

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2380

By: **Strom** and Kannady of the
House

and

Montgomery and **Daniels** of
the Senate

11 COMMITTEE SUBSTITUTE

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

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

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

21 Section 1550.21 As used in this act:

22 ~~(1)~~ 1. "Cardholder" means the person or organization named on
23 the face of a credit card or a debit card to whom or for whose
24 benefit the credit card or debit card is issued~~;~~;

1 ~~(2)~~ 2. "Credit card" means any instrument or device, whether
2 known as a credit card, credit plate, charge plate or by any other
3 name, issued with or without fee by an issuer for the use of the
4 cardholder in obtaining money, goods, services or anything else of
5 value on credit and all such credit cards lawfully issued shall be
6 considered the property of the ~~cardholders~~ cardholder or the issuer
7 for all purposes~~;~~;

8 ~~(3)~~ 3. "Debit card" means any instrument or device, whether
9 known as a debit card or by any other name, issued with or without
10 fee by an issuer for the use of the cardholder in depositing,
11 obtaining or transferring funds from a consumer banking electronic
12 facility~~;~~;

13 ~~(4)~~ 4. "Issuer" means any person, firm, corporation, financial
14 institution or its duly authorized agent which issues a credit card
15 or a debit card~~;~~;

16 ~~(5)~~ 5. "Receives" or "receiving" means acquiring possession or
17 control or accepting as security for a loan~~;~~;

18 ~~(6)~~ 6. "Reencoder" means an electronic device that places
19 encoded information from the computer chip, magnetic strip or stripe
20 or other storage mechanism of a credit card or debit card onto the
21 computer chip, magnetic strip or stripe or other storage mechanism
22 of a different card;

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2 no longer valid because permission to use it has been suspended or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

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

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

11 a. is designed to read and store in the internal memory
12 of the device information encoded on the computer
13 chip, magnetic strip or stripe or other storage
14 mechanism of a credit card or debit card or from
15 another device that directly reads the information
16 from a credit card or debit card, and

17 b. is incapable of processing the credit card or debit
18 card information for the purpose of obtaining,
19 purchasing or receiving goods, services, money or
20 anything else of value from a person or organization.

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

24 A. Every person who:

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

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

18 3. Possesses, sells or delivers a skimming device,
19 is, upon conviction, guilty of an offense and is subject to the
20 penalties set forth in subsection B of Section 1550.33 of Title 21
21 of the Oklahoma Statutes.

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

1 1. An employee, officer or agent of:

2 a. a law enforcement agency or criminal prosecuting
3 authority for the state or federal government,

4 b. the state court system or federal court system, or

5 c. an executive branch agency in this state; or

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

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

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11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/27/2019 - DO
12 PASS, As Amended and Coauthored.