

HB 343 – Payment Card Offenses (Identical SB 766)

Amends s. 817.625, F.S., penalties for using a scanning device or reencoder to defraud, adding “possession of scanning device.” It also expands the definition of “reencoder” to include a payment card’s “computer chip...or other storage mechanism” as a place where encoded information can be transferred between cards. “Scanning device” also has these terms added to its definition, as well as how it “may be” used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the computer chip, magnetic strip or stripe, or other storage mechanism of a payment card “or from another device that directly reads the information from the card.” These expansions of definitions are included in the existing penalties. Currently there is a Level 4, 3rd degree felony for fraudulently using a scanning device or reencoder. There is also a Level 5, 2nd degree felony for a second or subsequent fraudulent use.

The bill also adds an unranked, 3rd degree felony for “possessing, selling, or delivering “a scanning device knowingly and with the intent to defraud an authorized user of a payment card, the issuer of a payment card, or a merchant.”

Per DOC, in FY 15-16, there were 10 (adj.) offenders sentenced for fraudulently using a scanning device or reencoder, and 1 (adj.) of these offenders was sentenced to prison (sentence length=19.0 m, incarceration rate: 10.0% adj.-12.5% unadj.). There were no offenders sentenced for committing this offense a second or subsequent time.

In FY 15-16, the incarceration rate for an unranked, 3rd degree felony was 9.9%.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House