

1 ENGROSSED HOUSE  
2 BILL NO. 4069

By: Wallace and Lepak of the  
House

3 and

4 Weaver of the Senate  
5  
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7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2021, Section 1550.27, which relates to  
9 falsely manufactured credit and debit cards;  
10 prohibiting certain actions; creating certain  
11 rebuttable presumption; clarifying treatment of  
12 certain scenario; creating felonies and prescribing  
13 punishments; and providing an effective date.

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

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

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

18 1. A purported issuer;

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

21 3. Any other person,

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

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

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

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

15 C. A person "falsely makes" a credit ~~card or,~~ debit, or similar  
16 card containing a magnetic stripe capable of storing data when the  
17 person ~~makes or draws~~ marks, alters, or stores information in whole  
18 or in part, in a physical or digital format, a device or instrument  
19 which ~~purports to be the~~ can function as a credit card or, debit, or  
20 similar card of a ~~named~~ an issuer but which is not such a ~~credit~~  
21 ~~card or debit~~ card because the issuer did not authorize the ~~making~~  
22 ~~or drawing,~~ or when the person ~~alters a credit card or debit card~~  
23 ~~which was validly issued~~ marks, alterations, or stored information,  
24 or when the person alters a credit, debit, or similar card

1 containing a magnetic stripe capable of storing data which was  
2 originally authorized and issued, including but not limited to when  
3 a person manipulates information included on an electronic magnetic  
4 stripe or chip contained on a card.

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

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

13 1. Five or fewer falsely made cards shall be guilty of a felony  
14 punishable by imprisonment in the custody of the Department of  
15 Corrections for a term not less than two (2) years and not more than  
16 five (5) years, and by a fine not to exceed Five Thousand Dollars  
17 (\$5,000.00).

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

23 3. Twenty or more falsely made cards shall be guilty of a  
24 felony punishable by imprisonment in the custody of the Department

1 of Corrections for a term of not less than ten (10) years and not  
2 more than twenty (20) years, and by a fine not to exceed One Hundred  
3 Thousand Dollars (\$100,000.00).

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

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

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8 Presiding Officer of the House  
9 of Representatives

10 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2024.

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12 Presiding Officer of the Senate  
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