

CREDIT CARD AMENDMENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: David L. Buhler

AN ACT RELATING TO THE CRIMINAL CODE; ALLOWING THE AGGREGATION OF THE VALUE OF PROPERTY OBTAINED IN MORE THAN ONE FINANCIAL TRANSACTION CARD OFFENSE IN DETERMINING THE PENALTY.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

76-6-506.5, as last amended by Chapter 191, Laws of Utah 1997

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **76-6-506.5** is amended to read:

76-6-506.5. Financial transaction card offenses -- Classification.

(1) Any person found guilty of unlawful conduct described in Section 76-6-506.2, 76-6-506.4, or 76-6-506.6 [~~is guilty of~~] shall be punished for:

(a) a class B misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is less than \$300;

(b) a class A misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is or exceeds \$300 but is less than \$1,000;

(c) a third degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds \$1,000 but is less than \$5,000; and

(d) a second degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds \$5,000.

~~[(2) Each occurrence constituting such unlawful conduct is a separate offense.]~~

~~[(3)]~~ (2) ~~[The determination of the degree of any offense under this section shall be measured by]~~ Multiple violations of Subsection 76-6-506.2(1), Sections 76-6-506.4, and 76-6-506.6 may be aggregated into a single offense, and the degree of the offense is determined

- 1 by the total value of all property, money, or things obtained or sought to be obtained [by the
- 2 ~~unlawful conduct~~] through the multiple violations.

Legislative Review Note
as of 2-3-98 2:57 PM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel