

HB 621

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A bill to be entitled  
 An act relating to possession of stolen credit cards;  
 amending s. 817.60, F.S.; prohibiting possession,  
 reception, or retention of custody or control of a credit  
 card taken from the person, possession, custody, or  
 control of another without the cardholder's consent;  
 deleting language requiring knowledge that a credit card  
 was taken without the cardholder's consent and received  
 with specified intent in order to commit certain offenses;  
 providing criminal penalties; increasing the penalty for  
 specified offenses; providing for an inference that the  
 person in possession of a credit card knew or should have  
 known that the credit card had been stolen in certain  
 circumstances; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (1) of section 817.60, Florida  
 Statutes, is amended to read:

817.60 Theft; obtaining credit card through fraudulent  
 means.—

(1) THEFT BY TAKING OR RETAINING POSSESSION OF CARD  
 TAKEN.—A person who takes a credit card from the person,  
 possession, custody, or control of another without the  
 cardholder's consent or a person who possesses, receives, or  
retains custody or control of such a card commits ~~who, with~~  
~~knowledge that it has been so taken, receives the credit card~~  
~~with intent to use it, to sell it, or to transfer it to a person~~

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29 ~~other than the issuer or the cardholder is guilty of~~ credit card  
30 theft and is subject to the penalties set forth in s.  
31 817.67 (2) ~~(1)~~. Taking a credit card without consent includes  
32 obtaining it by conduct defined or known as statutory larceny,  
33 common-law larceny by trespassory taking, common-law larceny by  
34 trick or embezzlement, or obtaining property by false pretense,  
35 false promise, or extortion. Proof of possession of a credit  
36 card that has been recently stolen or possession of a credit  
37 card in the name of a person other than that of the possessor,  
38 unless satisfactorily explained, gives rise to an inference that  
39 the person in possession of the credit card knew or should have  
40 known that the credit card had been stolen.

41 Section 2. This act shall take effect October 1, 2010.