

**UNLAWFUL USE OF CREDIT CARD,  
DEBIT CARD or PUBLIC BENEFIT CARD  
(Use of Revoked or Cancelled Card)  
Penal Law § 165.17  
(Committed on or after Nov. 1, 1995)**

The (*specify*) count is Unlawful Use of a Credit Card [*or* Debit Card] [*or* Public Benefit Card].

Under our law, a person is guilty of Unlawful Use of a Credit Card [*or* Debit Card] [*or* Public Benefit Card] when, in the course of obtaining or attempting to obtain property [*or* a service], that person uses or displays a credit card [*or* debit card] [*or* public benefit card] which he or she knows to be revoked or cancelled.

The following terms used in that definition have a special meaning:

OBTAIN includes, but is not limited to, the bringing about of a transfer or purported transfer of property or a service, or of a legal interest therein, whether to the obtainer or another person.<sup>1</sup>

A person ATTEMPTS to obtain property [*or* a service] by using or displaying a card which he or she knows to be revoked or cancelled when he or she intends to do so and engages in conduct which tends to effect that objective.<sup>2</sup>

[A CREDIT CARD includes any credit card, credit plate, charge plate, courtesy card or other identification card or device issued by a person to another person which may be used to obtain a cash advance or loan or credit or to purchase or lease property or services on the credit of the issuer or of the holder.]<sup>3</sup>

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<sup>1</sup> See Penal Law § 155.00(2).

<sup>2</sup> See Penal Law § 110.00.

<sup>3</sup> See Penal Law § 155.00(7) and General Business Law § 511(1).

[A DEBIT CARD includes a card, plate or other similar device issued by a person to another person which may be used, without a personal identification number or code (*or* similar identification number or code) (*or* similar identification), to purchase or lease property or services. The term does not include a credit card or a check, draft or similar instrument.]<sup>4</sup>

[A PUBLIC BENEFIT CARD means any medical assistance card, food stamp assistance card, public assistance card, or any other identification, authorization card or electronic access device issued by the state or a social services district, which entitles a person to obtain public assistance benefits under a local, state or federal program administered by the state, its political subdivisions or social services districts.]<sup>5</sup>

In order for you to find the defendant guilty of this crime, the People are required to prove, from all the evidence in the case, beyond a reasonable doubt, both of the following two elements:

1. That on or about (date), in the county of (county), the defendant, (defendant's name), obtained or attempted to obtain property [*or* a service] by using or displaying a credit card [*or* debit card] [*or* public benefit card] which had been revoked or cancelled; and
2. That, when the defendant did so, he/she knew that such card had been revoked or cancelled.

If you find the People have proven beyond a reasonable doubt both of those elements, you must find the defendant guilty of this crime.

If you find the People have not proven beyond a reasonable

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<sup>4</sup>See Penal Law § 155.00(7-a) and General Business Law § 511(9).

<sup>5</sup>See Penal Law § 155.00(7-b). For the definition of a "social services district," see Social Services Law § 2(7).

doubt either one or both of those elements, you must find the defendant not guilty of this crime.