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1 IN THE SENATE

2 SENATE BILL NO. 323

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the establishment of the Alaska
7 Credit Card Crimes Act."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 11.20 is amended by adding new sections to read:

10 ARTICLE 9. ALASKA CREDIT CARD CRIMES ACT.

11 Sec. 11.20.700. FALSE STATEMENT AS TO FINANCIAL CONDITION OR
12 IDENTITY. A person who makes or causes to be made any false statement
13 in writing, knowing it to be false and with intent that it be relied on,
14 respecting his identity or that of any other person, or his financial
15 condition or that of any other person, for the purpose of procuring
16 the issuance of a credit card, is guilty of a misdemeanor and upon
17 conviction is punishable by imprisonment for a term not to exceed one
18 year, or by a fine not to exceed \$1,000, or by both.

19 Sec. 11.20.710. THEFT BY TAKING OR RETAINING POSSESSION OF CARD
20 TAKEN. A person who takes a credit card from the person, possession,
21 custody or control of another without the cardholder's consent or who,
22 with knowledge that it has been taken, receives the credit card with
23 intent to use, sell, or transfer it to a person other than the issuer
24 or the cardholder is guilty of a misdemeanor, and upon conviction is
25 punishable by imprisonment for a term not to exceed one year, or by a
26 fine not to exceed \$1,000, or by both.

27 Sec. 11.20.720. THEFT OF CREDIT CARD LOST, MISLAID, OR DELIVERED
28 BY MISTAKE. A person who receives a credit card that he knows to have
29 been lost, mislaid, or delivered under a mistake as to the identity or

1 address of the cardholder who retains possession of the card with intent
2 to use, sell, or transfer it to a person other than the issuer or the
3 cardholder is guilty of a misdemeanor, and upon conviction is punish-
4 able by imprisonment for a term not to exceed one year, or by a fine
5 not to exceed \$1,000, or by both.

6 Sec. 11.20.730. PURCHASE OR SALE OF CREDIT CARD OF ANOTHER. A
7 person other than the issuer who sells a credit card or a person who
8 buys a credit card from a person other than the issuer is guilty of a
9 misdemeanor, and upon conviction is punishable by imprisonment for a
10 term not to exceed one year, or by a fine not to exceed \$1,000, or by
11 both.

12 Sec. 11.20.740. OBTAINING CONTROL OF CREDIT CARD AS SECURITY FOR
13 DEBT. A person who obtains control over a credit card as security for
14 a debt with intent to defraud either the issuer or a person or organi-
15 zation providing money, goods, services or anything else of value, is
16 guilty of a misdemeanor, and upon conviction is punishable by imprison-
17 ment for a term not to exceed one year, or by a fine not to exceed
18 \$1,000, or by both.

19 Sec. 11.20.750. DEALING IN CREDIT CARDS OF ANOTHER. A person,
20 other than the issuer, who during any 12-month period, receives credit
21 cards issued in the names of two or more persons which he has reason to
22 know were taken or retained under circumstances which constitute credit
23 card theft or a violation of sec. 700 of this Act, or secs. 730 - 740
24 of this Act is guilty of a felony, and upon conviction, is punishable
25 by imprisonment for not less than one nor more than three years, or by
26 a fine not to exceed \$3,000, or by both.

27 Sec. 11.20.760. FORGERY OF CREDIT CARD. (a) A person who, with
28 intent to defraud an issuer, a person or organization providing money,
29 goods, services or anything else of value, or any other person,

1 falsely makes or falsely embosses a purported credit card or utters
2 such a credit card is guilty of a felony, and upon conviction, is
3 punishable by imprisonment for not less than one nor more than three
4 years, or by a fine not to exceed \$3,000, or by both.

5 (b) A person other than the purported issuer who possesses two
6 or more credit cards which are falsely made or falsely embossed is
presumed to have violated this subsection.

8 (c) A person "falsely makes" a credit card when he makes or
9 draws, in whole or in part, a device or instrument which purports to be
10 the credit card of a named issuer but which is not such a credit card
11 because the issuer did not authorize the making or drawing, or alters
12 a credit card which was validly issued.

13 (d) A person "falsely embosses" a credit card when, without the
14 authorization of the named issuer, he completes a credit card by
15 adding any of the matter, other than the signature of the cardholder,
16 which an issuer requires to appear on the credit card before it can be
17 used by a cardholder.

18 Sec. 11.20.770. SIGNING CREDIT CARD OF ANOTHER. A person other
19 than the cardholder or a person authorized by him who, with intent
20 to defraud the issuer, or a person or organization providing money,
21 goods, services or anything else of value, or any other person, signs
22 a credit card, is guilty of a misdemeanor, and upon conviction is
23 punishable by imprisonment for a term not to exceed one year or by a
24 fine not to exceed \$1,000, or by both.

25 Sec. 11.20.780. FRAUDULENT USE OF A CREDIT CARD. (a) A person,
26 who, with intent to defraud the issuer, a person or organization pro-
27 viding money, goods, services or anything else of value, or any other
28 person, (1) uses for the purpose of obtaining money, goods, services
29 or anything else of value a credit card obtained or retained in

1 violation of secs. 710 - 770 of this Act or a credit card which he
2 knows is forged, expired or revoked, or (2) obtains money, goods,
3 services or anything else of value by representing without the consent
4 of the cardholder that he is the holder of a specified card or by
5 representing that he is the holder of a card and the card has not in
6 fact been issued, is guilty of a misdemeanor, and upon conviction is
7 punishable by imprisonment for a term not to exceed one year or by a
8 fine not to exceed \$1,000, or by both, if the value of all money,
9 goods, services and other things of value obtained in violation of
10 this subsection does not exceed \$500 in any six-month period.

11 (b) If the value does exceed \$500 in any six-month period, the
12 person is guilty of a felony, and upon conviction, is punishable by
13 imprisonment for not less than one nor more than three years, or by a
14 fine not to exceed \$3,000, or by both.

15 (c) Knowledge of revocation shall be presumed to have been re-
16 ceived by a cardholder four days after it has been mailed to him at
17 the address set forth on the credit card or at his last known address
18 by registered or certified mail, return receipt requested. If the
19 address is located outside the United States, Puerto Rico, the Virgin
20 Islands, the Canal Zone and Canada, notice shall be presumed to have
21 been received 10 days after mailing by registered or certified mail.

22 Sec. 11.20.790. FRAUD BY PERSON AUTHORIZED TO PROVIDE GOODS OR
23 SERVICES. (a) A person who is authorized by an issuer to furnish
24 money, goods, services or anything else of value upon presentation
25 of a credit card by the cardholder, or any agent or employees of the
26 person, who, with intent to defraud the issuer or the cardholder,
27 furnishes money, goods, services or anything else of value upon
28 presentation of a credit card obtained or retained in violation of
29 secs. 710 - 770 of this Act or a credit card which he knows is forged,

1 expired or revoked is guilty of a misdemeanor, and upon conviction is
2 punishable by imprisonment for a term not to exceed one year or by a
3 fine not to exceed \$1,000, or by both, if the value of all money, goods
4 services and other things of value furnished in violation of this sub-
5 section does not exceed \$500 in any six-month period.

6 (b) If the value does exceed \$500 in any six-month period, the
7 person is guilty of a felony, and upon conviction, is punishable by im-
8 prisonment for not less than one nor more than three years, or by a
9 fine not to exceed \$3,000, or by both.

10 Sec. 11.20.800. MISREPRESENTATION TO ISSUER. (a) A person who
11 is authorized by an issuer to furnish money, goods, services or
12 anything else of value upon presentation of a credit card by the
13 cardholder, or any agent or employee of the person, who, with intent
14 to defraud the issuer or the cardholder, fails to furnish money,
15 goods, services or anything else of value which he represents in writing
16 to the issuer that he has furnished is guilty of a misdemeanor and upon
17 conviction is punishable by imprisonment for a term not to exceed one
18 year or by a fine not to exceed \$1,000, or by both, if the difference
19 between the value of all money, goods, services and anything else of
20 value actually furnished and the value represented to the issuer to
21 have been furnished does not exceed \$500 in any six-month period.

22 (b) If the difference exceeds \$500 in any six-month period, the
23 person is guilty of a felony, and upon conviction, is punishable by
24 imprisonment for not less than one nor more than three years, or by a
25 fine not to exceed \$3,000, or by both.

26 Sec. 11.20.810. POSSESSION OF MACHINERY, PLATES OR OTHER CON-
27 TRIVANCE OR INCOMPLETE CREDIT CARDS. (a) A person other than the
28 cardholder possessing two or more incomplete credit cards, with intent
29 to complete them without the consent of the issuer or a person

1 possessing, with knowledge of its character, machinery, plates or any
2 other contrivance designed to reproduce instruments purporting to
3 be the credit cards of an issuer who has not consented to the preparation
4 of the credit cards, is guilty of a felony, and upon conviction, is
5 punishable by imprisonment for not less than one nor more than three
6 years, or by a fine not to exceed \$3,000, or by both.

7 (b) A credit card is "incomplete" if part of the matter other
8 than the signature of the cardholder, which an issuer requires to
9 appear on the credit card before it can be used by a cardholder, has
10 not yet been stamped, embossed, imprinted or written on it.

11 Sec. 11.20.820. RECEIPT OF MONEY, GOODS, SERVICES OR ANYTHING
12 ELSE OF VALUE OBTAINED BY FRAUDULENT USE OF CREDIT CARDS. A person
13 who receives money, goods, services or anything else of value obtained
14 in violation of sec. 780 of this Act, knowing or believing that it was
15 so obtained is guilty of a misdemeanor, and upon conviction, is
16 punishable by imprisonment for a term not to exceed one year or by a
17 fine not to exceed \$1,000, or by both.

18 Sec. 11.20.830. DEFENSES NOT AVAILABLE. In any prosecution for
19 violation of this Act, the state is not required to establish and it
20 is no defense

21 (1) that a person other than the defendant who violated
22 this Act has not been convicted, apprehended or identified; or

23 (2) that some of the acts constituting the crime did not
24 occur in this state or were not a crime or elements of a crime where
25 they did occur.

26 Sec. 11.20.840. DEFINITIONS: In this Act

27 (1) "cardholder" means the person or organization named on
28 the face of a credit card to whom or for whose benefit the credit
29 card is issued by an issuer;

1 (2) "credit card" means any instrument or device, whether
2 known as a credit card, credit plate, or by any other name, issued
3 with or without fee by an issuer for the use of the cardholder in
4 obtaining money, goods, services or anything else of value on credit;

5 (3) "expired credit card" means a credit card which is no
6 longer valid because the term shown on it has elapsed.

7 (4) "issuer" means the business organization or financial
8 institution which issues a credit card or its duly authorized agent;

9 (5) "receives" or "receiving" means acquiring possession or
10 control or accepting as security for a loan;

11 (6) "revoked credit card" means a credit card which is no
12 longer valid because permission to use it has been suspended or
13 terminated by the issuer.

14 Sec. 11.20.850. SHORT TITLE. This Act may be cited as the
15 "Alaska Credit Card Crimes Act".
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