**15.20 Credit Card Transaction Fraud**

**(18 U.S.C. § 1029(a)(10))**

 The defendant is charged in [Count \_\_\_\_\_\_\_ of] the indictment with arranging for another person to present a record of a transaction made by an access device to a credit card system for payment in violation of Section 1029(a)(10) of Title 18 of the United States Code. For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

 First, the defendant knowingly [arranged for] [caused] another person to present, for payment to a credit card system [member] [agent], one or more [records] [evidences] of transactions made by an access device;

 Second, the defendant was not authorized by the credit card system [member] [agent] to [arrange] [cause] such a claim to be presented for payment;

 Third, the defendant acted with the intent to defraud; and

 Fourth, the defendant’s conduct in some way affected commerce between one state and [an]other state[s], or between a state of the United States and a foreign country.

**Comment**

 Use this instruction in conjunction with Instruction 15.16 (Access Device—Defined).

 *See* Comment to Instruction 15.10 (Counterfeit Access Devices—Producing, Using, or Trafficking) and Comment to Instruction 15.11 (Unauthorized Access Devices—Using or Trafficking).

 A “credit card system member” is a “financial institution or other entity that is a member of a credit card system, including an entity, whether affiliated with or identical to the credit card issuer, that is the sole member of a credit card system.” 18 U.S.C. § 1029(e)(7).

 18 U.S.C. § 10 defines interstate and foreign commerce.