

2C:21-6

LEGISLATIVE HISTORY CHECKLIST

NJSA: 2C:21-6 (Stolen credit cards--presumption of guilt)

LAWS OF: 1984 CHAPTER: 119

Bill No: S234

Sponsor(s): O'Connor

Date Introduced: Pre-filed

Committee: Assembly: Judiciary

Senate: Judiciary

Amended during passage: No

Date of Passage: Assembly: June 28, 1984

Senate: May 14, 1984

Date of Approval: August 8, 1984

Following statements are attached if available:

Sponsor statement: Yes (Below)

Committee statement: Assembly Yes

Senate Yes (not attached since identical to Assembly Committee Statement)

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: No

Hearings: No

Sponsor's statement:

This bill would create a rebuttable presumption that a person who possesses or controls two or more stolen credit cards is guilty of the unlawful taking or receipt of the credit cards.

SENATE, No. 234

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1984 SESSION

By Senator O'CONNOR

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

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

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

2 2C:21-6. Credit Cards.

3 a. Definitions. As used in this section:

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

7 (2) "Credit card" means any instrument or device, whether
8 known as a credit card, credit plate, or by any other name, issued
9 with or without fee by an issuer for the use of the cardholder in
10 obtaining money, goods, services or anything else of value on credit.

11 (3) "Expired credit card" means a credit card which is no longer
12 valid because the term shown on it has elapsed.

13 (4) "Issuer" means the business organization or financial insti-
14 tution which issues a credit card or its duly authorized agent.

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

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

20 b. False statements made in procuring issuance of credit card.
21 A person who makes or causes to be made, either directly or in-
22 directly, any false statement in writing, knowing it to be false and
23 with intent that it be relied on, respecting his identity or that of

24 any other person, firm or corporation, or his financial condition
25 or that of any other person, firm or corporation, for the purpose
26 of procuring the issuance of a credit card is guilty of a crime of
27 the fourth degree.

28 c. Credit card theft.

29 (1) A person who takes a credit card from the person, possession,
30 custody or control of another without the cardholder's consent or
31 who, with knowledge that it has been so taken, receives the credit
32 card with intent to use it or to sell it, or to transfer it to a person
33 other than the issuer or the cardholder is guilty of a crime of the
34 fourth degree. Taking a credit card without consent includes ob-
35 training it by any conduct defined and proscribed in Chapter 20 of
36 this title, Theft and Related Offenses.

37 A person who has in his possession or under his control (a) credit
38 cards issued in the names of two or more other persons or, (b) two
39 or more stolen credit cards is presumed to have violated this
40 paragraph.

41 (2) A person who receives a credit card that he knows to have
42 been lost, mislaid, or delivered under a mistake as to the identity
43 or address of the cardholder, and who retains possession with
44 intent to use it or to sell it or to transfer it to a person other than
45 the issuer or the cardholder is guilty of a crime of the fourth
46 degree.

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

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

54 (5) A person who, with intent to defraud a purported issuer,
55 a person or organization providing money, goods, services or
56 anything else of value, or any other person, falsely makes or falsely
57 embosses a purported credit card or utters such a credit card is
58 guilty of a third degree offense. A person other than the purported
59 issuer who possesses two or more credit cards which are falsely
60 made or falsely embossed is presumed to have violated this para-
61 graph. A person "falsely makes" a credit card when he makes or
62 draws, in whole or in part, a device or instrument which purports to
63 be the credit card of a named issuer but which is not such a credit
64 card because the issuer did not authorize the making or drawing,
65 or alters a credit card which was validly issued. A person "falsely
66 embosses" a credit card when, without the authorization of the

67 named issuer, he completes a credit card by adding any of the
68 matter, other than the signature of the cardholder, which an issuer
69 requires to appear on the credit card before it can be used by a
70 cardholder.

71 (6) A person other than the cardholder or a person authorized
72 by him who, with intent to defraud the issuer, or a person or
73 organization providing money, goods, services or anything else
74 of value, or any other person, signs a credit card, is guilty of a
75 crime of the fourth degree. A person who possesses two or more
76 credit cards which are so signed is presumed to have violated this
77 paragraph.

78 d. Intent of cardholder to defraud; penalties; knowledge of re-
79 vocation. A person, who, with intent to defraud the issuer, a
80 person or organization providing money, goods, services or any-
81 thing else of value, or any other person, (1) uses for the purpose
82 of obtaining money, goods, services or anything else of value a
83 credit card obtained or retained in violation of subsection c. of
84 this section or a credit card which he knows is forged, expired or
85 revoked, or (2) obtains money, goods, services or anything else of
86 value by representing without the consent of the cardholder that he
87 is the holder of a specified card or by representing that he is the
88 holder of a card and such card has not in fact been issued, is guilty
89 of a crime of the fourth degree. Knowledge of revocation shall
90 be presumed to have been received by a cardholder four days after it
91 has been mailed to him at the address set forth on the credit card
92 or at his last known address by registered or certified mail, return
93 receipt requested, and, if the address is more than 500 miles from
94 the place of mailing, by air mail. If the address is located outside
95 the United States, Puerto Rico, the Virgin Islands, the Canal Zone
96 and Canada, notice shall be presumed to have been received 10 days
97 after mailing by registered or certified mail.

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

100 (1) A person who is authorized by an issuer to furnish money,
101 goods, services or anything else of value upon presentation of a
102 credit card by the cardholder, or any agent or employees of such
103 person, who, with intent to defraud the issuer or the cardholder,
104 furnishes money, goods, services or anything else of value upon
105 presentation of a credit card obtained or retained in violation of
106 subsection c. of this section or a credit card which he knows is
107 forged, expired or revoked violates this paragraph and is guilty
108 of a crime of the fourth degree.

109 (2) A person who is authorized by an issuer to furnish money,

110 goods, services or anything else of value upon presentation of a
111 credit card by the cardholder, fails to furnish money, goods, ser-
112 vices or anything else of value which he represents in writing to
113 the issuer that he has furnished is guilty of a crime of the fourth
114 degree.

115 f. Incomplete credit cards; intent to complete without consent.
116 A person other than the cardholder possessing 2 or more incomplete
117 credit cards, with intent to complete them without the consent of
118 the issuer or a person possessing, with knowledge of its character,
119 machinery, plates or any other contrivance designed to reproduce
120 instruments purporting to be the credit cards of an issuer who has
121 not consented to the preparation of such credit cards, is guilty of a
122 crime of the third degree. A credit card is "incomplete" if part
123 of the matter other than the signature of the cardholder, which an
124 issuer requires to appear on the credit card, before it can be used
125 by a cardholder, has not yet been stamped, embossed, imprinted
126 or written on it.

127 g. Receiving anything of value knowing or believing that it was
128 obtained in violation of 2C:21-6f. A person who receives money,
129 goods, services or anything else of value obtained in violation of
130 subsection d. of this section, knowing or believing that it was so
131 obtained is guilty of a crime of the fourth degree. A person who
132 obtains at a discount price a ticket issued by an airline, railroad,
133 steamship or other transportation company which was acquired in
134 violation of subsection d. of this section without reasonable inquiry
135 to ascertain that the person from whom it was obtained had a legal
136 right to possess it shall be presumed to know that such ticket was
137 acquired under circumstances constituting a violation of subsection
138 d. of this section.

1 2. This act shall take effect immediately.

STATEMENT

This bill would create a rebuttable presumption that a person who possesses or controls two or more stolen credit cards is guilty of the unlawful taking or receipt of the credit cards.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 234

STATE OF NEW JERSEY

DATED: JUNE 18, 1984

Presently, under N. J. S. 2C:21-6, a person is presumed guilty of credit card theft if the person has in his possession credit cards issued in the names of two or more other persons. This bill would expand this presumption to include circumstances when a person has two or more stolen credit cards in his possession.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 234

STATE OF NEW JERSEY

DATED: FEBRUARY 23, 1984

Presently, under N. J. S. 2C:21-6, a person is presumed guilty of credit card theft if the person has in his possession credit cards issued in the names of two or more other persons. This bill would expand this presumption to include circumstances when a person has two or more stolen credit cards in his possession.

Aug. 9, 1984

(2)

- A2096, sponsored by Assemblyman Buddy Fortunato, D-Essex, to increase the bidding threshold from \$4,500 to \$7,500 for contracts and purchases by the New Jersey Sports and Exposition Authority, the Highway Authority, the Turnpike Authority, the Expressway Authority and the Hackensack Meadowlands Development Commission.

- S1859 sponsored by Sen. Laurence S. Weiss, D-Middlesex, to permit the appointment of an additional municipal court judge in Woodbridge Township.

- S234, sponsored by Sen. Edwin O'Connor, D-Hudson, provides that a person possessing two or more stolen credit cards is guilty of stealing them or of receiving stolen property.

- S-230, also by O'Connor, provides members of the Jersey City Pension System with a one-time increase of 1 percent for each year which has elapsed since retirement. It is the first such increase for the system's retirees since 1964, O'Connor said.

- S-231, also by O'Connor, admits temporary employees with at least one year of service to the Jersey City Retirement System.

- A1339, sponsored by Assemblyman Joseph Charles Jr., D-Hudson, amends the Consolidated Police and Firemen's Pension Fund law to provide that compensation for retirement after 25 years of service shall be based on the last year of employment rather than on the average salary for the last three years.