

1 **SENATE FLOOR VERSION**

2 April 11, 2024

3 ENGROSSED HOUSE
4 BILL NO. 4069

By: Wallace and Lepak of the
House

5 and

6 Weaver of the Senate

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

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

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

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

19 1. A purported issuer;

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

22 3. Any other person,

23 who falsely makes ~~or falsely embosses a~~, clones, or alters a
24 purported credit card or, debit, or similar card containing a

1 magnetic stripe capable of storing data, in any form, either
2 physically or digitally, from what the original issuer placed on the
3 card or utters such a ~~credit card or debit~~ card is guilty of ~~forgery~~
4 ~~in the third degree and is subject to the penalties set forth in~~
5 ~~subsection A of Section 1550.33 of this title~~ a felony.

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

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

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

1 ~~which was validly issued~~ marks, alterations, or stored information,
2 or when the person alters a credit, debit, or similar card
3 containing a magnetic stripe capable of storing data which was
4 originally authorized and issued, including but not limited to when
5 a person manipulates information included on an electronic magnetic
6 stripe or chip contained on a card.

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

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

15 1. Five or fewer falsely made cards shall be guilty of a felony
16 punishable by imprisonment in the custody of the Department of
17 Corrections for a term not less than two (2) years and not more than
18 five (5) years, and by a fine not to exceed Five Thousand Dollars
19 (\$5,000.00).

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

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

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

7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
8 April 11, 2024 - DO PASS
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