

1981 Assembly Bill 560

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CHAPTER 288 , Laws of 1981

AN ACT to repeal 943.41 (1) (d); to renumber and amend 943.41 (3) (e); to amend 943.41 (title) and (1) (b) and (h); to repeal and recreate 943.41 (1) (a); and to create 943.41 (1) (am), (em) and (fm), (3) (e) 1 and 2 and (5) (c) to (e) of the statutes, relating to financial transaction card crimes and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 943.41 (title) of the statutes is amended to read:

943.41 (title) Financial transaction card crimes.

SECTION 2. 943.41 (1) (a) of the statutes is repealed and recreated to read:

943.41 (1) (a) "Alter" means add information to, change information on or delete information from.

SECTION 3. 943.41 (1) (am) of the statutes is created to read:

943.41 (1) (am) "Automated financial service facility" means a machine activated by a financial transaction card, personal identification code or both.

SECTION 4. 943.41 (1) (b) of the statutes is amended to read:

943.41 (1) (b) "Cardholder" means the person ~~or organization named on the face of the credit card~~ to whom or for whose benefit ~~the credit~~ a financial transaction card is issued ~~by an issuer.~~

SECTION 5. 943.41 (1) (d) of the statutes is repealed.

SECTION 6. 943.41 (1) (em) and (fm) of the statutes are created to read:

943.41 (1) (em) "Financial transaction card" means an instrument or device issued by an issuer for the use of the cardholder in any of the following:

1. Obtaining anything on credit.
2. Certifying or guaranteeing the availability of funds sufficient to honor a draft or check.

3. Gaining access to an account.

(fm) "Personal identification code" means a numeric, alphabetic or alphanumeric code or other means of identification required by an issuer to permit a cardholder's authorized use of a financial transaction card.

SECTION 7. 943.41 (1) (h) of the statutes is amended to read:

943.41 (1) (h) "Revoked ~~credit~~ financial transaction card" means a ~~credit~~ financial transaction card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

SECTION 8. 943.41 (3) (e) of the statutes is renumbered 943.41 (3) (e) (intro.) and amended to read:

943.41 (3) (e) (intro.) No person, other than the issuer, ~~shall during any 12-month period may receive credit cards~~ a financial transaction card issued in the names of 3 or more persons ~~name of another person which he or she has reason to know were was taken or retained under circumstances prohibited by in violation of this subsection or sub. (2).~~ Either of the following is prima facie evidence of a violation of this paragraph:

SECTION 9. 943.41 (3) (e) 1 and 2 and (5) (c) to (e) of the statutes are created to read:

943.41 (3) (e) 1. Possession of 3 or more financial transaction cards with reason to know that the financial transaction cards were taken or retained in violation of this subsection or sub. (2).

2. Possession of a financial transaction card with knowledge that the financial transaction card was taken or retained in violation of this subsection or sub. (2).

(5) (c) No person may deposit a stolen or forged instrument by means of an automated financial service facility with knowledge of the character of the instrument.

(d) No person may, with intent to defraud anyone:

1. Introduce information into an electronic funds transfer system.

2. Transmit information to or intercept or alter information from an automated financial service facility.

(e) No person may knowingly receive anything of value from a violation of par. (c) or (d).

SECTION 10. **Terminology changes.** (1) Wherever the term "credit card" appears in the following section of the statutes, the term "financial transaction card" is substituted: 943.41 (1) (c), (e) and (f), (2), (3) (a) to (d), (4), (5) (a) and (b) and (6) (a) to (c).

(2) Wherever the term "credit cards" appears in the following section of the statutes, the term "financial transaction cards" is substituted: 943.41 (3) (a) and (4) (a).

