



This Bill Analysis reflects the contents of the bill as it was presented in committee.

# HOUSE BILL 238: Prohibit Possession of Skimming Device.

2021-2022 General Assembly

<b>Committee:</b>	Senate Rules and Operations of the Senate	<b>Date:</b>	June 10, 2021
<b>Introduced by:</b>	Rep. Torbett	<b>Prepared by:</b>	Jennifer H. Bedford
<b>Analysis of:</b>	First Edition		Staff Attorney

**OVERVIEW:** House Bill 238 would define "skimming device" within the Financial Transaction Card Crime Act and make the possession, sale, or delivery of a skimming device a Class I felony.

### CURRENT LAW:

#### G.S. 14-113.8

A financial transaction card (FTC) includes credit cards, credit plates, bank services cards, banking cards, check guarantee cards, and debit cards.

#### G.S. 14-113.9

It is currently unlawful to use a scanning device to access, read, obtain, memorize, or store information encoded on another person's FTC with the intent to defraud another person.

#### G.S. 14-113.17

Financial transaction card theft is a Class I felony.

### BILL ANALYSIS: Section 1 would:

- Define "skimming device" as a self-contained device.
- Specify that a skimming device is not a scanning device.
- Make it a Class I felony to knowingly possess, sell, or deliver a skimming device.

### Section 2 would:

- Make it a Class I felony to knowingly possess, sell, or deliver the newly defined "skimming device."
- Provide exceptions for the lawful use of skimming devices by officers, courts, and investigators on behalf of merchants.

**EFFECTIVE DATE:** The bill would become effective December 1, 2021, and apply to offenses committed on or after that date.

**\*Staff Attorney Amy Darden contributed substantially to this summary.**

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