

Introduced: 3/6/69
Referred: Judiciary

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 SENATE BILL NO. 239

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the establishment of the Alaska
7 Credit Card Crimes and Consumer 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 AND CONSUMER ACT.

11 Sec. 11.20.700. FALSE STATEMENT AS TO FINANCIAL CONDITION OR
12 IDENTITY. A person who makes or causes to be made a false statement in
13 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 the
16 issuance of a credit card, is guilty of a misdemeanor and upon con-
17 viction is punishable by imprisonment for a term not to exceed one year,
18 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) A person who takes a credit card from the person, possessor,
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 (b) A person who has in his possession or under his control
28 credit cards issued in the names of two or more other persons is pre-
29 sumed to have violated this section.

1 Sec. 11.20.720. THEFT OF CREDIT CARD LOST, MISLAID, OR DELIVERED
2 BY MISTAKE. A person who receives a credit card that he knows to have
3 been lost, mislaid, or delivered under a mistake as to the identity or
4 address of the cardholder who retains possession of the card with
5 intent to use, sell, or transfer it to a person other than the issuer
6 or the cardholder 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.

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

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

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

1 exceed \$3,000, or by both.

2 Sec. 11.20.760. FORGERY OF CREDIT CARD. (a) A person who, with
3 intent to defraud an issuer, a person or organization providing money,
4 goods, services or anything else of value, or any other person,
5 falsely makes or falsely embosses a purported credit card or utters
6 such a credit card is guilty of a felony, and upon conviction, is
7 punishable by imprisonment for not less than one nor more than three
8 years, or by a fine not to exceed \$3,000, or by both.

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

12 (c) A person "falsely makes" a credit card when he makes or draws,
13 in whole or in part, a device or instrument which purports to be the
14 credit card of a named issuer but which is not such a credit card be-
15 cause the issuer did not authorize the making or drawing, or alters a
16 credit card which was validly issued.

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

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

29 (b) A person who possesses two or more signed credit cards

1 issued in the name of another person, is presumed to have violated this
2 section.

3 Sec. 11.20.780. FRAUDULENT USE OF A CREDIT CARD. (a) A person,
4 who, with intent to defraud the issuer, a person or organization pro-
5 viding money, goods, services or anything else of value, or any other
6 person, (1) uses for the purpose of obtaining money, goods, services
7 or anything else of value a credit card obtained or retained in
8 violation of secs. 710 - 770 of this chapter or a credit card which he
9 knows is forged, expired or revoked, or (2) obtains money, goods,
10 services or anything else of value by representing without the consent
11 of the cardholder that he is the holder of a specified card or by
12 representing that he is the holder of a card and the card has not in
13 fact been issued, is guilty of a misdemeanor, and upon conviction is
14 punishable by imprisonment for a term not to exceed one year, or by a
15 fine not to exceed \$1,000, or by both, if the value of all money,
16 goods, services and other things of value obtained in violation of this
17 subsection does not exceed \$500 in any six-month period.

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

22 (c) Knowledge of revocation shall be presumed to have been re-
23 ceived by a cardholder four days after it has been mailed to him at
24 the address set out on the credit card or at his last known address by
25 registered or certified mail, return receipt requested. If the address
26 is located outside the United States, Puerto Rico, the Virgin Islands,
27 the Canal Zone and Canada, notice shall be presumed to have been re-
28 ceived 10 days after mailing by registered or certified mail.

29 Sec. 11.20.790. FRAUD BY PERSON AUTHORIZED TO PROVIDE GOODS OR

1 SERVICES. (a) A person who is authorized by an issuer to furnish
2 money, goods, services or anything else of value upon presentation of a
3 credit card by the cardholder, or any agent or employees of the person,
4 who, with intent to defraud the issuer or the cardholder, furnishes
5 money, goods, services or anything else of value upon presentation of
6 a credit card obtained or retained in violation of secs. 710 - 770 of
7 this chapter or a credit card which he knows is forged, expired or re-
8 voked is guilty of a misdemeanor, and upon conviction is punishable by
9 imprisonment for a term not to exceed one year, or by a fine not to
10 exceed \$1,000, or by both, if the value of all money, goods, services
11 and other things of value furnished in violation of this subsection does
12 not exceed \$500 in any six-month period.

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

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

29 (b) If the difference exceeds \$500 in any six-month period, the

1 person is guilty of a felony, and upon conviction is punishable by
2 imprisonment for not less than one nor more than three years, or by a
3 fine not to exceed \$3,000, or by both.

4 Sec. 11.20.810. POSSESSION OF MACHINERY, PLATES OR OTHER CON-
5 TRIVANCE OR INCOMPLETE CREDIT CARDS. (a) A person other than the
6 cardholder possessing two or more incomplete credit cards, with intent
7 to complete them without the consent of the issuer or a person
8 possessing, with knowledge of its character, machinery, plates or any
9 other contrivance designed to reproduce instruments purporting to be
10 the credit cards of an issuer who has not consented to the preparation
11 of the credit cards, is guilty of a felony, and upon conviction is
12 punishable by imprisonment for not less than one nor more than three
13 years, or by a fine not to exceed \$3,000, or by both.

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

18 Sec. 11.20.820. RECEIPT OF MONEY, GOODS, SERVICES OR ANYTHING
19 ELSE OF VALUE OBTAINED BY FRAUDULENT USE OF CREDIT CARDS. A person
20 who receives money, goods, services or anything else of value obtained
21 in violation of sec. 780 of this chapter, knowing or believing that it
22 was so obtained 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. 11.20.830. DEFENSES NOT AVAILABLE. In a prosecution for
26 violation of secs. 700 - 860 of this chapter, the state is not required
27 to establish and it is no defense

28 (1) that a person other than the defendant who violated secs.
29 700 - 860 of this chapter has not been convicted, apprehended or

1 identified; or

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

5 Sec. 11.20.840. EFFECT OF PRESUMPTIONS. When a presumption is
6 established under sec. 710, 770 or 780 of this chapter with respect to
7 a fact which is an element of a crime it has the following consequences;

8 (1) when there is sufficient evidence of the facts, which
9 give rise to the presumption, to go to the jury, the issue of the
10 existence of the presumed fact must be submitted to the jury unless the
11 court is satisfied that the evidence as a whole clearly negatives the
12 presumed fact; and

13 (2) when the issue of the existence of the presumed fact is
14 submitted to the jury, the court shall charge that while the presumed
15 fact must, on all the evidence, be proved beyond a reasonable doubt,
16 the jury may regard the facts giving rise to the presumption as suf-
17 ficient evidence of the presumed fact.

18 Sec. 11.20.850. DEFINITIONS. In secs. 700 - 860 of this chapter

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

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

26 (3) "expired credit card" means a credit card which is no
27 longer valid because the term shown on it has elapsed;

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

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

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

6 Sec. 11.20.860. SHORT TITLE. Secs. 700 - 860 of this chapter
7 may be cited as the "Alaska Credit Card Crimes and Consumer Act."
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