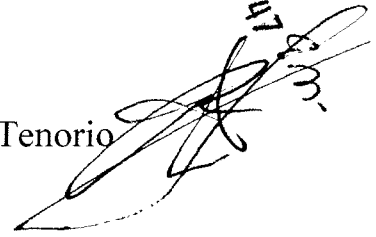


I MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 2576 (EC)

Introduced by:

Ray Tenorio

2008 APR -4 PM 3:47


**AN ACT TO ADD A ARTICLE 3 TO CHAPTER 43 OF 9GCA
RELATIVE TO SKIMMING.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 3 is added to Chapter 43 of 9GCA to read:

Article 3

Anti-Skimming Act

§43300. Purpose. This Article criminalizes the use of a scanning device or re-encoder to capture encoded information from a magnetic strip from a credit, debit, or other payment card and then places it on a different credit, debit, or other payment card with the intent to defraud.

§43301. Short Title. This Article shall be cited as the Anti-Skimming Act.

§43302. Definitions. As used in this Article are as follows:

(a) "Scanning Device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or

1 permanently, information encoded on the magnetic strip or stripe of a payment
2 card.

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4 (b) "Re-encoder" means an electronic device that places encoded information from
5 the magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a
6 different payment card.

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8 (c) "Payment Card" means a credit card, charge card, debit card, hotel key card,
9 stored value card, or any other card that is issued to an authorized card user and
10 that allows the user to obtain, purchase, or receive goods, services, money, or
11 anything else of value from a merchant.

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13 (d) "Merchant" is defined as an owner or operator of any retail mercantile
14 establishment or any agent, employee, lessee, consignee, officer, director,
15 franchisee, or independent contractor of such owner or operator. A "merchant"
16 means a person who receives from an authorized user of a payment card, or
17 someone the person believes to be an authorized user, a payment card or
18 information from a payment card, or what the person believes to be a payment card
19 or information from a payment card, as the instrument for obtaining, purchasing or
20 receiving goods, services, money, or anything else of value from the person.

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22 (e) "Authorized card user" means any person with the empowerment, permission
23 or competence to act in the usage of any "payment card" to include, but not limited
24 to, a credit card, debit card, hotel key card, stored value card, or any other card that
25 allows the user to obtain, purchase, or receive goods, services, money, or anything
26 else of value from a merchant.

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§43303. Penalties.

(a) It is a felony of the third degree felony for a 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 the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

(2) A re-encoder 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 the information is being re-encoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

(b) Any person who violates subparagraph (a)(1) or subparagraph (a)(2) a second or subsequent time commits a second degree felony.