3/22/19 3:15 p.m.

Chapter No. 409
19/SS26/R618CS
GR / TB/LR

SENATE BILL NO. 2445

Originated in Senate Liz Welch Secretary

SENATE BILL NO. 2445

AN ACT TO CREATE THE FELONY OF POSSESSION WITH INTENT TO DEFRAUD OF A CREDIT CARD SKIMMER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) For the purposes of this section, the following terms shall have the meanings ascribed to them unless the context clearly requires otherwise:

(a) "Cardholder" means any person:

(i) Named on the face of a credit card to whom or for whose benefit the credit card is issued by an issuer; or

(ii) In possession of a credit card with the consent of the person to whom the credit card was issued.

(b) "Credit card" means:

(i) Any instrument or device, whether known as a credit card, charge card, credit plate, courtesy card, identification card or any other name that is issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value, either on credit or in consideration of an undertaking or guaranty by the

issuer of the payment of a check drawn by the cardholder, on a promise to pay in part or in full therefor at a future time, whether or not all or any part of the indebtedness that is represented by the promise to make deferred payment is secured or unsecured.

(ii) A debit card, electronic benefit transfer card or other access instrument or device, other than a check that is signed by the holder or other authorized signatory on the deposit account, that draws funds from a deposit account in order to obtain money, goods, services or anything else of value.

(iii) A stored value card, smart card or other instrument or device that enables a person to obtain goods, services or anything else of value through the use of value stored on the card instrument or device.

(iv) The number that is assigned the card, instrument or device, even if the physical card, instrument or device is not used or presented.

(c) "Issuer" means any business organization, state agency or financial institution, or its duly authorized agent, that issues a credit card.

(d) "Merchant" means a person who is authorized under a written contract with a participating party to furnish money, goods, services or anything else of value on presentation of a credit card by a cardholder.

(e) "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a credit card onto the magnetic strip or stripe of a different credit card.

(f) "Scanning device" means a scanner, reader, skimmer or other electronic device that is used to access, read, scan, obtain, memorize or store, temporarily or permanently, information that is encoded on a magnetic strip or stripe of a credit card.

(2) (a) It is unlawful for a person to possess a scanning device or reencoder without the permission of the cardholder of the credit card from which the information is being scanned or reencoded with the intent to defraud the cardholder, the issuer or a merchant.

(b) A person who violates this section commits a felony punishable, upon conviction thereof, by imprisonment not to exceed five (5) years, a fine not to exceed Ten Thousand Dollars ($10,000.00), or both.

SECTION 2. This act shall be known as the Pay and Trade with Confidence and Electronic Device Tampering Act.

SECTION 3. This act shall take effect and be in force from and after July 1, 2019.

PASSED BY THE SENATE
February 14, 2019

Tate Reeves

PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 12, 2019

Philip Gunn

SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR

Phil Bryant

GOVERNOR

3/22/2019

3:15pm