

1 **14-1686. Dealing in credit cards of another; essential elements.**

2 For you to find the defendant guilty of dealing in credit cards of another [as charged in  
3 Count \_\_\_\_\_]<sup>1</sup>, the state must prove to your satisfaction beyond a reasonable doubt each of  
4 the following elements of the crime:

5 1. The defendant [had in [~~his~~defendant's possession<sup>2</sup>]<sup>3</sup> [received] [or] [transferred]  
6 four or more credit cards<sup>4</sup>;

7 2. The credit cards were issued to one or more persons other than the defendant;

8 [3. The defendant was not the issuer<sup>4</sup> of the credit cards or the authorized agent of the  
9 issuer;]<sup>5</sup>

10 4. [The defendant, without consent, took the credit cards from the person, possession,  
11 custody or control of another with the intent to permanently deprive the (cardholder)<sup>3</sup> (cardholders)  
12 of possession of the credit cards;]<sup>6</sup> or

13 [The defendant knew that the credit cards had been stolen and intended (to use the credit  
14 cards)<sup>3</sup> (sell or transfer the credit cards to another person other than to the cardholder or issuer);]<sup>6</sup>  
15 or

16 [The credit cards had been (stolen)<sup>3</sup> (lost or mislaid) (delivered under a mistake as to  
17 identity or address of the cardholder). The defendant knew or had reason to know that the credit  
18 cards had been (stolen)<sup>3</sup> (lost or mislaid) (delivered under a mistake as to the identity or address  
19 of the cardholder). The defendant retained possession of the credit cards with the intent to (use the  
20 credit cards)<sup>3</sup> (sell or transfer the credit cards to another person other than to the cardholder or  
21 issuer<sup>4</sup>);]<sup>7</sup> or

22 [The defendant transferred possession of the credit cards to a person other than the  
23 cardholder with the intent to deceive or cheat;]<sup>8</sup> or

1 [The defendant obtained possession of the credit cards from a person other than the issuer  
2 or the authorized agent of the issuer with the intent to deceive or cheat;]<sup>8</sup> or

3 [The defendant (received)<sup>3</sup> (sold) (transferred) the credit cards by making a false statement  
4 (about [his]defendant’s identity or financial condition)<sup>3</sup> (about the identity or financial condition  
5 of another) with the intent to deceive or cheat;]<sup>9</sup>

6 5. This happened in New Mexico on or about the \_\_\_\_\_ day of  
7 \_\_\_\_\_, \_\_\_\_\_.

8 USE NOTES

9 1. Insert the count number if more than one count is charged.

10 2. UJI 14-130 NMRA, [“Possession[”]” defined, is to be given if the question of  
11 possession is in issue.

12 3. Use the applicable alternative.

13 4. If the jury requests a definition of [“credit card,[”] [“issuer[”]” or  
14 [“cardholder,[”]” the statutory definition set forth in NMSA 1978, Section 30-16-25[~~NMSA~~  
15 ~~1978~~] is to be given.

16 5. Use bracketed phrase only if an issue.

17 6. Use this element if the underlying offense is NMSA 1978, Section 30-16-26[  
18 ~~NMSA 1978~~].

19 7. Use this element if the underlying offense is NMSA 1978, Section 30-16-27[  
20 ~~NMSA 1978~~].

21 8. Use this element if the underlying offense is NMSA 1978, Section 30-16-28[  
22 ~~NMSA 1978~~].

1           9.     Use this element if the underlying offense is NMSA 1978, Section 30-16-29[  
2 NMSA 1978].

3 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending  
4 or filed on or after December 31, 2025.]

5 **Committee commentary.** — For general information on credit card crimes, *see* committee  
6 commentary to UJI 14-1680 NMRA.

7 NMSA 1978, Section 30-16-30[~~NMSA 1978~~] reflects a legislative intent to punish more severely  
8 an individual in possession of four or more credit cards. Presumably, the legislature assumed that  
9 one who possesses, receives, sells or transfers four or more credit cards is dealing in unlawfully  
10 obtained credit cards, and is not merely a petty thief.

11 The committee was of the opinion that the offense of dealing in credit cards may be committed in  
12 more than one way and that if alternative elements in Element 4 are given, it is not necessary for  
13 all jurors to agree on any single alternative element. It is only necessary that the jury unanimously  
14 agree that the defendant had possession of, received or transferred four or more credit cards in one  
15 or more of the unlawful manners set forth in Element 4. Thus six jurors could believe that the  
16 credit cards were taken and six believe that they were delivered to the defendant under a mistake  
17 of identity of address. *See State v. Roy*, 1936-NMSC-048, ¶ 61, 40 N.M. 397, ~~[416]~~ 60 P.2d 646  
18 ~~(1936)~~].

19 It is the committee's opinion that dealing is a separate offense, not an enhancement provision.  
20 No position was taken as to lesser included offenses of this crime.

21 The committee did not include the term ~~["sale"]~~ in Element 1, as any sale is also a transfer.

22 [As amended by Supreme Court Order No. S-1-RCR-2025-00126.]