

715A.6 Credit cards.

1. *a.* A person commits a public offense by using a credit card for the purpose of obtaining property or services with knowledge of any of the following:

- (1) The credit card is stolen or forged.
- (2) The credit card has been revoked or canceled.
- (3) For any other reason the use of the credit card is unauthorized.

b. It is an affirmative defense to prosecution under paragraph “*a*”, subparagraph (3), if the person proves by a preponderance of the evidence that the person had the intent and ability to meet all obligations to the issuer arising out of the use of the credit card.

2. An offense under this section is a class “*C*” felony if the value of the property or services secured or sought to be secured by means of the credit card is greater than ten thousand dollars. If the value of the property or services secured or sought to be secured by means of the credit card is greater than one thousand dollars but not more than ten thousand dollars, an offense under this section is a class “*D*” felony, otherwise the offense is an aggravated misdemeanor.

3. For purposes of this section, the value of the property or services is the highest value of the property or services determined by any reasonable standard at the time the violation occurred. Any reasonable standard includes but is not limited to market value within the community, actual value, or replacement value. If property or services are secured by two or more acts from the same person or location, or from different persons by two or more acts which occur in approximately the same location or time period so that the acts are attributable to a single scheme, plan, or conspiracy, the acts may be considered as a single act and the value may be the total value of all property or services involved.

87 Acts, ch 150, §6; 92 Acts, ch 1060, §7; 2003 Acts, ch 12, §1, 2; 2013 Acts, ch 30, §211

[T] Subsection 1 amended