

1 Introduced October 23, 2001, by Councilman  
2 Cerny, seconded by Councilman Cusimano  
3 (both by request of Administration)

4 **Item No. 01-10-2256**

5 **ORDINANCE NO. 3038**

6  
7 An ordinance amending the Code of Ordinances of the City of Slidell by  
8 adding a new Sec. 11-127 Unauthorized Use of Access Card as Theft; Definitions.

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10 NOW THEREFORE BE IT ORDAINED by the Slidell City Council that it  
11 does hereby amend the Code of Ordinances of the City of Slidell by adding a new Sec.  
12 11-127 Unauthorized Use of Access Card as Theft; Definitions, as follows:  
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14 **“Sec. 11-127. Unauthorized Use of Access Card as Theft; Definitions.**

15  
16 (a) (1) *Access card* shall mean and include any card, plate, account  
17 number, paper, book, or any other device, issued to a person which  
18 authorizes such person to obtain credit, money, goods, services, or  
19 anything of value, whether contemporaneously or not, by use of  
20 any credit or deferred payment plan with the issuer or by use of  
21 debiting or charging such person’s demand deposit or savings or  
22 time account with the issuer or by debiting or charging any other  
23 funds such person has on deposit with the issuer.

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25 (2) *Revoked Access Card* as used herein shall mean an Access Card  
26 which has been canceled or terminated by the issuer of said  
27 Access Card.  
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30 (3) *Person* as used herein shall mean and include natural persons, or any  
31 organization, or other entity.  
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4 (4) *Issuer* as used herein shall be the depository and/or creditor issuing  
5 the Access Card, directly or through another entity.

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7 (5) The aggregate amount or value of credit, money goods, services or  
8 anything else of value obtained shall determine the value of the  
9 misappropriation or taking in determining the penalty under Sec.  
10 11-119 when the offender has obtained the credit, money, goods,  
11 services or anything else of value from any one issuer or the  
12 offender has used an Access Card, or referred to a nonexistent  
13 Access Card on two or more occasions within any consecutive  
14 ninety day period.  
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20 (b) Whoever, directly or indirectly, by agent or otherwise, with intent to  
21 defraud, (1) uses a forged Access Card, (2) makes reference by number or other  
22 description to a nonexistent Access Card, (3) steals or wrongfully appropriates an  
23 Access Card, or (4) uses an Access Card belonging to another person without authority  
24 of said person; thereby obtaining, whether contemporaneously or not, credit, money,  
25 goods, services or anything of value shall be guilty of theft and shall be subject to the  
26 penalties provided for the crime of theft in Sec. 11-119.  
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31 (c) Whoever, directly or indirectly, by agent or otherwise, with intent to  
32 defraud, uses a revoked Access Card, thereby obtaining, whether contemporaneously  
33 or not, credit, money, goods, services or anything of value shall be guilty of theft and  
34 shall be subject to the penalties provided for the crime of theft in Sec. 11-119. For  
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4 purposes of this Subsection, it shall be presumptive evidence that a person used a  
5 revoked Access Card with intent to defraud if the said person, directly or indirectly, by  
6 agent or otherwise, uses the said Access Card after actually receiving oral or written  
7 notice that the Access Card has been canceled or terminated, or if said person, directly  
8 or indirectly, by agent or otherwise, uses the said Access Card at a time period more  
9 than five days after written notice of the termination or cancellation of said Access Card  
10 has been deposited by registered or certified mail in the United States mail system.  
11 Said notice shall be addressed to the person to whom such Access Card has been  
12 issued at the last known address for such person as shown on the records of the issuer.

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14 (d) Whoever, directly or indirectly, by agent or otherwise, with the intent to  
15 defraud, uses an Access Card to obtain, whether contemporaneously or not, money,  
16 goods, services or anything of value, and the final payment for said items is to be made  
17 by debiting or charging said person's demand deposit or savings or time account with  
18 issuer, or by debiting or charging any other funds said person has on deposit with  
19 issuer, and there are not sufficient funds on deposit to the credit of said person with the  
20 issuer to make payment in full of said items obtained, said person shall have committed  
21 the crime of theft in Sec. 11-119. Said person's failure to pay the amount due on said  
22 items obtained:

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24 (1) Within ten days after written notice of said amount due has been  
25 deposited by certified or registered mail in the United States mail  
26 system addressed to the person to whom such Access Card has  
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4                   been issued at the last known address for such person as shown  
5                   on the records of issuer; or

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7           (2)    Within ten days of delivery or personal tender of said written notice  
8                   shall be presumptive evidence of said person's intent to defraud.

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10           (e)   As used herein and in Sec. 11-119, the Access Card itself shall be a thing  
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12 of value, with a value less than \$100.00.

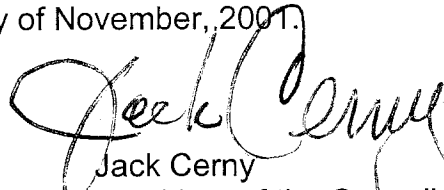
13           (f)   In addition to any other fine or penalty imposed under this Section or  
14                   under Sec. 11-119, the court may, at its discretion, order as a condition of probation or  
15                   as a condition of any guilty or nolo contendere plea, restitution."  
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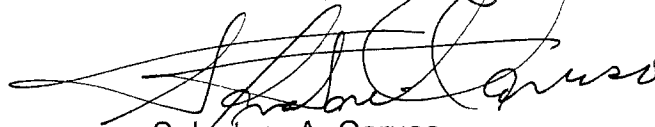
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20                   **ADOPTED** this 27th day of November, 2001.


21           DELIVERED 11-28-01 1:00 pm

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24           RECEIVED 12-3-01 10:30 am

25                   *for the Mayor*

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28                     
29                   Jack Cerny  
30                   President of the Council  
31                   Councilman, District F

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33                   Salvatore A. Caruso  
34                   Mayor

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37                     
38                   Davis Dautreuil *hb*  
                  Council Administrator/Clerk of the Council