

§ 14-113.9. Financial transaction card theft.

(a) A person is guilty of financial transaction card theft when the person does any of the following:

- (1) Takes, obtains, or withholds a financial transaction card from the person, possession, custody, or control of another without the cardholder's consent and with the intent to use it; or who, with knowledge that it has been so taken, obtained, or withheld, receives the financial transaction card with intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder.
- (2) Receives a financial transaction card that he or she knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and retains possession with intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder.
- (3) Not being the issuer, sells a financial transaction card or buys a financial transaction card from a person other than the issuer.
- (4) Not being the issuer, during any 12-month period, receives financial transaction cards issued in the names of two or more persons which he or she has reason to know were taken or retained under circumstances that constitute a violation of G.S. 14-113.13(a)(3) and subdivision (3) of subsection (a) of this section.
- (5) With the intent to defraud any person, either (i) uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on another person's financial transaction card, or (ii) receives the encoded information from another person's financial transaction card.
- (6) Knowingly possesses, sells, or delivers a skimming device. The prohibition set forth in this subdivision does not apply to an employee, officer, or agent of any of the following while acting within the scope of the person's official duties:
 - a. A law enforcement agency.
 - b. A State or federal court.
 - c. An agency or department of the State, local, or federal government.
 - d. A financial or retail security investigator employed by a merchant.

(b) Financial transaction card theft is punishable as provided by G.S. 14-113.17(b). (1967, c. 1244, s. 2; 1979, c. 741, s. 1; c. 760, s. 5; 1979, 2nd Sess., c. 1316, s. 47; 1981, c. 63, s. 1; c. 179, s. 14; 2002-175, s. 3; 2021-68, s. 2; 2021-88, s. 2.)