

1 **14-1695. Possession of incomplete credit cards; essential elements.**

2 For you to find the defendant guilty of possession of incomplete credit cards [as charged
3 in Count _____]¹, the state must prove to your satisfaction beyond a reasonable doubt each
4 of the following elements of the crime:

- 5 1. The defendant had in [~~his~~] their possession² [4 or more]³ incomplete credit cards⁴;
- 6 2. The defendant intended to deceive or cheat;
- 7 3. This happened in New Mexico on or about the _____ day of
8 _____, _____.

9 USE NOTES

- 10 1. Insert the count number if more than one count is charged.
- 11 2. UJI 14-130 NMRA, [~~"Possession"~~] "Possession" defined, is to be given if the
12 question of possession is in issue.
- 13 3. Use only if applicable.
- 14 4. If the jury requests a definition of [~~"incomplete credit card,"~~] "incomplete credit
15 card," the statutory definition set forth in NMSA 1978, Section 30-16-25[~~NMSA 1978~~] is to be
16 given.
17 [As amended by Supreme Court Order No. S-1-RCR-2025-00126, effective for all cases pending
18 or filed on or after December 31, 2025.]

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

21 Section 30-16-35A NMSA 1978 makes it an offense for a person to possess an incomplete credit
22 card. Section 30-16-35B makes it an offense to "possess machinery, plates or other contrivance
23 designed to reproduce instruments purporting to be credit cards."

1 An "incomplete credit card means a credit card upon which a part of the matter, other than the
2 signature of the cardholder, which an issuer requires to appear on the credit card before it can be
3 used by a cardholder, has not been stamped, embossed, imprinted or written on it." Section 30-16-
4 25H NMSA 1978.

5 This section is aimed at the person who manufactures credit cards without the consent of an issuer.
6 The committee can envision an individual setting up quite a lucrative "business" by making and
7 selling purported credit cards which look like the real thing. It is this that the legislature is trying
8 to prevent, and the clause in Subsection A making it a [~~fourth-degree~~fourth-degree felony to
9 possess four or more incomplete credit cards, reflects this legislative intent.

10 *See* UJI 14-1640 for a review of the elements of fraud.

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