

1 ENGROSSED SENATE AMENDMENTS  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2380

By: Strom and Kannady of the  
House

and

Montgomery and Daniels of  
the Senate

9 [ credit card fraud - making certain acts unlawful -  
10 effective date ]

13 AUTHOR: Add the following Senate Coauthor: Bergstrom

14 AMENDMENT NO. 1. Page 4, line 12, delete all language before the  
word "skimming" and insert the following language:

15 "Possesses with the intent to sell, deliver, or  
16 use a"

17 AMENDMENT NO. 2. Restore the title.

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

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2019.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
10 of Representatives

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

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

15 Section 1550.21 As used in this act:

16 ~~(1)~~ 1. "Cardholder" means the person or organization named on  
17 the face of a credit card or a debit card to whom or for whose  
18 benefit the credit card or debit card is issued~~;~~;

19 ~~(2)~~ 2. "Credit card" means any instrument or device, whether  
20 known as a credit card, credit plate, charge plate or by any other  
21 name, issued with or without fee by an issuer for the use of the  
22 cardholder in obtaining money, goods, services or anything else of  
23 value on credit and all such credit cards lawfully issued shall be  
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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  
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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 or deliver 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

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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 13th day of March, 2019.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

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Presiding Officer of the Senate