



Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932
TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

04 FEB 2009

2009 FEB -5 PM 12:05

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 256(EC), "AN ACT TO ADD A ARTICLE 3 TO CHAPTER 43 OF TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO SKIMMING" which was signed into law on January 30, 2009 as Public Law 29-142.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

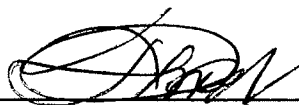
30-09-0211
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 2/05/09
Time 10:30
Received by [Signature]

0219

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

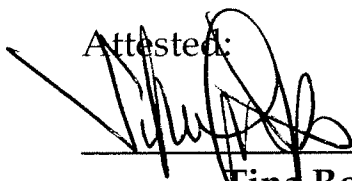
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

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 30th day of December, 2008, duly and regularly passed.



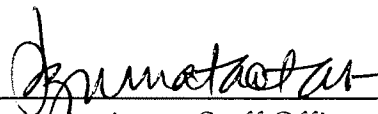
Judith T. Won Pat, Ed. D.
Speaker

Attested:



Tina Rose Muña Barnes
Senator and Secretary of the Legislature

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'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 30 JAN 2009

Public Law No. 29-142

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."