

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1969

ENROLLED

Com. Sub. for
SENATE BILL NO. 1244

(By Mr. *Paffenbarger, original sponsor*)

PASSED March 7, 1969

In Effect thirty days from Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-17-69

#2244

ENROLLED
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 244
(MR. POFFENBARGER, *original sponsor*)

[Passed March 7, 1969; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-four-a, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to obtaining or attempting to obtain credit and to obtaining or purchasing or attempting to obtain or purchase any goods, property, service or transmission by false or fraudulent use of credit cards or other false or fraudulent schemes, devices, means or methods; and increasing the penalties therefor.

Be it enacted by the Legislature of West Virginia:

That section twenty-four-a, article three, chapter sixty-one of the code of West Virginia, one thousand nine hundred

thirty-one, as amended, be amended and reenacted to read as follows:

§61-3-24a. Obtaining or attempting to obtain goods, property or service by false or fraudulent use of credit cards or other false or fraudulent means; penalty.

1 It shall be unlawful for any person knowingly to obtain
2 or attempt to obtain credit, or to purchase or attempt to
3 purchase any goods, property or service, by the use of any
4 false, fictitious or counterfeit credit card, telephone num-
5 ber, credit number or other credit device, or by the use of
6 any credit card, telephone number, credit number or other
7 credit device of another beyond or without the authority
8 of the person to whom such card, number or device was
9 issued, or by the use of any credit card, telephone num-
10 ber, credit number or other credit device in any case
11 where such card, number or device has been revoked
12 and notice of revocation has been given to the person
13 to whom issued.

14 It shall be unlawful for any person knowingly to
15 obtain or attempt to obtain, by the use of any fraudulent
16 scheme, device, means or method, telephone or tele-

17 graph service or the transmission of a message, signal or
18 other communication by telephone or telegraph, or over
19 telephone or telegraph facilities with intent to avoid
20 payment of charges therefor.

21 The word "notice" as used in the first paragraph of
22 this section shall be construed to include either notice
23 given in person or notice given in writing to the person
24 to whom the number, card or device was issued. The
25 sending of a notice in writing by registered or certi-
26 fied mail in the United States mail, duly stamped and
27 addressed to such person at his last-known address, shall
28 be prima facie evidence that such notice was duly
29 received.

30 Any person who violates any provision of this section
31 shall, if the credit, goods, property, service or transmission
32 be of the value of one hundred dollars or more, be deemed
33 guilty of a felony, and, upon conviction thereof, shall be
34 punished by imprisonment in the penitentiary not less
35 than one nor more than ten years; and if of less value,
36 be deemed guilty of a misdemeanor, and, upon convic-
37 tion thereof, shall be punished by imprisonment in jail

38 not exceeding one year or by a fine of not more than
39 five hundred dollars, or, in the discretion of the court,
40 by both such imprisonment and fine. Any person con-
41 victed of an attempt to commit an offense under the pro-
42 visions of this section shall be guilty of a misdemeanor,
43 and, upon conviction thereof, shall be punished by im-
44 prisonment in jail not exceeding six months or by a
45 fine of not more than three hundred dollars, or, in the
46 discretion of the court, by both such imprisonment and
47 fine.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tampa
Chairman Senate Committee

Clayton C Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Frank G. Jackson
President of the Senate

Joe F. Boiesby
Speaker House of Delegates

The within approved this the 17th
day of March, 1969.

Archd. Thayer Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/69

Time 2:45 p.m.