WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1969

ENROLLED

SENATE BILL NO. 344

PASSED
March 7, 1969

In Effect

FILED IN THE OFFICE

JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE

THIS DATE 3-17-69
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 or attempt to obtain credit, or to purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious or counterfeit credit card, telephone number, credit number or other credit device, or by the use of any credit card, telephone number, credit number or other credit device of another beyond or without the authority of the person to whom such card, number or device was issued, or by the use of any credit card, telephone number, credit number or other credit device in any case where such card, number or device has been revoked and notice of revocation has been given to the person to whom issued.

14 It shall be unlawful for any person knowingly to obtain or attempt to obtain, by the use of any fraudulent scheme, device, means or method, telephone or tele-
graph service or the transmission of a message, signal or other communication by telephone or telegraph, or over telephone or telegraph facilities with intent to avoid payment of charges therefor.

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

Any person who violates any provision of this section shall, if the credit, goods, property, service or transmission be of the value of one hundred dollars or more, be deemed guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment in the penitentiary not less than one nor more than ten years; and if of less value, be deemed guilty of a misdemeanor, and, upon conviction 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 T. Yancey  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

J. Howard Hughes  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Lloyd T. Jackson  
President of the Senate

Joe F. Brasasby  
Speaker House of Delegates

The within approved this the 17th day of March, 1969.
PRESENTED TO THE
GOVERNOR

Date  3/12/69  
Time   2:45 p.m.  
