



# HOUSE BILL 238: Prohibit Possession of Skimming Device.

2021-2022 General Assembly

<b>Committee:</b>	<b>Date:</b> February 28, 2022
<b>Introduced by:</b>	<b>Prepared by:</b> Jennifer H. Bedford
<b>Analysis of:</b> S.L. 2021-68	Staff Attorney

**OVERVIEW:** S.L. 2021-68 defines "skimming device" within the Financial Transaction Card Crime Act and makes the possession, sale, or delivery of a skimming device a Class I felony.

*This act became effective December 1, 2021, and applies to offenses committed on or after that date.*

### 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 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: The act makes the following changes within statutory definitions related to financial transaction cards:**

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

### **The act makes the following changes to the elements of crimes related to financial transaction cards:**

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

**EFFECTIVE DATE:** This act became effective December 1, 2021, and applies to offenses committed on or after that date.

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

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