



**MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN**  
TWENTY-NINTH GUAM LEGISLATURE  
155 Hessler Place, Hagåtña, Guam 96910

FILE COPY

December 31, 2008

The Honorable Felix P. Camacho  
*I Maga'lahaen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam 96910*



Dear *Maga'lahi* Camacho:

Transmitted herewith are Bill Nos. 31(ÉC), 253(EC), 256(EC), 370(LS), 371(LS), 379(EC), 390(LS), 394(LS), & 403(LS); and Substitute Bill Nos. 225(LS), 248(LS), 305(EC), 314(EC), 368(LS), 389(LS) & 397(EC) which were passed by *I Mina'Bente Nuebi Na Liheslaturan Guåhan* on December 30, 2008.

Sincerely,

TINA ROSE MUNA BARNES  
Senator and Secretary of the Legislature

Enclosures (16)

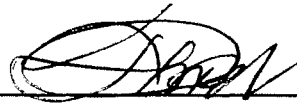
**I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN**

**2008 (SECOND) Regular Session**

**FILE COPY**

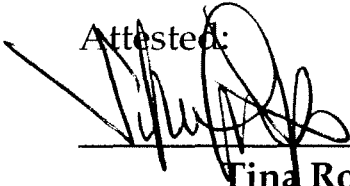
**CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN**

This is to certify that **Bill No. 256 (EC)**, "AN ACT TO *ADD* A NEW ARTICLE 3 TO CHAPTER 43 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO SKIMMING," was on the 30<sup>th</sup> day of December, 2008, duly and regularly passed.



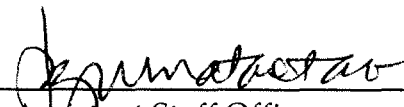
**Judith T. Won Pat, Ed. D.**  
**Speaker**

Attested:



**Tina Rose Muña Barnes**  
**Senator and Secretary of the Legislature**

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This Act was received by *I Maga'lahaen Guåhan* this 31 day of Dec, 2008, at 3:10 o'clock P.M.



**Assistant Staff Officer**  
***Maga'lahi's Office***

APPROVED:

\_\_\_\_\_  
**FELIX P. CAMACHO**  
***I Maga'lahaen Guåhan***

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

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

**Bill No. 256 (EC)**

As amended.

Introduced by:

Ray Tenorio  
Frank F. Blas, Jr.  
Edward J.B. Calvo  
B. J.F. Cruz  
James V. Espaldon  
Mark Forbes  
Judith P. Guthertz, DPA  
Frank T. Ishizaki  
J. A. Lujan  
Tina Rose Muña Barnes  
A. B. Palacios, Sr.  
v. c. pangelinan  
R. J. Respicio  
Dr. David L.G. Shimizu  
J. T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW ARTICLE 3 TO CHAPTER 43 OF  
TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO  
SKIMMING.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1.** A new Article 3 is *added* to Chapter 43 of Title 9, Guam Code  
3 Annotated, to read:

**"Article 3**

**Anti-Skimming Act**

6           **§43300. Purpose.** This Article criminalizes the use of a scanning  
7 device *or* re-encoder to capture encoded information from a magnetic strip from a

1 credit, debit, *or* other payment card and then places it on a different credit, debit,  
2 *or* other payment card with the intent to defraud.

3       **§43301. Short Title.** This Article *shall* be cited as the “Anti-Skimming  
4 Act.”

5       **§43302. Definitions.** As used in this Article:

6           (a) *Scanning device* means a scanner, reader *or* any other  
7 electronic device that is used to access, read, scan, obtain, memorize *or*  
8 store, temporarily *or* permanently, information encoded on the magnetic  
9 strip *or* stripe of a payment card.

10          (b) *Re-encoder* means an electronic device that places encoded  
11 information from the magnetic strip *or* stripe of a payment card onto the  
12 magnetic strip *or* stripe of a different payment card.

13          (c) *Payment card* means a credit card, charge card, debit card,  
14 hotel key card, stored value card *or* any other card that is issued to an  
15 authorized card user and that allows the user to obtain, purchase *or* receive  
16 goods, services, money *or* anything else of value from a merchant.

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

1           (e) *Authorized card user* means any person with the empowerment,  
2 permission *or* competence to act in the usage of any payment card to  
3 include, but *not be limited to*, a credit card, debit card, hotel key card, stored  
4 value card *or* any other card that allows the user to obtain, purchase *or*  
5 receive goods, services, money *or* anything else of value from a merchant.

6       **§43303. Penalties.** (a) It is a felony of the third degree felony for a  
7 person to use:

8           (1) A scanning device to access, read, obtain, memorize *or* store,  
9 temporarily or permanently, information encoded on the magnetic strip *or*  
10 stripe of a payment card without the permission of the authorized user of the  
11 payment card and with the intent to defraud the authorized user, the issuer  
12 of the authorized user's payment card *or* a merchant.

13           (2) A re-encoder to place information encoded on the magnetic  
14 strip *or* stripe of a payment card onto the magnetic strip *or* stripe of a  
15 different card without the permission of the authorized user of the card from  
16 which the information is being re-encoded and with the intent to defraud the  
17 authorized user, the issuer of the authorized user's payment card *or* a  
18 merchant.

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