

CS/HB 343 – Payment Card Offenses

Amends s. 817.625, F.S., penalties for using a scanning device or reencoder to defraud, adding “possession of skimming 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 a payment card.” These expansions of definitions are included in the existing penalties. Furthermore, it is stressed that neither one of these is a skimming device, which is then defined as “a self-contained device that... is designed to read and store in the device's internal memory 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 a payment card; and...is incapable of processing the payment card information for the purpose of obtaining, purchasing, or receiving goods, services, money, or anything else of value from a merchant.” 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 term “skimming device” is also added to the existing penalties.

The bill also adds a Level 4, 3rd degree felony “for a person to knowingly possess, sell, or deliver a skimming device.”

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.

CONFERENCE ADOPTED ESTIMATE: Positive Insignificant

Requested by: House