

JAN 29 1971

Reprinted 4/27

Commerce *Pass per amendments 4/6*

HOUSE FILE

132

Sen. " 4/28, Pass 5/4

By KELLY

Passed House, Date 4-26-71 Passed Senate, Date _____

Vote: Ayes 92 Nays 1 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the penalties for false use of credit
2 cards and fraudulent use of wire services.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

4 Section 1. Section seven hundred thirteen point forty-
5 two (713.42), Code 1971, is amended by striking the section
6 and inserting in lieu thereof the following:

7 713.42 PENALTY.

8 1. Any person who violates section seven hundred thir-
9 teen point thirty-nine (713.39) of the Code and the amount
10 of credit obtained or attempted to be obtained, or the amount
11 of purchase or attempted purchase, does not exceed one hun-
12 dred dollars shall be guilty of a misdemeanor and upon con-
13 viction shall be punished by a fine of not more than one
14 hundred dollars, or imprisonment for not more than thirty
15 days, or by both such fine and imprisonment. If the amount
16 of credit obtained or attempted to be obtained, or the amount
17 of purchase or attempted purchase, exceeds one hundred dollars,
18 for any violation, or by totaling the amounts of two or more
19 successive violations, the person shall be guilty of a felony.

20 2. Any person who violates section seven hundred thir-
21 teen point forty (713.40) of the Code shall be guilty of
22 a misdemeanor and upon conviction shall be punished by a fine
23 of not more than one hundred dollars or imprisoned in the
24 county jail for not more than thirty days, or be punished
25 by both such fine and imprisonment.

EXPLANATION

1
2 This bill provides that false use of credit cards in an
3 amount exceeding one hundred dollars is a felony. succes-
4 sive violations of less than one hundred dollars, which to-
5 tal one hundred dollars or more, shall also be a felony.
6 Violations of one hundred dollars or less remain misdemea-
7 ors as do violations of section 713.40--fraudulent use of
8 wire services.

9

10 1 Amend House File 132 as follows:
11 2 1. Page 1, line 9, by inserting after the numerals
12 3 "(713.39)", the words and numerals "or section seven
13 4 hundred thirteen point forty (713.40)".
14 5 2. Page 1, line 11, by inserting after the comma
15 6 the words "or the amount of service obtained or attempted
16 7 to be obtained,".
17 8 3. Page 1, line 17, by inserting after the comma the
18 9 words "or the amount of service obtained or attempted to
19 10 be obtained,".

17 Filed - *Adopted in amended 4/30* By KREAMER of Polk
18 March 4, 1971 District 63

19
20 1 Amend the Kreamer amendment to House File 132, filed
21 2 March 4, 1971, and found on page 534 of the House Jorunal,
22 3 by adding after line 10 the following:
23 4 "4. Page 1, by striking lines 20 through 25,
24 5 inclusive."

24 Filed - *Adopted 4/30* By KREAMER of Polk
25 March 10, 1971 District 63

26
27 1 Amend House File 132 as follows:
28 2 1. Page 1, line 9, by inserting after the numerals
29 3 "(713.39)" the words and numerals "or section seven
30 4 hundred thirteen point forty (713.40)".
31 5 2. Page 1, line 11, by inserting after the comma
32 6 the words "or the amount of service obtained or
33 7 attempted to be obtained,".
34 8 3. Page 1, line 17, by inserting after the comma
35 9 the words "or the amount of service obtained or attempt-
10 ed to be obtained,".
11 4. Page 1, by striking lines 20 through 25,
12 inclusive."

35 Filed - *Withdrawn 4/20* By COMMITTEE ON COMMERCE
April 6, 1971 FISCHER, Chairman

1 Amend House File 132 as follows:
2 1. Page 1, line 11, by striking the word "one" and
3 substituting in lieu thereof the word "three".
4 2. Page 1, line 17, by striking the word "one" and
5 substituting in lieu thereof the word "three".

Filed - *Lost 4/20*
April 13, 1971

By McCORMICK of Delaware
District 48

1 Amend House File 132 by adding the following
2 new sub-section:
3 3. "No penalty shall be assessed unless the
4 credit card has been issued at the request of the
5 credit card holder."

Filed - *Withdrawn 4/26*
April 20, 1971

By LIPSKY of Linn, District 46

1 Amend House File 132 as follows:
2 1. Page 1, line 15, by striking ", or by both such
3 fine and imprisonment", and inserting in lieu thereof
4 a period (.).
5 2. By inserting in line 15 before the words "If the
6 amount", the following: "If the amount of credit ob-
7 tained or attempted to be obtained, or the amount of
8 service obtained, or attempted to be obtained, exceeds
9 one hundred dollars, but is less than five hundred
10 dollars, the person shall be guilty of a misdemeanor
11 and upon conviction shall be punished by a fine not
12 more than three hundred dollars, or by imprisonment for
13 not more than one year, or by both such fine and im-
14 prisonment."
15 3. Page 1, line 17, by striking the word "one"
16 and inserting in lieu thereof the word "five".
17 4. Page 1, line 18 and line 19, by striking the
18 words "for any violation, or by totaling the amounts of
19 two or more successive violations,".
20 5. Page 1, line 19, by adding the following new
21 sentence: "If the service or credit is so obtained by
22 a series of acts, the total amount of the service or
23 credit shall be considered as obtained in one act and
24 shall be punished accordingly."

Filed - *Amendments 1, 4, 5 adopted 4/26* By BRAY of Scott, District 77
April 20, 1971 *2, 3 lost 4/26* JOHNSTON of Johnson, District 70

1 Amend House File 132, page 1, line 19, by inserting
2 before the period (.) the following:
3 "and shall be punished by imprisonment in the
4 penitentiary not more than five years, or in
5 the county jail not more than one year, or by
6 a fine of not more than one thousand dollars,
7 or by both such fine and imprisonment."

Filed and Adopted
April 20, 1971

JESSE of Polk, District 50

April 27, 1971

HOUSE FILE 132

By KELLY

(AS AMENDED AND PASSED BY THE HOUSE)

Passed House, Date 4-26-71 Passed Senate, Date 5-24-71

Vote: Ayes 92 Nays 1 Vote: Ayes 43 Nays 4

Approved 5-28-71

A BILL FOR

1 An Act relating to the penalties for false use of credit
2 cards and fraudulent use of wire services.
3 *Be It Enacted by the General Assembly of the State of Iowa:*
4 Section 1. Section seven hundred thirteen point forty-
5 two (713.42), Code 1971, is amended by striking the section
6 and inserting in lieu thereof the following:
7 713.42 PENALTY.
8 1. Any person who violates section seven hundred thir-
9 teen point thirty-nine (713.39) or section seven
10 hundred thirteen point forty (713.40)
11 of the Code and the amount
12 of credit obtained or attempted to be obtained, or the amount
13 of purchase or attempted purchase, or the amount of
14 service obtained or attempted to be obtained,
15 does not exceed one hun-
16 dred dollars shall be guilty of a misdemeanor and upon con-
17 viction shall be punished by a fine or not more than one
18 hundred dollars, or imprisonment for not more than thirty
19 days. If the amount
20 of credit obtained or attempted to be obtained, or the amount
21 of purchase or attempted purchase, or the amount of
22 service obtained or attempted to be obtained,
23 exceeds one hundred dollars,
24 the person shall be guilty of a felony
25 and shall be punished by imprisonment in the penitentiary

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26 not more than five years, or in the county jail not more
27 than one year, or by a fine of not more than one
28 thousand dollars, or by both such fine and imprisonment.
29 If the service or credit is so obtained by a series of
30 acts the total amount of the service or credit shall
31 be considered as obtained in one act and shall be
32 punished accordingly.

EXPLANATION

This bill provides that false use of credit cards in an amount exceeding one hundred dollars is a felony. Successive violations of less than one hundred dollars, which total one hundred dollars or more, shall also be a felony. Violations of one hundred dollars or less remain misdemeanors as do violations of section 713.40—fraudulent use of wire services.

1 Amend House File 132, page 1, line 15 by striking the
2 words ", or by both such fine and imprisonment".

Filed - *w. D. 5/12/71*
May 12, 1971

By GAUDINEER