

ASSEMBLY BILL NO. 370—ASSEMBLYMEN GOEDHART, HARDY,
MABEY, BEERS, COBB, MARVEL, SETTELMAYER AND STEWART

MARCH 16, 2007

Referred to Committee on Judiciary

SUMMARY—Revises certain provisions relating to the use of
credit cards and debit cards. (BDR 15-1297)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to crimes; prohibiting the attempted use of a credit
card or debit card of another person without the
cardholder's consent; providing a penalty; and providing
other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law makes it a felony to use the credit card or debit card of another
2 person to obtain money, goods, property, services or anything of value without the
3 cardholder's consent in certain circumstances. (NRS 205.760) This bill provides
4 that a person who attempts to use the credit card or debit card of another person to
5 obtain money, goods, property, services or anything of value without the
6 cardholder's consent is guilty of the same crime.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 205.760 is hereby amended to read as follows:
2 205.760 1. Unless a greater penalty is provided pursuant to
3 NRS 205.222 for a violation of subsection 2 of NRS 205.220, a
4 person who, with the intent to defraud:
5 (a) Uses *or attempts to use* a credit card or debit card to obtain
6 money, goods, property, services or anything of value where the
7 credit card or debit card was obtained or retained in violation of
8 NRS 205.690 to 205.750, inclusive, or where the person knows the
9 credit card or debit card is forged or is the expired or revoked credit
10 card or debit card of another;



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(b) Uses *or attempts to use* the number or other identifying description of a credit account, customarily evidenced by a credit card or the number or other identifying description of a debit card, to obtain money, goods, property, services or anything of value without the consent of the cardholder; or

(c) Obtains *or attempts to obtain* money, goods, property, services or anything ~~felset~~ of value by representing, without the consent of the cardholder, that he is the authorized holder of a specified card or that he is the holder of a card where the card has not in fact been issued,

↪ is guilty of a public offense and shall be punished for a category D felony as provided in NRS 193.130. In addition to any other penalty, *if the person obtained money, goods, property, services or anything of value*, the court shall order the person to pay restitution.

2. Unless a greater penalty is provided pursuant to NRS 205.222 for a violation of subsection 2 of NRS 205.220, a person who, with the intent to defraud, uses a credit card or debit card to obtain money, goods, property, services or anything of value where the credit card or debit card was issued in his name and which he knows is revoked or expired, or when he knows he does not have sufficient money or property with which to pay for the extension of credit or to cover the debit from the account linked to his debit card, shall be punished, where the amount of money or the value of the goods, property, services or other things of value so obtained in any 6-month period is:

(a) One hundred dollars or more, for a category D felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

(b) Less than \$100, for a misdemeanor.

3. A person is presumed to have knowledge of the revocation of a credit card or debit card 4 days after notice of the revocation has been mailed to him by registered or certified mail, return receipt requested, at the address set forth on the credit card or debit card or at his last known address. If the address is more than 500 miles from the place of mailing, notice must be sent by airmail. If the address is located outside the United States, Puerto Rico, the Virgin Islands, the Canal Zone and Canada, notice may be presumed to have been received 10 days after the mailing.

