

An Act

ENROLLED HOUSE
BILL NO. 2380

By: Strom and Kannady of the
House

and

Montgomery, Daniels and
Bergstrom of the Senate

An Act relating to credit card fraud; amending 21 O.S. 2011, Section 1550.21, which relates to the Oklahoma Credit Card Crime Act of 1970; adding definitions; making certain acts unlawful; providing penalties; providing exception to certain prohibited acts; providing for codification; and providing an effective date.

SUBJECT: Credit card fraud

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1550.21, is amended to read as follows:

Section 1550.21 As used in this act:

~~(1)~~ 1. "Cardholder" means the person or organization named on the face of a credit card or a debit card to whom or for whose benefit the credit card or debit card is issued~~;~~;

~~(2)~~ 2. "Credit card" means any instrument or device, whether known as a credit card, credit plate, charge 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 and all such credit cards lawfully issued shall be considered the property of the ~~cardholders~~ cardholder or the issuer for all purposes~~;~~;

~~(3)~~ 3. "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility~~;~~;

~~(4)~~ 4. "Issuer" means any person, firm, corporation, financial institution or its duly authorized agent which issues a credit card or a debit card~~;~~;

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

~~(6)~~ 6. "Reencoder" means an electronic device that places encoded information from the computer chip, magnetic strip or stripe or other storage mechanism of a credit card or debit card onto the computer chip, magnetic strip or stripe or other storage mechanism of a different card;

7. "Revoked card" means a credit card or a debit card which is no longer valid because permission to use it has been suspended or terminated by the issuer;

8. "Scanning device" means a scanner, reader or any other electronic device that may be used to access, read, scan, obtain, memorize or store, temporarily or permanently, information encoded on the computer chip, magnetic strip or stripe or other storage mechanism of a credit card or debit card or from another device that directly reads the information from a credit card or debit card; and

9. "Skimming device" means a self-contained device that:

- a. is designed to read and store in the internal memory of the device information encoded on the computer chip, magnetic strip or stripe or other storage mechanism of a credit card or debit card or from another device that directly reads the information from a credit card or debit card, and
- b. is incapable of processing the credit card or debit card information for the purpose of obtaining, purchasing or receiving goods, services, money or anything else of value from a person or organization.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1550.39 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Every person who:

1. Uses a scanning device or skimming device to access, read, obtain, memorize or store, temporarily or permanently, information encoded on the computer chip, magnetic strip or stripe or other storage mechanism of a credit card or debit card without the permission of the authorized user of the credit card or debit card and with the intent to defraud the authorized user or the issuer of the credit card or debit card or a person or organization providing money, goods, services or anything else of value;

2. Uses a reencoder to place information encoded on the computer chip, magnetic strip or stripe or other storage mechanism of a credit card or debit card onto the computer chip, magnetic strip or stripe or other storage mechanism of a different card without the permission of the authorized user of the credit card or debit card from which the information is being reencoded and with the intent to defraud the authorized user or the issuer of the credit card or debit card or a person or organization providing money, goods, services or anything else of value; or

3. Possesses with the intent to sell, deliver or use a skimming device,

is, upon conviction, guilty of an offense and is subject to the penalties set forth in subsection B of Section 1550.33 of Title 21 of the Oklahoma Statutes.

B. The provisions of paragraph 3 of subsection A of this section shall not apply to the following individuals while acting within the scope of their official duties:

1. An employee, officer or agent of:

- a. a law enforcement agency or criminal prosecuting authority for the state or federal government,
- b. the state court system or federal court system, or
- c. an executive branch agency in this state; or

2. A financial or retail security investigator employed by a person or organization providing money, goods, services or anything else of value.

SECTION 3. This act shall become effective November 1, 2019.

Passed the House of Representatives the 6th day of May, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 23rd day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____