

HOUSE BILL NO. HB0205

Unlawful skimming.

Sponsored by: Representative(s) Landon, Berger, Hastert
and Iekel and Senator(s) Burns

A BILL

for

1 AN ACT relating to crimes and offenses; establishing a
2 crime for illegal use of a scanning device or re-encoder to
3 capture information from a magnetic strip from a credit,
4 debit or other electronic payment card as specified;
5 providing penalties; and providing for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 6-3-803 is created to read:

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11 **6-3-803. Unlawful skimming of credit, debit or other**
12 **electronic payment cards; penalties.**

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14 (a) As used in this section:

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1 (i) "Authorized card user" means any person with
2 the empowerment, permission or competence to act in the
3 usage of any electronic payment card including, but not
4 limited to, a credit card, charge card, debit card, hotel
5 key card, stored value card or any other card that allows
6 the user to obtain, purchase or receive goods, services,
7 money or anything else of value from a merchant;

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9 (ii) "Electronic payment card" means a credit
10 card, charge card, debit card, hotel key card, stored value
11 card or any other card that is issued to an authorized card
12 user and that allows the user to obtain, purchase or
13 receive goods, services, money or anything else of value
14 from a merchant;

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16 (iii) "Merchant" means an owner or operator of
17 any retail mercantile establishment or his agent, employee,
18 lessee, consignee, officer, director, franchisee or
19 independent contractor who receives from an authorized user
20 of an electronic payment card, or someone the person
21 believes to be an authorized user, an electronic payment
22 card or information from an electronic payment card, or
23 what the person believes to be an electronic payment card
24 or information from an electronic payment card, as the

1 instrument for obtaining, purchasing or receiving goods,
2 services, money or anything else of value from the person;

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4 (iv) "Re-encoder" means an electronic device
5 that places encoded information from the magnetic strip or
6 stripe of an electronic payment card onto the magnetic
7 strip or stripe of a different electronic payment card;

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9 (v) "Scanning device" means a scanner, reader or
10 any other electronic device that is used to access, read,
11 scan, obtain, memorize or store, temporarily or
12 permanently, information encoded on the magnetic strip or
13 stripe of an electronic payment card.

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15 (b) A person is guilty of unlawful skimming if the
16 person uses:

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18 (i) A scanning device to access, read, obtain or
19 memorize, temporarily or permanently, information encoded
20 on the magnetic strip or stripe of an electronic payment
21 card without the permission of the authorized user of the
22 electronic payment card, with the intent to defraud the
23 authorized user, the issuer of the authorized user's
24 electronic payment card or a merchant;

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2 (ii) A re-encoder to place information encoded
3 on the magnetic strip or stripe of an electronic payment
4 card onto the magnetic strip or stripe of a different card
5 without the permission of the authorized user of the card
6 from which the information is being re-encoded, with the
7 intent to defraud the authorized user, the issuer of the
8 authorized user's electronic payment card or a merchant.

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10 (c) Unlawful skimming is a felony:

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12 (i) Punishable by imprisonment for not more than
13 five (5) years, a fine of not more than ten thousand
14 dollars (\$10,000.00), or both, for a first conviction;

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16 (ii) Punishable by imprisonment for not more
17 than ten (10) years, a fine of not more than twenty-five
18 thousand dollars (\$25,000.00), or both, for a second or
19 subsequent conviction.

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1 **Section 2.** This act is effective immediately upon
2 completion of all acts necessary for a bill to become law
3 as provided by Article 4, Section 8 of the Wyoming
4 Constitution.

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6

(END)