

Previous Printer's Nos. 581, 630

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No.

526

Session of

1961

MESSRS. SHAFER AND McMENAMIN, IN PLACE,
APRIL 11, 1961.

REPORTED FROM COMMITTEE ON JUDICIARY GENERAL,
AS AMENDED, IN HOUSE OF REPRESENTATIVES,
JUNE 6, 1961.

AN ACT

Amending the act of June 24 1939 (P L 872) entitled "An act to consolidate amend and revise the penal laws of the Commonwealth" defining the crimes of fraudulent use of credit cards and fraudulent obtaining of telecommunications service and prescribing penalties

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows

EXPLANATION--CAPITAL LETTERS indicate new matter added to bill. Matter stricken through is to be omitted from bill. Underlining indicates new matter added to existing law. [Brackets] indicate matter stricken from existing law.

1 Section 1 The act of June 24 1939 (P L 372) known as "The
2 Penal Code" is amended by adding after section 897 a new section to
3 read

4 Section 898 Fraudulent Use of Credit Cards (a) "Person" shall
5 mean an individual whether or not of legal age or a copartnership or
6 an association or a corporation and any employe agent director or officer
7 thereof

8 The term "credit card" shall mean any identification card number
9 or other identification device or any document plate coupon or book is-
10 sued or given to any person by a person engaged in business so as to
11 enable the credit card holder to acquire or obtain money goods personal
12 property or services upon a promise to pay in part or in full therefor at
13 a future time whether or not all or any part of the indebtedness repre-
14 sented by such promise to make deferred payment is secured or un-
15 secured

16 The term "credit card holder" shall mean any person (i) to whom
17 a credit card has been issued or given or (ii) in possession of a credit
18 card with the consent of the person to whom the credit card was issued

19 "Notice" shall mean an oral or written advice transmitted to a
20 credit card holder or to a person by whom a credit card is presented

1 stating in substance that the privilege of the use of the credit card has
2 been terminated or revoked or suspended or limited to the extent or in
3 the manner set forth in the notice Such notice in writing shall be con-
4 clusively presumed to have been given to any credit card holder when
5 deposited as registered or certified matter in the United States mail
6 addressed to such credit card holder either at the address set forth on
7 the credit card or to such holder's last known address

8 The term "revoked credit card" shall mean a credit card the
9 privilege and use of which has been terminated or suspended or revoked
10 or limited by the person issuing such card by notice given to the credit
11 card holder or by notice given to the person possessing such credit card

12 (b) Any person who with the intent to defraud uses
13 or attempts to use or aids and abets another in using for the
14 purpose of obtaining credit or for the acquisition of money goods
15 property or services including but not limited to telecommunica-
16 tions service or the transmission of a message signal or other com-
17 munication by telecommunication or over telecommunications facili-
18 ties (i) a credit card which has not been issued or (ii) a credit card which
19 is not used with the consent of the person to whom such credit card
20 was issued or (iii) a revoked credit card or (iv) a credit card which has

858—Printer's No. 4

1 expired or (v) a credit card which is altered or (vi) a counterfeit or false
2 instrument purporting to be a credit card shall upon summary convic-
3 tion thereof if the amount of the credit obtained by such use does not
4 exceed fifty dollars (\$50) be sentenced to pay a fine of not more than one
5 hundred dollars (\$100) or to undergo imprisonment for not more than
6 thirty (30) days or both or if the credit obtained by such use exceeds
7 fifty dollars (\$50) then such person shall be guilty of a misdemeanor
8 punishable by a fine of not less than one hundred dollars (\$100) nor
9 more than five hundred dollars (\$500) or imprisonment for not more
10 than one (1) year or both

11 (c) Any person who is authorized by a person engaged in business
12 which issues credit cards to furnish goods or services on credit upon
13 presentation of a credit card by the person to whom it was issued and
14 who with the intent to defraud an issuer of credit cards or any person
15 to whom a credit card has been issued furnishes goods services or any-
16 thing of value upon presentation of an unissued or expired or revoked
17 or altered credit card or without presentation of a credit card or upon
18 presentation of a credit card which is not being used with the consent
19 of the person to whom it was issued shall upon summary conviction
20 thereof if the amount of the credit obtained by such use does not ex-

1 ceed fifty dollars (\$50) be sentenced to pay a fine of not more than one
2 hundred dollars (\$100) or to undergo imprisonment for not more than
3 thirty (30) days or if the credit obtained by such use exceeds fifty dol-
4 lars (\$50) then such person shall be guilty of a misdemeanor punish-
5 able by a fine of not less than one hundred dollars (\$100) nor more
6 than five hundred dollars (\$500) or imprisonment for not more than
7 one (1) year or both

8 (d) Any person who with the intent to defraud or to aid and abet
9 another to defraud any person of the lawful charge in whole or in part
10 for any telecommunications service shall obtain or attempt to obtain
11 or aid and abet another to obtain or to attempt to obtain any telecom-
12 munications service (i) by charging such service to an existing telephone
13 number without the authority of the subscriber thereto or the legitimate
14 holder thereof or (ii) by charging such service to a nonexistent false
15 fictional or counterfeit telephone number or to a suspended terminated
16 expired canceled or revoked telephone number or (iii) by use of a code
17 prearranged scheme or other similar stratagem or device whereby said
18 person in effect sends or receives information or (iv) by installing re-
19 arranging or tampering with any facilities or equipment whether

1 physically inductively acoustically or electronically or (v) by any other
2 trick stratagem impersonation false pretense false representation false
3 statement contrivance device or means shall upon summary conviction
4 thereof if the charge for the service obtained or attempted to be ob-
5 tained by such use does not exceed fifty dollars (\$50) be sentenced to
6 pay a fine of not more than one hundred dollars (\$100) or to undergo
7 imprisonment for not more than thirty (30) days or both or if the charge
8 for the service obtained or attempted to be obtained by such use exceeds
9 fifty dollars (\$50) then such person shall be guilty of a misdemeanor
10 punishable by a fine of not less than one hundred dollars (\$100) nor
11 more than five hundred dollars (\$500) or imprisonment for not more
12 than one (1) year or both

13 (e) The offenses for which penalties are provided herein shall not
14 be exclusive but shall be in addition to existing offenses provided by law

15 Section 2 This act shall effect ~~immediately~~ SEPTEMBER 1 1961

We certify that this bill has passed the Senate and the House of
Representatives.

.....
Chief Clerk, Senate

.....
President pro tempore, Senate

.....
Speaker, House of Representatives

Approved The day of A. D. 1961.

.....
Governor