



# LAWS OF ALASKA

1970

Source

HCSSB 239

Chapter No.

251

## AN ACT

Relating to the establishment of the Alaska Credit Card Crimes Act.

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

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

#### CHAPTER 22. ALASKA CREDIT CARD CRIMES ACT.

Sec. 11.22.010. THEFT BY TAKING OR RETAINING POSSESSION OF CARD TAKEN. A person who takes a credit card from the person, possession, custody or control of another without the cardholder's consent or who, with knowledge that it has been taken, receives the credit card with intent to use, sell, or transfer it to a person other than the issuer or the cardholder is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for a term not to exceed one year, or by a fine not to exceed \$1,000, or by both.

Sec. 11.22.020. THEFT OF CREDIT CARD LOST, MISLAID, OR DELIVERED BY MISTAKE. A person who receives a credit card that he knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder and who retains possession of the card with intent to use, sell, or transfer it to a person other than the issuer or the cardholder is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for a term not to exceed one year, or by a fine not to exceed \$1,000, or by both.

Sec. 11.22.030. PURCHASE OR SALE OF CREDIT CARD OF ANOTHER. A person other than the issuer who sells a credit card or a person who buys a credit card from a person other than the issuer is guilty of a misdemeanor,

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

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

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

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

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

Sec. 11.22.060. SIGNING CREDIT CARD OF ANOTHER. A person other than the cardholder or a person authorized by him who, with intent to defraud the issuer or a person providing money, goods, services or anything else of value, or any other person, signs a credit card, is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for a term not to exceed one year, or by a fine not to exceed \$1,000, or by both.

Sec. 11.22.070. FRAUDULENT USE OF A CREDIT CARD. (a) A person, who, with intent to defraud the issuer or a person providing money, goods, services or anything else of value, or any other person, (1) uses for the purpose of obtaining money, goods, services or anything else of value a credit card obtained or retained in violation of secs. 10 - 60 of this chapter or a credit card which he knows is forged, expired or revoked, or (2) obtains money, goods, services or anything else of value by representing without the consent of the cardholder that he is the holder of a specified card or by representing that he is the holder of a card and the card has not in fact been issued, is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for a term not to exceed one year, or by a fine not to exceed \$1,000, or by both, if the value of all money, goods, services and other things of value obtained in violation of this subsection does not exceed \$500 in any six-month period.

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

Sec. 11.22.080. FRAUD BY PERSON AUTHORIZED TO PROVIDE GOODS OR SERVICES. (a) A person who is authorized by an issuer to furnish money, goods, services or anything else of value upon presentation of a credit card by the cardholder, or any agent or employees of the person, who, with intent to defraud the issuer or the cardholder, furnishes money, goods, services or anything else of value upon presentation of a credit card obtained or retained in violation of secs. 10 - 60 of this chapter or a credit card which he knows is forged, expired or revoked is guilty of a misdemeanor, and upon conviction is punishable by imprisonment for a term not to exceed one year, or by a fine not to exceed \$1,000, or by both, if the value of all money, goods, services and other things of value furnished in violation of this subsection does not exceed \$500 in any six-month period.

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

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

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

Sec. 11.22.100. POSSESSION OF MACHINERY, PLATES OR OTHER CONTRIVANCE OR INCOMPLETE CREDIT CARDS. (a) A person other than the cardholder possessing two or more incomplete credit cards, with intent to complete them without the consent of the issuer or a person possessing, with knowledge of its character, machinery, plates or any other contrivance designed to reproduce instruments purporting to be the credit cards of an issuer who has not consented to the preparation of the credit cards, is guilty of a felony, and upon conviction is punishable by imprisonment for not less than one nor more than three years, or by a fine not to exceed \$3,000, or by both.

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

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

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

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

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

Sec. 11.22.130. DEFINITIONS. In this chapter

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

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

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

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

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

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

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