

An Act

ENROLLED HOUSE
BILL NO. 4069

By: Wallace and Lepak of the
House

and

Weaver and Stephens of the
Senate

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

SUBJECT: Crimes and punishments

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

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

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

1. A purported issuer;
2. A person or organization providing money, goods, services or anything else of value; or
3. Any other person,

who falsely makes ~~or falsely embosses a~~, clones, or alters a purported credit card ~~or~~, debit, or similar card containing a magnetic stripe capable of storing data, in any form, either physically or digitally, from what the original issuer placed on the

~~card or utters such a credit card or debit card is guilty of forgery in the third degree and is subject to the penalties set forth in subsection A of Section 1550.33 of this title a felony.~~

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

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

C. A person "falsely makes" a credit card or, debit, or similar card containing a magnetic stripe capable of storing data when the person makes or draws marks, alters, or stores information in whole or in part, in a physical or digital format, on a device or instrument which purports to be the can function as a credit card or, debit, or similar card of a named an issuer but which is not such a credit card or debit card because the issuer did not authorize the making or drawing, or when the person alters a credit card or debit card which was validly issued marks, alterations, or stored information, or when the person alters a credit, debit, or similar card containing a magnetic stripe capable of storing data which was originally authorized and issued, including, but not limited to, when a person manipulates information included on an electronic magnetic stripe or chip contained on a card.

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

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

1. Five or fewer falsely made cards shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years

and not more than five (5) years, and by a fine not to exceed Five Thousand Dollars (\$5,000.00);

2. Six or more but less than twenty (20) falsely made cards shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years and not more than ten (10) years, and by a fine not to exceed Ten Thousand Dollars (\$10,000.00); and

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

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

Passed the House of Representatives the 6th day of March, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 25th day of April, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____