

CREDIT CARD CRIMES:
INCOMPLETE CREDIT CARDS
(CREDIT CARD "TOOLS")

N.J.S.A. 2C:21-6f

The defendant is charged in count ____ of the indictment as follows:

(Read Count ____ of the Indictment)

The applicable section of the statute reads as follows:

A person . . . possessing, with knowledge of its character, machinery, plates or any other contrivance designed to reproduce instruments purporting to be the credit card of an issuer who has not consented to the preparation of such credit cards, is guilty of a crime.

In order to find the defendant guilty, the State must prove the following elements beyond a reasonable doubt:

1. The defendant possessed, with knowledge of its character, machinery, plates or any other contrivance designed to reproduce instruments purporting to be the credit card of an issuer.
2. The issuer has not consented to the preparation of such credit card.
3. The defendant acted knowingly.

The first element that the State must prove beyond a reasonable doubt is that the defendant possessed, with knowledge of its character, machinery, plates or any other contrivance designed to reproduce instruments purporting to be the credit card of an issuer.

“Possession” signifies a knowing, intentional control of a designated thing accompanied by a knowledge of its character.

[Charge: Model Jury Charge on Possession.]

“Issuer” means the business organization or financial institution which issues a credit card or its duly authorized agent.

“Credit card” means any tangible or intangible instrument or device issued with or without a fee by an issuer that can be used, alone or in connection with another means of account access, in obtaining money, goods, services or anything else of value on credit, including credit cards, credit plates, account numbers, or any other means of account access.

The second element that the State must prove beyond a reasonable doubt is that the issuer has not consented to the preparation of such credit card.

“Consent” is the voluntary agreement of the issuer to the preparation of the credit card.

The third element that the State must prove beyond a reasonable doubt is that the defendant acted knowingly.

A person acts “knowingly” with respect to a result of his/her conduct if he/she is aware that it is practically certain that his/her conduct will cause such a result. A person acts knowingly with respect to the nature of his/her conduct if he/she is aware that his/her conduct is of that nature. “Knowing,” “with knowledge” or equivalent terms have the same meaning.

Knowledge is a condition of the mind which cannot be seen and can only be determined by inferences from conduct, words or acts. It is not necessary for the State to produce a witness or witnesses who could testify that the defendant acted knowingly.

If you find that the State has proven all of the above elements beyond a reasonable doubt, then you must find the defendant guilty of the crime charged.

If, however, you find that the State has failed to prove any of the elements of the crime beyond a reasonable doubt, you must then find the defendant not guilty.