

ACT 189

A Bill for an Act Relating to Criminal Offenses Involving Credit Cards and Providing Penalties.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Definitions. (a) "Credit card" means any instrument or device which is sold, issued or otherwise distributed by a business organization or financial institution for the use of the person or organization identified thereon for obtaining goods, property, services or anything of value on credit.

(b) "Cardholder" means the person or organization to whom or for whose benefit a credit card is issued.

SECTION 2. Theft, forgery, etc., of credit card; penalties. (a) Any person who steals, knowingly takes or knowingly removes a credit card from the person or possession of a cardholder, or who knowingly retains or knowingly secretes a credit card without the consent of the cardholder, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(b) Any person who has in his possession, or under his control, or who receives from another person a credit card with the intent to circulate or sell the same, or to permit or cause or procure the same to be used, delivered, circulated or sold, knowing such possession, control or receipt to be without the consent of the cardholder or issuer, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(c) Any person who delivers, circulates or sells a credit card which was obtained or is held by such person under circumstances which would constitute an offense under subsections (a) or (b) of this section, or permits or causes or procures the same to be used, delivered, circulated or sold, knowing the same to be obtained or held under circumstances which would constitute an offense under subsections (a) or (b) of this section, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(d) Any person who, with intent to defraud, forges, materially alters or counterfeits a credit card, shall be fined not more than \$1,000 or imprisoned not more than ten years, or both.

(e) Any person who knowingly uses or attempts to use for the purpose of obtaining goods, property, services or anything of value a credit card which was obtained or is held by the user under circumstances which would constitute an offense under subsections (a) or (b) of this section shall be fined not more than \$1,000 or imprisoned not more than one year, or both, if the total amount of goods, property, or services or anything of value so obtained or attempted to be obtained does not exceed \$100; and shall be fined not more than \$1,000 or imprisoned not more than ten years or both, if such total value exceeds \$100.

SECTION 3. Revoked or canceled credit card; penalties. Any person who knowingly and with intent to defraud uses for the purpose of obtaining goods, property or services or anything of value a credit card which has been revoked or canceled by the issuer thereof (as distinguished from expired), and notice of such revocation or cancellation has been given to such person in writing, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

SECTION 4. This Act shall take effect on July 1, 1965.
(Approved June 25, 1965.) **H.B. 333.**