

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1619

By: Nichols

AS INTRODUCED

An Act relating to crimes and punishments; defining terms; prohibiting scanning certain information for certain purpose; prohibiting certain device to encode certain information for certain purpose; stating penalties; providing an effective date; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1534 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. As used in this section; the term:

1. "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporary or permanently, information encoded on the magnetic strip or stripe of a payment card;

2. "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card;

3. "Payment card" means a credit card, charge card, debit card, or any other card that is issued to an authorized card user and that allows the user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant;

B. It is a felony for any person to use:

1. A scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a payment card without the permission of the authorized user of the payment card and with intent to defraud

the authorized user, the issuer of the authorized user's payment card, or a merchant.

2. A reencoder to place information encoded on the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the permission of the authorized user of the card from which information is being reencoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, a merchant or a bank.

C. Any person who violates any of the provisions of paragraph 1 or 2 of subsection B of this section shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, or by a fine in an amount not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 2. This act shall become effective July 1, 2006.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

50-2-3227

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