

2C:21-6

**LEGISLATIVE HISTORY CHECKLIST**  
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**NJSA: 2C:21-6**

(Credit card  
defenses)

**LAWS OF: 1991**

**CHAPTER: 122**

**Bill No: A1444**

**Sponsor(s): Pelly**

**Date Introduced: Pre-filed**

**Committee: Assembly: Judiciary**

**Senate: Labor, Industry**

**Amended during passage: No**

**Date of Passage: Assembly: May 14, 1990**

**Senate: March 14, 1991**

**Date of Approval: April 25, 1991**

**Following statements are attached if available:**

**Sponsor statement: Yes**

**Committee Statement: Assembly: Yes**

**Senate: Yes**

**Fiscal Note: No**

**Veto Message: No**

**Message on signing: No**

**Following were printed:**

**Reports: No**

**Hearings: No**

**KBG/SLJ**

1 AN ACT concerning credit card fraud and amending  
2 N.J.S.2C:21-6.

3

4 BE IT ENACTED by the Senate and General Assembly of the  
5 State of New Jersey:

6 ~~1. N.J.S.2C:21-6 is amended to read as follows:~~

7 2C:21-6. Credit Cards.

8 a. Definitions. As used in this section:

9 (1) "Cardholder" means the person or organization named on  
10 the face of a credit card to whom or for whose benefit the credit  
11 card is issued by an issuer.

12 (2) "Credit card" means any tangible or intangible instrument  
13 or device, whether known as a credit card, credit plate, or by  
14 any other name, issued with or without fee by an issuer [for the  
15 use of the cardholder] that can be used, alone or in connection  
16 with another means of account access, in obtaining money, goods,  
17 services or anything else of value on credit, including credit  
18 cards, credit plates, account numbers, or any other means of  
19 account access.

20 (3) "Expired credit card" means a credit card which is no  
21 longer valid because the term shown either on it or on  
22 documentation provided to the cardholder by the issuer has  
23 elapsed.

24 (4) "Issuer" means the business organization or financial  
25 institution which issues a credit card or its duly authorized agent.

26 (5) "Receives" or "receiving" means acquiring possession or  
27 control or accepting a credit card as security for a loan.

28 (6) "Revoked credit card" means a credit card which is no  
29 longer valid because permission to use it has been suspended or  
30 terminated by the issuer.

31 b. False statements made in procuring issuance of credit card.  
32 A person who makes or causes to be made, either directly or  
33 indirectly, any false statement in writing, knowing it to be false  
34 and with intent that it be relied on, respecting his identity or that  
35 of any other person, firm or corporation, or his financial  
36 condition or that of any other person, firm or corporation, for the  
37 purpose of procuring the issuance of a credit card is guilty of a  
38 crime of the fourth degree.

39 c. Credit card theft.

40 (1) A person who takes or obtains a credit card from the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the  
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 person, possession, custody or control of another without the  
2 cardholder's consent or who, with knowledge that it has been so  
3 taken, receives the credit card with intent to use it or to sell it,  
4 or to transfer it to a person other than the issuer or the  
5 cardholder is guilty of a crime of the fourth degree. Taking a  
6 credit card without consent includes obtaining it by any conduct  
7 defined and prescribed in Chapter 20 of this title, Theft and  
8 Related Offenses.

9 A person who has in his possession or under his control (a)  
10 credit cards issued in the names of two or more other persons or  
11 (b) two or more stolen credit cards is presumed to have violated  
12 this paragraph.

13 (2) A person who receives a credit card that he knows to have  
14 been lost, mislaid, or delivered under a mistake as to the identity  
15 or address of the cardholder, and who retains possession with  
16 intent to use it or to sell it or to transfer it to a person other  
17 than the issuer or the cardholder is guilty of a crime of the fourth  
18 degree.

19 (3) A person other than the issuer who sells a credit card or a  
20 person who buys a credit card from a person other than the issuer  
21 is guilty of a crime of the fourth degree.

22 (4) A person who, with intent to defraud the issuer, a person or  
23 organization providing money, goods, services or anything else of  
24 value, or any other person, obtains control over a credit card as  
25 security for debt is guilty of a crime of the fourth degree.

26 (5) A person who, with intent to defraud a purported issuer, a  
27 person or organization providing money, goods, services or  
28 anything else of value, or any other person, falsely makes or  
29 falsely embosses a purported credit card or utters such a credit  
30 card is guilty of a third degree offense. A person other than the  
31 purported issuer who possesses two or more credit cards which  
32 are falsely made or falsely embossed is presumed to have violated  
33 this paragraph. A person "falsely makes" a credit card when he  
34 makes or draws, in whole or in part, a device or instrument which  
35 purports to be the credit card of a named issuer but which is not  
36 such a credit card because the issuer did not authorize the  
37 making or drawing, or alters a credit card which was validly  
38 issued. A person "falsely embosses" a credit card when, without  
39 the authorization of the named issuer, he completes a credit card  
40 by adding any of the matter, other than the signature of the  
41 cardholder, which an issuer requires to appear on the credit card  
42 before it can be used by a cardholder.

43 (6) A person other than the cardholder or a person authorized  
44 by him who, with intent to defraud the issuer, or a person or  
45 organization providing money, goods, services or anything else of  
46 value, or any other person, signs a credit card, is guilty of a  
47 crime of the fourth degree. A person who possesses two or more  
48 credit cards which are so signed is presumed to have violated this  
49 paragraph.

1 d. Intent of cardholder to defraud; penalties; knowledge of  
2 revocation. A person, who, with intent to defraud the issuer, a  
3 person or organization providing money, goods, services or  
4 anything else of value, or any other person, (1) uses for the  
5 purpose of obtaining money, goods, services or anything else of  
6 value a credit card obtained or retained in violation of subsection  
7 c. of this section or a credit card which he knows is forged,  
8 expired or revoked, or (2) obtains money, goods, services or  
9 anything else of value by representing without the consent of the  
10 cardholder ~~that he is the holder of a specified card or by~~  
11 ~~representing that he is the holder of a card and such card has not~~  
12 ~~in fact been issued, is guilty of a crime of the [fourth] third~~  
13 ~~degree. Knowledge of revocation shall be presumed to have been~~  
14 ~~received by a cardholder four days after it has been mailed to~~  
15 ~~him at the address set forth on the credit card or at his last~~  
16 ~~known address by registered or certified mail, return receipt~~  
17 ~~requested, and, if the address is more than 500 miles from the~~  
18 ~~place of mailing, by air mail. If the address is located outside the~~  
19 ~~United States, Puerto Rico, the Virgin Islands, the Canal Zone~~  
20 ~~and Canada, notice shall be presumed to have been received 10~~  
21 ~~days after mailing by registered or certified mail.~~

22 e. Intent to defraud by person authorized to furnish money,  
23 goods, or services; penalties.

24 (1) A person who is authorized by an issuer to furnish money,  
25 goods, services or anything else of value upon presentation of a  
26 credit card by the cardholder, or any agent or employees of such  
27 person, who, with intent to defraud the issuer or the cardholder,  
28 furnishes money, goods, services or anything else of value upon  
29 presentation of a credit card obtained or retained in violation of  
30 subsection c. of this section or a credit card which he knows is  
31 forged, expired or revoked violates this paragraph and is guilty of  
32 a crime of the [fourth] third degree.

33 (2) A person who is authorized by an issuer to furnish money,  
34 goods, services or anything else of value upon presentation of a  
35 credit card by the cardholder, fails to furnish money, goods,  
36 services or anything else of value which he represents in writing  
37 to the issuer that he has furnished is guilty of a crime of the  
38 fourth degree.

39 f. Incomplete credit cards; intent to complete without  
40 consent. A person other than the cardholder possessing two or  
41 more incomplete credit cards, with intent to complete them  
42 without the consent of the issuer or a person possessing, with  
43 knowledge of its character, machinery, plates or any other  
44 contrivance designed to reproduce instruments purporting to be  
45 the credit cards of an issuer who has not consented to the  
46 preparation of such credit cards, is guilty of a crime of the third  
47 degree. A credit card is "incomplete" if part of the matter other  
48 than the signature of the cardholder, which an issuer requires to  
49 appear on the credit card, before it can be used by a cardholder.

1 has not yet been stamped, embossed, imprinted or written on it.

2 g. Receiving anything of value knowing or believing that it was  
3 obtained in violation of 2C:21-6d. A person who receives money,  
4 goods, services or anything else of value obtained in violation of  
5 subsection d. of this section, knowing or believing that it was so  
6 obtained is guilty of a crime of the fourth degree. A person who  
7 obtains, at a discount price a ticket issued by an airline, railroad,  
8 steamship or other transportation company which was acquired in  
9 violation of subsection d. of this section without reasonable  
10 inquiry to ascertain that the person from whom it was obtained  
11 had a legal right to possess it shall be presumed to know that such  
12 ticket was acquired under circumstances constituting a violation  
13 of subsection d. of this section.

14 h. Fraudulent use of credit cards.

15 A person who knowingly uses any counterfeit, fictitious,  
16 altered, forged, lost, stolen or fraudulently obtained credit card  
17 to obtain money, goods or services, or anything else of value; or  
18 who, with unlawful or fraudulent intent, furnishes, acquires, or  
19 uses any actual or fictitious credit card, whether alone or  
20 together with names of credit cardholders, or other information  
21 pertaining to a credit card account in any form, is guilty of a  
22 crime of the third degree.

23 (cf: P.L.1984, c.119, s.1)

24 2. This act shall take effect immediately.

25  
26  
27 CRIMINAL JUSTICE

28  
29 Makes certain credit card offenses crimes of the third degree.

1 preparation of such credit cards, is guilty of a crime of the third  
2 degree. A credit card is "incomplete" if part of the matter other  
3 than the signature of the cardholder, which an issuer requires to  
4 appear on the credit card, before it can be used by a cardholder,  
5 has not yet been stamped, embossed, imprinted or written on it.

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7 obtained in violation of 2C:21-6d. A person who receives money,  
8 goods, services or anything else of value obtained in violation of  
9 subsection d. of this section, knowing or believing that it was so  
10 obtained is guilty of a crime of the fourth degree. A person who  
11 obtains at a discount price a ticket issued by an airline, railroad,  
12 steamship or other transportation company which was acquired in  
13 violation of subsection d. of this section without reasonable  
14 inquiry to ascertain that the person from whom it was obtained  
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20 altered, forged, lost, stolen or fraudulently obtained credit card  
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23 uses any actual or fictitious credit card, whether alone or  
24 together with names of credit cardholders, or other information  
25 pertaining to a credit card account in any form, is guilty of a  
26 crime of the third degree.

27 (cf: P.L. 1984, c. 119 s. 1)

28 2. This act shall take effect immediately.

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## STATEMENT

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33 The bill prohibits, as a crime of the third degree, the  
34 fraudulent use of credit cards. The bill, by redefining credit  
35 cards to include account numbers or any other means of account  
36 access, increases the kinds of activities which are considered  
37 fraudulent.

38 The bill also upgrades to a crime of the third degree the  
39 fraudulent furnishing of goods, services or anything else of value  
40 upon the presentation of a credit card which is stolen, forged,  
41 revoked or expired, when the person furnishing goods, services or  
42 anything else of value knows that the credit card is stolen,  
43 forged, revoked or expired.

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## CRIMINAL JUSTICE

46

47 Makes certain credit card offenses crimes of the third degree.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1444

STATE OF NEW JERSEY

DATED: APRIL 5, 1990

The Assembly Judiciary, Law and Public Safety Committee reports favorably Assembly Bill No. 1444.

The bill prohibits, as a crime of the third degree, the fraudulent use of credit cards. The bill, by redefining credit cards to include account numbers or any other means of account access, increases the kinds of activities which are considered fraudulent.

The bill also upgrades to a crime of the third degree the fraudulent furnishing of goods, services or anything else of value upon the presentation of a credit card which is stolen, forged, revoked or expired, when the person furnishing goods, services or anything else of value knows that the credit card is stolen, forged, revoked or expired.

This bill was prefiled for introduction in the 1990 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE LABOR, INDUSTRY AND PROFESSIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1444

STATE OF NEW JERSEY

DATED: JANUARY 17, 1991

The Senate Labor, Industry and Professions Committee reports favorably Assembly, No. 1444.

This bill establishes the crime of the fraudulent use of a credit card as a crime of the third degree. The bill provides that a person who knowingly uses any counterfeit, fictitious, altered, forged, lost, stolen or fraudulently obtained credit card to obtain money, goods, services or anything else of value, or who, with unlawful or fraudulent intent, furnishes, acquires or uses any actual or fictitious credit card or other information pertaining to a credit card account in any form is guilty of fraudulent use of a credit card.

In addition, the bill upgrades certain uses of credit cards which are illegal under current law from crimes of the fourth degree to crimes of the third degree. Under the bill a person who fraudulently uses a credit card which he knows is stolen, forged, expired or revoked to obtain money, goods, services or anything else of value, or who obtains money, goods or anything else of value by representing himself as the authorized holder of a credit card without the cardholder's consent or by fraudulently representing himself as the authorized holder of a credit card which has not been issued would be guilty of a crime of the third degree. The bill also upgrades to a crime of the third degree the fraudulent furnishing of goods, services or anything else of value upon the presentation of a credit card which is stolen, forged, revoked or expired, when the person furnishing the goods, services or anything else of value knows that the credit card is stolen, forged, revoked or expired.

Finally, the bill expands the definition of credit card to include account numbers or other means of account access.