



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE

IN SUPPORT OF:

H.B. No. 5295 (RAISED) AN ACT CONCERNING DEBIT CARD FRAUD

JOINT COMMITTEE ON BANKING

February 25, 2016

The Division of Criminal Justice supports H.B. No. 5295, An Act Concerning Debit Card Fraud, and would respectfully recommend the Committee's JOINT FAVORABLE SUBSTITUTE Report for this bill.

This bill is the product of discussions initiated by the Division of Criminal Justice through the Office of the Chief State's Attorney with representatives of the banking industry. The Division wishes to express its appreciation to the industry for its invaluable assistance in drafting this legislation, which provides a statutory framework for the prosecution of fraud committed against the holder of a valid debit card.

While existing statutes (Sections 53a-128a through 53a-128i) allow for the prosecution of credit card fraud and related crimes, there are no corresponding provisions governing fraud involving a debit card. In fact, upon examination of this issue the Division was unable to find any substantive legal definition of what a "debit card" is under Connecticut law. We are also aware of instances where the police have unsuccessfully attempted to prosecute debit card crimes under the credit card statutes.

As you are no doubt aware, the use of debit cards has grown tremendously in recent years. Unfortunately, it is also a sad reality that any new technology is quickly followed by someone finding a way to utilize or take advantage of that technology for personal gain.

H.B. No. 5295 expands and extends the existing statutes governing crimes involving credit cards to include, where appropriate and applicable, debit cards. The legislation also provides a legal definition of what a debit card is. We would respectfully note an apparent typographical error in line 16, where the word "amount" should be "account." Also, we would note that the language "cards, codes, devices or other means of access, or some combination thereof, commonly known as" in lines 20-22 is duplicative of the language in lines 14-15. The committee may wish to delete the second references in the interest of clarity.

In conclusion, the Division would respectfully request and recommend the Committee's JOINT FAVORABLE SUBSTITUTE Report for this bill, correcting the apparent Scribner's error and duplicative language. We also wish to thank the Committee for your consideration of this language and for affording this opportunity for input. The Division would be happy to provide any additional information the Committee might require or to answer any questions that you might have.