

1                                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   STATE OF OKLAHOMA

3   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 4069

By: Wallace and **Lepak** of the  
House

and

**Weaver** of the Senate

11   COMMITTEE SUBSTITUTE

12                   An Act relating to crimes and punishments; amending  
13                   21 O.S. 2021, Section 1550.27, which relates to  
14                   falsely manufactured credit and debit cards;  
15                   prohibiting certain actions; creating certain  
16                   rebuttable presumption; clarifying treatment of  
17                   certain scenario; creating felonies and prescribing  
18                   punishments; and providing an effective date.

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

19                   SECTION 1.            AMENDATORY            21 O.S. 2021, Section 1550.27, is  
20 amended to read as follows:

21                   Section 1550.27   A.   A person, with intent to defraud:

22                   1.   A purported issuer;

23                   2.   A person or organization providing money, goods, services or  
24 anything else of value; or

1           3. Any other person,  
2 who falsely makes ~~or falsely embosses a~~, clones, or alters a  
3 purported credit card or, debit, or similar card containing a  
4 magnetic stripe capable of storing data, in any form, either  
5 physically or digitally, from what the original issuer placed on the  
6 card or utters such a ~~credit card or debit card~~ is guilty of forgery  
7 ~~in the third degree and is subject to the penalties set forth in~~  
8 ~~subsection A of Section 1550.33 of this title~~ a felony.

9           B. 1. A person other than the purported issuer who possesses  
10 any credit ~~card or, debit, or similar card containing a magnetic~~  
11 stripe capable of storing data, which is falsely made or falsely  
12 embossed, cloned, or altered in any form, either physically or  
13 digitally from what the issuer routinely incorporates, is presumed  
14 to have violated this section.

15           2. The possession of three or more credit, debit, or similar  
16 cards containing magnetic stripes capable of storing data containing  
17 cloned or altered data, simultaneously shall create a rebuttable  
18 presumption that the person in possession is possessing such cards  
19 with the intent to defraud, for purposes of this section.

20           C. A person "falsely makes" a credit ~~card or, debit, or similar~~  
21 card containing a magnetic stripe capable of storing data when the  
22 person ~~makes or draws~~ marks, alters, or stores information in whole  
23 or in part, in a physical or digital format, a device or instrument  
24 which ~~purports to be the~~ can function as a credit card or, debit, or

1 similar card of a ~~named~~ an issuer but which is not such a ~~credit~~  
2 card or debit card because the issuer did not authorize the making  
3 or drawing, or when the person alters a credit card or debit card  
4 which was validly issued marks, alterations, or stored information,  
5 or when the person alters a credit, debit, or similar card  
6 containing a magnetic stripe capable of storing data which was  
7 originally authorized and issued, including but not limited to when  
8 a person manipulates information included on an electronic magnetic  
9 stripe or chip contained on a card.

10 D. A person ~~"falsely embosses"~~ a credit card or debit card  
11 when, without the authorization of the named issuer, the person  
12 completes a credit card or debit card by adding any of the matter,  
13 other than the signature of the cardholder, which an issuer requires  
14 to appear on the credit card or debit card before it can be used by  
15 a cardholder

16 A person in violation of the provisions of this section, while  
17 in possession of:

18 1. Five or fewer falsely made cards shall be guilty of a felony  
19 punishable by imprisonment in the custody of the Department of  
20 Corrections for a term not less than two (2) years and not more than  
21 five (5) years, and by a fine not to exceed Five Thousand Dollars  
22 (\$5,000.00).

23 2. Six or more but less than twenty (20) falsely made cards  
24 shall be guilty of a felony punishable by imprisonment in the

1 custody of the Department of Corrections for a term not less than  
2 five (5) years and not more than ten (10) years, and by a fine not  
3 to exceed Ten Thousand Dollars (\$10,000.00).

4 3. Twenty (20) or more falsely made cards shall be guilty of a  
5 felony punishable by imprisonment in the custody of the Department  
6 of Corrections for a term of not less than ten (10) years and not  
7 more than twenty (20) years, and by a fine not to exceed One Hundred  
8 Thousand Dollars (\$100,000.00).

9 SECTION 2. This act shall become effective November 1, 2024.

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11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
12 02/29/2024 - DO PASS, As Amended and Coauthored.

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