

Original sponsor: Finance Committee

Offered: 6/6/70

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

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HOUSE CS FOR SENATE BILL, NO. 239

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTH LEGISLATURE - SECOND SESSION

5

A BILL

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

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

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* Section 1. AS 11 is amended by adding a new chapter to read:

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CHAPTER 22. ALASKA CREDIT CARD CRIMES ACT.

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Sec. 11.22.010. THEFT BY TAKING OR RETAINING POSSESSION OF CARD

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TAKEN. (a) A person who takes a credit card from the person, posses-

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sion, custody or control of another without the cardholder's consent

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or who, with knowledge that it has been taken, receives the credit card

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with intent to use, sell, or transfer it to a person other than the

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issuer or the cardholder is guilty of a misdemeanor, and upon conviction

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is punishable by imprisonment for a term not to exceed one year, or by

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a fine not to exceed \$1,000, or by both.

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Sec. 11.22.020. THEFT OF CREDIT CARD LOST, MISLAID, OR DELIVERED

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BY MISTAKE. A person who receives a credit card that he knows to have

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been lost, mislaid, or delivered under a mistake as to the identity or

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address of the cardholder and who retains possession of the card with

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intent to use, sell, or transfer it to a person other than the issuer

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or the cardholder is guilty of a misdemeanor, and upon conviction is

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punishable by imprisonment for a term not to exceed one year, or by a

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fine not to exceed \$1,000, or by both.

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Sec. 11.22.030. PURCHASE OR SALE OF CREDIT CARD OF ANOTHER. A

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person other than the issuer who sells a credit card or a person who

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buys a credit card from a person other than the issuer is guilty of

1 a misdemeanor, and upon conviction is punishable by imprisonment for
2 a term not to exceed one year, or by a fine not to exceed \$1,000, or
3 by both.

4 Sec. 11.22.040. OBTAINING CONTROL OF CREDIT CARDS AS SECURITY
5 FOR DEBT. A person who obtains control over a credit card as security
6 for a debt with intent to defraud either the issuer or a person
7 providing money, goods, services or anything else of value is guilty
8 of a misdemeanor, and upon conviction is punishable by imprisonment
9 for a term not to exceed one year, or by a fine not to exceed \$1,000,
10 or by both.

11 Sec. 11.22.050. FORGERY OF CREDIT CARD. (a) A person who, with
12 intent to defraud an issuer or a person providing money, goods,
13 services or anything else of value, or any other person, falsely makes
14 or falsely embosses a purported credit card or utters such a credit
15 card is guilty of a felony, and upon conviction, is punishable by
16 imprisonment for not less than one nor more than three years, or by a
17 fine not to exceed \$3,000, or by both.

18 (b) A person "falsely makes" a credit card when he makes or draws,
19 in whole or in part, a device or instrument which purports to be the
20 credit card of a named issuer but which is not such a credit card
21 because the issuer did not authorize the making or drawing, or alters
22 a credit card which was validly issued.

23 (c) A person "falsely embosses" a credit card when, without the
24 authorization of the named issuer, he completes a credit card by adding
25 any of the matter, other than the signature of the cardholder, which an
26 issuer requires to appear on the credit card before it can be used by a
27 cardholder.

28 Sec. 11.22.060. SIGNING CREDIT CARD OF ANOTHER. A person other
29 than the cardholder or a person authorized by him who, with intent to

1 defraud the issuer or a person providing money, goods, services or
2 anything else of value, or any other person, signs a credit card, is
3 guilty of a misdemeanor, and upon conviction is punishable by imprison-
4 ment for a term not to exceed one year or by a fine not to exceed
5 \$1,000, or by both.

6 Sec. 11.22.070. FRAUDULENT USE OF A CREDIT CARD. (a) A person,
7 who, with intent to defraud the issuer or a person providing money,
8 goods, services or anything else of value, or any other person, (1)
9 uses for the purpose of obtaining money, goods, services or anything
10 else of value a credit card obtained or retained in violation of secs.
11 10 - 60 of this chapter or a credit card which he knows is forged,
12 expired or revoked, or (2) obtains money, goods, services or anything
13 else of value by representing without the consent of the cardholder
14 that he is the holder of a specified card or by representing that he
15 is the holder of a card and the card has not in fact been issued, 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, if the value of all money, goods, services and
19 other things of value obtained in violation of this subsection does
20 not exceed \$500 in any six-month period.

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

25 Sec. 11.22.080. FRAUD BY PERSON AUTHORIZED TO PROVIDE GOODS OR
26 SERVICES. (a) A person who is authorized by an issuer to furnish
27 money, goods, services or anything else of value upon presentation of a
28 credit card by the cardholder, or any agent or employees of the person,
29 who, with intent to defraud the issuer or the cardholder, furnishes

1 money, goods, services or anything else of value upon presentation of
2 a credit card obtained or retained in violation of secs. 10 - 60 of
3 this chapter or a credit card which he knows is forged, expired or
4 revoked is guilty if a misdemeanor, and upon conviction is punishable
5 by imprisonment for a term not to exceed one year, or by a fine not to
6 exceed \$1,000, or by both, if the value of all money, goods, services
7 and other things of value furnished in violation of this subsection
8 does not exceed \$500 in any six-month period.

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

13 Sec. 11.22.090. MISREPRESENTATION TO ISSUER. (a) A person who
14 is authorized by an issuer to furnish money, goods, services or anything
15 else of value upon presentation of a credit card by the cardholder, or
16 an agent or employee of the person, who, with intent to defraud the
17 issuer or the cardholder, fails to furnish money, goods, services or
18 anything else of value which represents in writing to the issuer that
19 he has furnished is guilty of a misdemeanor, and upon conviction is
20 punishable by imprisonment for a term not to exceed one year, or by a
21 fine not to exceed \$1,000, or by both, if the difference between the
22 value of all money, goods, services and anything else of value actually
23 furnished and the value represented to the issuer to have been
24 furnished does not exceed \$500 in any six-month period.

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

29 Sec. 11.22.100. POSSESSION OF MACHINERY, PLATES OR OTHER

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

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

14 Sec. 11.22.110. RECEIPT OF ANYTHING OF VALUE OBTAINED BY FRAUDU-
15 LENT USE OF CREDIT CARDS. A person who receives money, goods, services
16 or anything else of value obtained in violation of sec. 70 of this
17 chapter, knowing or believing that it was so obtained is guilty of a
18 misdemeanor, and upon conviction is punishable by imprisonment for a
19 term not to exceed one year, or by a fine not to exceed \$1,000, or by
20 both.

21 Sec. 11.22.120. DEFENSES NOT AVAILABLE. In a prosecution for a
22 violation of this chapter, it is no defense

23 (1) that a person other than the defendant who violated this
24 chapter has not been convicted, apprehended or identified; or

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

28 Sec. 11.22.130. DEFINITIONS. In this chapter

29 (1) "cardholder" means the person named on the face of a

1 credit card to whom or for whose benefit the credit card is issued by
2 an issuer;

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

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

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

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

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

16 Sec. 11.22.140. SHORT TITLE. This chapter may be cited as the
17 "Alaska Credit Card Crimes Act".
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