

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2380

By: Kannady

6
7 COMMITTEE SUBSTITUTE

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

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

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

18 Section 1550.21 As used in this act:

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

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

1 value on credit and all such credit cards lawfully issued shall be
2 considered the property of the ~~cardholders~~ cardholder or the issuer
3 for all purposes.;

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

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

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

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

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20 no longer valid because permission to use it has been suspended or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

22 8. "Scanning device" means a scanner, reader or any other
23 electronic device that may be used to access, read, scan, obtain,
24 memorize or store, temporarily or permanently, information encoded

1 on the computer chip, magnetic strip or stripe or other storage
2 mechanism of a credit card or debit card or from another device that
3 directly reads the information from a credit card or debit card; and

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

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

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

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

18 A. Every person who:

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

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, sells or delivers a skimming device,
13 is, upon conviction, guilty of an offense and is subject to the
14 penalties set forth in subsection B of Section 1550.33 of Title 21
15 of the Oklahoma Statutes.

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

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

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.

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