

No. 185

AN ACT

SB 1552

Amending Title 18 (Crimes and Offenses) of the Consolidated Pennsylvania Statutes, changing offenses relating to the manufacture, distribution or possession of devices for theft of telecommunications services and relating to credit cards.

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

Section 1. Sections 910 and 4106 of Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Consolidated Pennsylvania Statutes, added December 6, 1972 (P.L.1482, No.334), are amended to read:

§ 910. Manufacture, distribution or possession of devices for theft of telecommunications services.

(a) Offense defined.—Any person [is guilty of a misdemeanor of the second degree] *commits an offense* if he:

(1) makes or possesses any instrument, apparatus, equipment or device designed, adapted or which can be used:

(i) for commission of a theft of telecommunications service; or

(ii) to conceal or to assist another to conceal from any supplier of telecommunications service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or

(2) sells, gives or otherwise transfers to another, or offers or advertises for sale any instrument, apparatus, equipment or device described in paragraph (1) of this [section,] *subsection*, or plans or instructions for making or assembling the same, under circumstances evidencing an intent to use or employ such instrument, apparatus, equipment or device, or to allow the same to be used or employed for a purpose described in paragraph (1) of this [section,] *subsection*, or knowing or having reason to believe that the same is intended to be so used, or that the aforesaid plans or instructions are intended to be used for making or assembling such instrument, apparatus, equipment or device.

(b) Grading.—*An offense under this section is a misdemeanor of the first degree if the person convicted of such offense has been previously convicted of any similar crime in this or any other state or Federal jurisdiction. Otherwise it is a misdemeanor of the second degree.*

§ 4106. Credit cards.

(a) Offense defined.—A person commits an offense if he:

(1) uses a credit card for the purpose of obtaining property or services with knowledge that:

**[(1) the card is stolen or forged;
 (2) the card has been revoked or canceled; or
 (3) for any other reason his use of the card is unauthorized by the issuer.]**

(i) the card is stolen, forged or fictitious;

(ii) the card belongs to another person who has not authorized its use;

(iii) the card has been revoked or canceled; or

(iv) for any other reason his use of the card is unauthorized by the issuer or the person to whom issued; or

(2) makes, sells, gives, or otherwise transfers to another, or offers or advertises, or aids and abets any other person to use a credit card with the knowledge or reason to believe that it will be used to obtain property or services without payment of the lawful charges therefor; or

(3) publishes a credit card or code of an existing, canceled, revoked, expired, or nonexistent credit card, or the numbering or coding which is employed in the issuance of credit cards, with knowledge or reason to believe that it will be used to avoid the payment for any property or services.

(b) Defenses.—It is a defense to prosecution under **[paragraph (a) (3)] subparagraph (a) (1) (iv)** of this section, if the actor proves by a preponderance of the evidence that he had the intent and ability to meet all obligations to the issuer arising out of his use of the card.

(c) Grading.—An offense under this section **[is a felony of the third degree if the value of the property or services secured or sought to be secured by means of the credit card exceeds \$500; otherwise it is a misdemeanor of the second degree.] falls within the following classifications depending on the value of the property or service secured or sought to be secured by means of the credit card:**

(1) if the value involved exceeds \$500, the offense constitutes a felony of the third degree; or

(2) if the value involved was \$50 or more but less than \$500, the offense constitutes a misdemeanor of the second degree; or

(3) if the value involved was less than \$50, the offense constitutes a summary offense.

Amounts involved in unlawful use of a credit card pursuant to one scheme or course of conduct, whether from the same issuers or several issuers, may be aggregated in determining the classification of the offense.

(d) [Definition.—As used in this section the word “credit card” means a] Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

“Credit card.” A writing or number or other evidence of an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.

“Publishes.” The communication of information to any one or more persons, either orally in person, or by telephone, radio or television or in a writing of any kind, including without limitation a letter or memorandum, circular or handbill, newspaper or magazine article, or book.

(e) Venue.—Any offense committed under (a) (1) of this section may be deemed to have been committed at either the place where the attempt to obtain property or services is made, or at the place where the property or services were received or provided, or at the place where the lawful charges for said property or services are billed.

APPROVED—The 20th day of July, A. D. 1974.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 185.

A handwritten signature in black ink, reading "C. McLeod Tucker". The signature is written in a cursive style with a large initial "C" and "T".

Secretary of the Commonwealth.