

1 **SENATE FLOOR VERSION**

2 April 3, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2380

6 By: Strom and Kannady of the
7 House

8 and

9 Montgomery, Daniels and
10 Bergstrom of the Senate

11 [credit card fraud - making certain acts unlawful -
12 effective date]

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

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

16 Section 1550.21 As used in this act:

17 ~~(1)~~ 1. "Cardholder" means the person or organization named on
18 the face of a credit card or a debit card to whom or for whose
19 benefit the credit card or debit card is issued~~;~~;

20 ~~(2)~~ 2. "Credit card" means any instrument or device, whether
21 known as a credit card, credit plate, charge plate or by any other
22 name, issued with or without fee by an issuer for the use of the
23 cardholder in obtaining money, goods, services or anything else of
24 value on credit and all such credit cards lawfully issued shall be

1 considered the property of the ~~cardholders~~ cardholder or the issuer
2 for all purposes~~;~~;

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

8 ~~(4)~~ 4. "Issuer" means any person, firm, corporation, financial
9 institution or its duly authorized agent which issues a credit card
10 or a debit card~~;~~;

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

13 ~~(6)~~ 6. "Reencoder" means an electronic device that places
14 encoded information from the computer chip, magnetic strip or stripe
15 or other storage mechanism of a credit card or debit card onto the
16 computer chip, magnetic strip or stripe or other storage mechanism
17 of a different card;

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19 no longer valid because permission to use it has been suspended or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

21 8. "Scanning device" means a scanner, reader or any other
22 electronic device that may be used to access, read, scan, obtain,
23 memorize or store, temporarily or permanently, information encoded
24 on the computer chip, magnetic strip or stripe or other storage

1 mechanism of a credit card or debit card or from another device that
2 directly reads the information from a credit card or debit card; and

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

4 a. is designed to read and store in the internal memory
5 of the device information encoded on the computer
6 chip, magnetic strip or stripe or other storage
7 mechanism of a credit card or debit card or from
8 another device that directly reads the information
9 from a credit card or debit card, and

10 b. is incapable of processing the credit card or debit
11 card information for the purpose of obtaining,
12 purchasing or receiving goods, services, money or
13 anything else of value from a person or organization.

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

17 A. Every person who:

18 1. Uses a scanning device or skimming device to access, read,
19 obtain, memorize or store, temporarily or permanently, information
20 encoded on the computer chip, magnetic strip or stripe or other
21 storage mechanism of a credit card or debit card without the
22 permission of the authorized user of the credit card or debit card
23 and with the intent to defraud the authorized user or the issuer of
24

1 the credit card or debit card or a person or organization providing
2 money, goods, services or anything else of value;

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

12 3. **Possesses with the intent to sell, deliver or use a** skimming
13 device,
14 is, upon conviction, guilty of an offense and is subject to the
15 penalties set forth in subsection B of Section 1550.33 of Title 21
16 of the Oklahoma Statutes.

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

- 20 1. An employee, officer or agent of:
- 21 a. a law enforcement agency or criminal prosecuting
22 authority for the state or federal government,
 - 23 b. the state court system or federal court system, or
 - 24 c. an executive branch agency in this state; or

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
6 April 3, 2019 - DO PASS AS AMENDED
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