

21-5828. Criminal use of a financial card. (a) Criminal use of a financial card is any of the following acts done with intent to defraud and to obtain money, goods, property or services:

- (1) Using a financial card without the consent of the cardholder;
- (2) using a financial card, or the number or description thereof, which has been revoked or canceled; or
- (3) using a falsified, mutilated, altered or nonexistent financial card or a number or description thereof.

(b) Criminal use of a financial card is a:

- (1) Severity level 7, nonperson felony if the money, goods, property or services obtained within any seven-day period are of the value of \$25,000 or more;
- (2) Severity level 9, nonperson felony if the money, goods, property or services obtained within any seven-day period are of the value of at least \$1,000 but less than \$25,000; and
- (3) class A nonperson misdemeanor if the money, goods, property or services obtained within a seven-day period are of the value of less than \$1,000.

(c) As used in this section:

- (1) "Financial card" means an identification card, plate, instrument, device or number issued by a business organization authorizing the cardholder to purchase, lease or otherwise obtain money, goods, property or services or to conduct other financial transactions; and
- (2) "cardholder" means the person or entity to whom or for whose benefit a financial card is issued.

(d) For the purposes of subsection (a)(2), a financial card shall be deemed canceled or revoked when notice in writing thereof has been received by the named holder thereof as shown on such financial card or by the records of the company.

History: L. 2010, ch. 136, § 114; July 1, 2011.