

# 2C:20-1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2004               **CHAPTER:** 11

**NJSA:** 2C:20-1            ("Access devise" definition to include ATM cards)

**BILL NO:** A974            (Substituted for S1257)

**SPONSOR(S):** Chatzidakis

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:**           **ASSEMBLY:** Financial Institutions

**SENATE:** Commerce

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**       **ASSEMBLY:** February 5, 2004

**SENATE:** March 22, 2004

**DATE OF APPROVAL:** May 5, 2004

### FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (Original version of bill enacted)

#### A974

**[SPONSOR'S STATEMENT:](#)** (Begins on page 4 of original bill) [Yes](#)

**COMMITTEE STATEMENT:**                       **[ASSEMBLY:](#)** [Yes](#)

**[SENATE:](#)** [Yes](#)

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

#### S1257

**[SPONSOR'S STATEMENT:](#)** (Begins on page 4 of original bill) [Yes](#)

Bill and Sponsors Statement identical to A974

**COMMITTEE STATEMENT:**                       **[ASSEMBLY:](#)** No

**[SENATE:](#)** [Yes](#)

Identical to Senate Statement to S1257

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

To check for circulating copies, contact New Jersey State Government Publications at the State Library (609) 278-2640 ext. 103 or <mailto:refdesk@njstatelib.org>.

**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

P.L. 2004, CHAPTER 11, *approved May 5, 2004*  
Assembly, No. 974

1 AN ACT concerning access devices and amending N.J.S.2C:20-1.

2

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

5

6 1. N.J.S.2C:20-1 is amended to read as follows:

7 2C:20-1. Definitions. In chapters 20 and 21, unless a different  
8 meaning plainly is required:

9 a. "Deprive" means: (1) to withhold or cause to be withheld  
10 property of another permanently or for so extended a period as to  
11 appropriate a substantial portion of its economic value, or with  
12 purpose to restore only upon payment of reward or other  
13 compensation; or (2) to dispose or cause disposal of the property so  
14 as to make it unlikely that the owner will recover it.

15 b. "Fiduciary" means an executor, general administrator of an  
16 intestate, administrator with the will annexed, substituted  
17 administrator, guardian, substituted guardian, trustee under any trust,  
18 express, implied, resulting or constructive, substituted trustee,  
19 executor, conservator, curator, receiver, trustee in bankruptcy,  
20 assignee for the benefit of creditors, partner, agent or officer of a  
21 corporation, public or private, temporary administrator, administrator,  
22 administrator pendente lite, administrator ad prosequendum,  
23 administrator ad litem or other person acting in a similar capacity.

24 c. "Financial institution" means a bank, insurance company, credit  
25 union, savings and loan association, investment trust or other  
26 organization held out to the public as a place of deposit of funds or  
27 medium of savings or collective investment.

28 d. "Government" means the United States, any state, county,  
29 municipality, or other political unit, or any department, agency or  
30 subdivision of any of the foregoing, or any corporation or other  
31 association carrying out the functions of government.

32 e. "Movable property" means property the location of which can  
33 be changed, including things growing on, affixed to, or found in land,  
34 and documents, although the rights represented thereby have no  
35 physical location. "Immovable property" is all other property.

36 f. "Obtain" means: (1) in relation to property, to bring about a  
37 transfer or purported transfer of a legal interest in the property,  
38 whether to the obtainer or another; or (2) in relation to labor or  
39 service, to secure performance thereof.

40 g. "Property" means anything of value, including real estate,  
41 tangible and intangible personal property, trade secrets, contract

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

**Matter underlined thus is new matter.**

1 rights, choses in action and other interests in or claims to wealth,  
2 admission or transportation tickets, captured or domestic animals,  
3 food and drink, electric, gas, steam or other power, financial  
4 instruments, information, data, and computer software, in either  
5 human readable or computer readable form, copies or originals.

6 h. "Property of another" includes property in which any person  
7 other than the actor has an interest which the actor is not privileged to  
8 infringe, regardless of the fact that the actor also has an interest in the  
9 property and regardless of the fact that the other person might be  
10 precluded from civil recovery because the property was used in an  
11 unlawful transaction or was subject to forfeiture as contraband.  
12 Property in possession of the actor shall not be deemed property of  
13 another who has only a security interest therein, even if legal title is in  
14 the creditor pursuant to a conditional sales contract or other security  
15 agreement.

16 i. "Trade secret" means the whole or any portion or phase of any  
17 scientific or technical information, design, process, procedure, formula  
18 or improvement which is secret and of value. A trade secret shall be  
19 presumed to be secret when the owner thereof takes measures to  
20 prevent it from becoming available to persons other than those  
21 selected by the owner to have access thereto for limited purposes.

22 j. "Dealer in property" means a person who buys and sells property  
23 as a business.

24 k. "Traffic" means:

25 (1) To sell, transfer, distribute, dispense or otherwise dispose of  
26 property to another person; or

27 (2) To buy, receive, possess, or obtain control of or use property,  
28 with intent to sell, transfer, distribute, dispense or otherwise dispose  
29 of such property to another person.

30 l. "Broken succession of title" means lack of regular documents of  
31 purchase and transfer by any seller except the manufacturer of the  
32 subject property, or possession of documents of purchase and transfer  
33 by any buyer without corresponding documents of sale and transfer in  
34 possession of seller, or possession of documents of sale and transfer  
35 by seller without corresponding documents of purchase and transfer  
36 in possession of any buyer.

37 m. "Person" includes any individual or entity or enterprise, as  
38 defined herein, holding or capable of holding a legal or beneficial  
39 interest in property.

40 n. "Anything of value" means any direct or indirect gain or  
41 advantage to any person.

42 o. "Interest in property which has been stolen" means title or right  
43 of possession to such property.

44 p. "Stolen property" means property that has been the subject of  
45 any unlawful taking.

46 q. "Enterprise" includes any individual, sole proprietorship,

1 partnership, corporation, business trust, association, or other legal  
2 entity, and any union or group of individuals associated in fact,  
3 although not a legal entity, and it includes illicit as well as licit  
4 enterprises and governmental as well as other entities.

5 r. "Attorney General" includes the Attorney General of New  
6 Jersey, his assistants and deputies. The term shall also include a  
7 county prosecutor or his designated assistant prosecutor, if a county  
8 prosecutor is expressly authorized in writing by the Attorney General  
9 to carry out the powers conferred on the Attorney General by this  
10 chapter.

11 s. "Access device" means property consisting of any telephone  
12 calling card number, credit card number, account number, mobile  
13 identification number, electronic serial number, personal identification  
14 number, or any other data intended to control or limit access to  
15 telecommunications or other computer networks in either human  
16 readable or computer readable form, either copy or original, that can  
17 be used to obtain telephone service. Access device also means  
18 property consisting of a card, code or other means of access to an  
19 account held by a financial institution, or any combination thereof, that  
20 may be used by the account holder for the purpose of initiating  
21 electronic fund transfers.

22 t. "Defaced access device" means any access device, in either  
23 human readable or computer readable form, either copy or original,  
24 which has been removed, erased, defaced, altered, destroyed, covered  
25 or otherwise changed in any manner from its original configuration.

26 u. "Domestic companion animal" means any animal commonly  
27 referred to as a pet or one that has been bought, bred, raised or  
28 otherwise acquired, in accordance with local ordinances and State and  
29 federal law for the primary purpose of providing companionship to the  
30 owner, rather than for business or agricultural purposes.

31 v. "Personal identifying information" means any name, number or  
32 other information that may be used, alone or in conjunction with any  
33 other information, to identify a specific individual and includes, but is  
34 not limited to, the name, address, telephone number, date of birth,  
35 social security number, official State issued identification number,  
36 employer or taxpayer number, place of employment, employee  
37 identification number, demand deposit account number, savings  
38 account number, credit card number, mother's maiden name, unique  
39 biometric data, such as fingerprint, voice print, retina or iris image or  
40 other unique physical representation, or unique electronic  
41 identification number, address or routing code of the individual.

42 (cf: P.L.2002, c.85, s.1)

43

44 2. This act shall take effect immediately.

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2

3 Expands the definition of access device to include ATM bank cards.

# ASSEMBLY, No. 974

## STATE OF NEW JERSEY 211th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2004 SESSION

**Sponsored by:**

**Assemblyman LARRY CHATZIDAKIS**

**District 8 (Burlington)**

**Co-Sponsored by:**

**Assemblyman Chivukula**

**SYNOPSIS**

Expands the definition of access device to include ATM bank cards.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



A974 CHATZIDAKIS

2

1 AN ACT concerning access devices and amending N.J.S.2C:20-1.

2

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

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6 1. N.J.S.2C:20-1 is amended to read as follows:

7 2C:20-1. Definitions. In chapters 20 and 21, unless a different  
8 meaning plainly is required:

9 a. "Deprive" means: (1) to withhold or cause to be withheld  
10 property of another permanently or for so extended a period as to  
11 appropriate a substantial portion of its economic value, or with  
12 purpose to restore only upon payment of reward or other  
13 compensation; or (2) to dispose or cause disposal of the property so  
14 as to make it unlikely that the owner will recover it.

15 b. "Fiduciary" means an executor, general administrator of an  
16 intestate, administrator with the will annexed, substituted  
17 administrator, guardian, substituted guardian, trustee under any trust,  
18 express, implied, resulting or constructive, substituted trustee,  
19 executor, conservator, curator, receiver, trustee in bankruptcy,  
20 assignee for the benefit of creditors, partner, agent or officer of a  
21 corporation, public or private, temporary administrator, administrator,  
22 administrator pendente lite, administrator ad prosequendum,  
23 administrator ad litem or other person acting in a similar capacity.

24 c. "Financial institution" means a bank, insurance company, credit  
25 union, savings and loan association, investment trust or other  
26 organization held out to the public as a place of deposit of funds or  
27 medium of savings or collective investment.

28 d. "Government" means the United States, any state, county,  
29 municipality, or other political unit, or any department, agency or  
30 subdivision of any of the foregoing, or any corporation or other  
31 association carrying out the functions of government.

32 e. "Movable property" means property the location of which can  
33 be changed, including things growing on, affixed to, or found in land,  
34 and documents, although the rights represented thereby have no  
35 physical location. "Immovable property" is all other property.

36 f. "Obtain" means: (1) in relation to property, to bring about a  
37 transfer or purported transfer of a legal interest in the property,  
38 whether to the obtainer or another; or (2) in relation to labor or  
39 service, to secure performance thereof.

40 g. "Property" means anything of value, including real estate,  
41 tangible and intangible personal property, trade secrets, contract  
42 rights, choses in action and other interests in or claims to wealth,  
43 admission or transportation tickets, captured or domestic animals,

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

**Matter underlined thus is new matter.**



1 food and drink, electric, gas, steam or other power, financial  
2 instruments, information, data, and computer software, in either  
3 human readable or computer readable form, copies or originals.

4 h. "Property of another" includes property in which any person  
5 other than the actor has an interest which the actor is not privileged to  
6 infringe, regardless of the fact that the actor also has an interest in the  
7 property and regardless of the fact that the other person might be  
8 precluded from civil recovery because the property was used in an  
9 unlawful transaction or was subject to forfeiture as contraband.  
10 Property in possession of the actor shall not be deemed property of  
11 another who has only a security interest therein, even if legal title is in  
12 the creditor pursuant to a conditional sales contract or other security  
13 agreement.

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15 scientific or technical information, design, process, procedure, formula  
16 or improvement which is secret and of value. A trade secret shall be  
17 presumed to be secret when the owner thereof takes measures to  
18 prevent it from becoming available to persons other than those  
19 selected by the owner to have access thereto for limited purposes.

20 j. "Dealer in property" means a person who buys and sells property  
21 as a business.

22 k. "Traffic" means:

23 (1) To sell, transfer, distribute, dispense or otherwise dispose of  
24 property to another person; or

25 (2) To buy, receive, possess, or obtain control of or use property,  
26 with intent to sell, transfer, distribute, dispense or otherwise dispose  
27 of such property to another person.

28 l. "Broken succession of title" means lack of regular documents of  
29 purchase and transfer by any seller except the manufacturer of the  
30 subject property, or possession of documents of purchase and transfer  
31 by any buyer without corresponding documents of sale and transfer in  
32 possession of seller, or possession of documents of sale and transfer  
33 by seller without corresponding documents of purchase and transfer  
34 in possession of any buyer.

35 m. "Person" includes any individual or entity or enterprise, as  
36 defined herein, holding or capable of holding a legal or beneficial  
37 interest in property.

38 n. "Anything of value" means any direct or indirect gain or  
39 advantage to any person.

40 o. "Interest in property which has been stolen" means title or right  
41 of possession to such property.

42 p. "Stolen property" means property that has been the subject of  
43 any unlawful taking.

44 q. "Enterprise" includes any individual, sole proprietorship,  
45 partnership, corporation, business trust, association, or other legal  
46 entity, and any union or group of individuals associated in fact,

1 although not a legal entity, and it includes illicit as well as licit  
2 enterprises and governmental as well as other entities.

3 r. "Attorney General" includes the Attorney General of New  
4 Jersey, his assistants and deputies. The term shall also include a  
5 county prosecutor or his designated assistant prosecutor, if a county  
6 prosecutor is expressly authorized in writing by the Attorney General  
7 to carry out the powers conferred on the Attorney General by this  
8 chapter.

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25 referred to as a pet or one that has been bought, bred, raised or  
26 otherwise acquired, in accordance with local ordinances and State and  
27 federal law for the primary purpose of providing companionship to the  
28 owner, rather than for business or agricultural purposes.

29 (cf: P.L.1998, c.100, s.1)

30

31 2. This act shall take effect immediately.

32

33

34

#### STATEMENT

35

36 This bill clarifies that the definition of "access device" under the  
37 theft provisions in the New Jersey Criminal Code, N.J.S.2C:20-1,  
38 includes automated teller machine (ATM) and similar cards. The bill  
39 makes it clear that the term "access device" includes any card, code,  
40 or other means of access to an account held by a financial institution,  
41 or any combination thereof, that may be used by the account holder for  
42 the purpose of initiating electronic fund transfers.

ASSEMBLY FINANCIAL INSTITUTIONS AND INSURANCE  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 974**

**STATE OF NEW JERSEY**

DATED: JANUARY 22, 2004

The Assembly Financial Institutions and Insurance Committee reports favorably Assembly Bill No. 974.

This bill clarifies that the definition of "access device" under the theft provisions in the New Jersey Criminal Code, N.J.S.2C:20-1, includes automated teller machine (ATM) and similar cards. The bill makes it clear that the term "access device" includes any card, code, or other means of access to an account held by a financial institution, or any combination thereof, that may be used by the account holder for the purpose of initiating electronic fund transfers.

This bill was pre-filed for introduction in the 2004-2005 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

SENATE COMMERCE COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 974**

**STATE OF NEW JERSEY**

DATED: MARCH 8, 2004

The Senate Commerce Committee reports favorably Assembly Bill No. 974.

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**SENATE, No. 1257**

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**STATE OF NEW JERSEY**  
**211th LEGISLATURE**

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INTRODUCED FEBRUARY 24, 2004

**Sponsored by:**  
**Senator JOSEPH CONIGLIO**  
**District 38 (Bergen)**

**SYNOPSIS**

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**CURRENT VERSION OF TEXT**

As introduced.



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31 by any buyer without corresponding documents of sale and transfer in  
32 possession of seller, or possession of documents of sale and transfer  
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36 defined herein, holding or capable of holding a legal or beneficial  
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1 although not a legal entity, and it includes illicit as well as licit  
2 enterprises and governmental as well as other entities.

3 r. "Attorney General" includes the Attorney General of New  
4 Jersey, his assistants and deputies. The term shall also include a  
5 county prosecutor or his designated assistant prosecutor, if a county  
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26 otherwise acquired, in accordance with local ordinances and State and  
27 federal law for the primary purpose of providing companionship to the  
28 owner, rather than for business or agricultural purposes.

29 v. "Personal identifying information" means any name, number or  
30 other information that may be used, alone or in conjunction with any  
31 other information, to identify a specific individual and includes, but is  
32 not limited to, the name, address, telephone number, date of birth,  
33 social security number, official State issued identification number,  
34 employer or taxpayer number, place of employment, employee  
35 identification number, demand deposit account number, savings  
36 account number, credit card number, mother's maiden name, unique  
37 biometric data, such as fingerprint, voice print, retina or iris image or  
38 other unique physical representation, or unique electronic  
39 identification number, address or routing code of the individual.

40 (cf: P.L.2002, c.85, s.1)

41

42 2. This act shall take effect immediately.



1 STATEMENT

2

3 This bill clarifies that the definition of "access device" under the  
4 theft provisions in the New Jersey Criminal Code, N.J.S.2C:20-1,  
5 includes automated teller machine (ATM) and similar cards. The bill  
6 makes it clear that the term "access device" includes any card, code,  
7 or other means of access to an account held by a financial institution,  
8 or any combination thereof, that may be used by the account holder for  
9 the purpose of initiating electronic fund transfers.

SENATE COMMERCE COMMITTEE

STATEMENT TO

**SENATE, No. 1257**

**STATE OF NEW JERSEY**

DATED: MARCH 8, 2004

The Senate Commerce Committee reports favorably Senate Bill No. 1257.

This bill clarifies that the definition of "access device" under the theft provisions in the New Jersey Criminal Code, N.J.S.2C:20-1, includes automated teller machine (ATM) and similar cards. The bill makes it clear that the term "access device" includes any card, code, or other means of access to an account held by a financial institution, or any combination thereof, that may be used by the account holder for the purpose of initiating electronic fund transfers.