

HOUSE BILL No. 6192

June 13, 2002, Introduced by Reps. Bishop, Raczkowski, Koetje, Woronchak, Gilbert and Kowall and referred to the Committee on Criminal Justice.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 360b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 360B. (1) A PERSON SHALL NOT USE A SCANNING DEVICE TO
2 ACCESS, READ, OBTAIN, MEMORIZE, OR STORE, TEMPORARILY OR PER-
3 MANENTLY, INFORMATION ENCODED ON THE MAGNETIC STRIP OR STRIPE OF
4 A PAYMENT CARD WITHOUT THE PERMISSION OF THE AUTHORIZED USER OF
5 THE PAYMENT CARD AND WITH THE INTENT TO DEFRAUD THE AUTHORIZED
6 USER, THE ISSUER OF THE AUTHORIZED USER'S PAYMENT CARD, OR A
7 MERCHANT.

8 (2) A PERSON SHALL NOT USE A REENCODER TO PLACE INFORMATION
9 ENCODED ON THE MAGNETIC STRIP OR STRIPE OF A PAYMENT CARD ONTO
10 THE MAGNETIC STRIP OR STRIPE OF A DIFFERENT CARD WITHOUT THE
11 PERMISSION OF THE AUTHORIZED USER OF THE CARD FROM WHICH THE

1 INFORMATION IS BEING REENCODED AND WITH THE INTENT TO DEFRAUD THE
2 AUTHORIZED USER, THE ISSUER OF THE AUTHORIZED USER'S PAYMENT
3 CARD, OR A MERCHANT.

4 (3) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) IS GUILTY OF
5 A FELONY PUNISHABLE AS FOLLOWS:

6 (A) BY IMPRISONMENT FOR NOT MORE THAN 2 YEARS OR A FINE OF
7 NOT MORE THAN \$500.00, OR BOTH.

8 (B) IF THE PERSON HAS A PRIOR CONVICTION FOR VIOLATING SUB-
9 SECTION (1) OR (2), BY IMPRISONMENT FOR NOT MORE THAN 4 YEARS OR
10 A FINE OF NOT MORE THAN \$1,000.00, OR BOTH.

11 (4) AS USED IN THIS SECTION:

12 (A) "MERCHANT" MEANS AN OWNER OR OPERATOR OF A RETAIL MER-
13 CANTILE ESTABLISHMENT OR AN AGENT, EMPLOYEE, LESSEE, CONSIGNEE,
14 OFFICER, DIRECTOR, FRANCHISEE, OR INDEPENDENT CONTRACTOR OF THE
15 OWNER OR OPERATOR, WHO RECEIVES 1 OR MORE OF THE FOLLOWING FROM
16 AN AUTHORIZED USER OF A PAYMENT CARD, OR SOMEONE HE OR SHE
17 BELIEVES IS AN AUTHORIZED USER OF A PAYMENT CARD, AS THE INSTRU-
18 MENT FOR OBTAINING, PURCHASING, OR RECEIVING GOODS, SERVICES,
19 MONEY, OR ANYTHING OF VALUE:

20 (i) A PAYMENT CARD, OR WHAT HE OR SHE BELIEVES TO BE A PAY-
21 MENT CARD.

22 (ii) INFORMATION FROM A PAYMENT CARD, OR WHAT HE OR SHE
23 BELIEVES TO BE INFORMATION FROM A PAYMENT CARD.

24 (B) "PAYMENT CARD" MEANS A CREDIT CARD, CHARGE CARD, DEBIT
25 CARD, OR ANY OTHER CARD THAT IS ISSUED TO AN AUTHORIZED USER AND
26 THAT ALLOWS THE USER TO OBTAIN, PURCHASE, OR RECEIVE GOODS,
27 SERVICES, MONEY, OR ANYTHING OF VALUE FROM A MERCHANT.

1 (C) "REENCODER" MEANS AN ELECTRONIC DEVICE THAT PLACES
2 ENCODED INFORMATION FROM THE MAGNETIC STRIP OR STRIPE OF A PAY-
3 MENT CARD ONTO THE MAGNETIC STRIP OR STRIPE OF A DIFFERENT PAY-
4 MENT CARD.

5 (D) "SCANNING DEVICE" MEANS A SCANNER, READER, OR OTHER
6 ELECTRONIC DEVICE THAT IS USED TO ACCESS, READ, SCAN, OBTAIN,
7 MEMORIZE, OR STORE, TEMPORARILY OR PERMANENTLY, INFORMATION
8 ENCODED ON THE MAGNETIC STRIP OR STRIPE OF A PAYMENT CARD.