L.158-2013, SEC.471; P.L.174-2021, SEC.46.*

## Scenarios

**Question:** When you pull a driver over for speeding and you request their information, and they give you the fake name of John Doe with a date of birth as 01/02/1990. You find out that the name doesn't exist, it's a fake DOB, and it's just made up, which statute can you charge them with?

**Answer:** False Identity Statement

**Question:** When you pull someone over for failure to signal their turn and you request their information and they give you a driver's license belonging to an actual person, Jane Doe. After looking at the license you realize that the person who gave you the License isn't the actual person the license belongs to, what can you charge them with?

**Answer:** Identity Deception, if the ID belongs to another person and they are claiming to be that person. If not caught the unknowing victim could be issued citations/charges by the Officer that they wouldn't know about.

**Question:** If you pull someone over for speeding and the driver gives you a made up fake name and date of birth do you charge them with False Informing?

**Answer:** No, you should charge them with False Identity Statement in Indiana.

**Question:** Why do people give fake names or Identification cards of other people?

**Answer:** It's usually because they have arrest Warrants or they have issues with their driver's license.

## **Tips**

*If you stop someone and they advise you they don't have an ID card with them then ask for alternative ID. Ask them if they have anything with their name on it, a debit card, insurance card, mail, or work ID etc. If they advise that they don't have anything at all on them with their name then you should start becoming suspicious of whom they are. Ask the subject if they have social media pages that you can check. When you ask the person for their name make them spell it out for you, don't assume the spelling. Make them fully spell out their first name, last name, and middle name to you to see if they can spell it correctly if they're lying. Ask them their age, and then their date of birth and see if it matches up. Ask them for their social security number. When running people in your car always, always, always check the BMV photo attached if it matches the person you're out with. If you have someone claiming they're from Kentucky then you can ask dispatch to send you a BMV photo from KY to your work email to compare. Check previous book in photos in New World to see if it matches. Run the registration to the vehicle and see if the registered owner is actually the driver.*

*Sometimes people will give you a fake name but their correct date of birth. If you don't get a return on the full information try running just the date of birth in New World to see if you find a match with their real identity. Also try just looking up their last name only, sometimes people will use sibling's information that resembles them. If you have someone you think gave you a fake name then run the name they gave you in New World and see if it's in the local files as someone's alias. During these situations always pay attention to people's tattoos as well as any large scars or marks that can help you identify them. If you have someone that lies about their name please add the fake name as an Alias to their information in New world.*

*Note: It appears that they have repealed the statute for Synthetic Identity Deception in 2022.*

*Don't be the Officer that let's someone go that has felony warrants because they lied to you about who they are. If you have a feeling they are lying about their information, double check and confirm with all of the above.*

<http://iga.in.gov/legislative/laws/2022/ic/titles/035/#35-44.1-2-4>

<http://iga.in.gov/legislative/laws/2022/ic/titles/035/#35-43-5-3.5>