

RÉSUMÉ DIGEST

ACT 21 (HB 211)

2024 Regular Session

Villio

Existing law provides for the crime of skimming.

Existing law defines the terms "authorized card user", "merchant", "payment card", "re-encoder", and "scanning device".

New law amends the definition of "re-encoder" to include a microchip of a payment card as a source where encoded information can be placed onto the microchip of a different payment card.

New law further amends the definition of "scanning device" to include a microchip of a payment card as a source where encoded information can be accessed, read, scanned, obtained, memorized, or temporarily or permanently stored.

Prior law provided that it was unlawful for any person to do either of the following:

- (1) Use 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) Use 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 was being re-encoded and with the intent to defraud the authorized user, the issuer of the authorized user's payment card, or a merchant.

New law changes the prior law elements to add information encoded on a microchip and the placement of information encoded on a microchip of a payment card to the microchip of a different card.

New law provides that it is unlawful for any person to possess a re-encoder or scanning device with the intent to defraud.

Existing law provides for penalties.

Prior law required the offender to be imprisoned, with or without hard labor, for not more than 10 years, or fined not more than \$20,000, or both upon a third or subsequent conviction of a violation of the provisions of existing law.

New law changes the conviction from third or subsequent to a second or subsequent conviction and provides for a minimum imprisonment term of one year. Further provides that the offender may also be fined \$20,000.

Prior law required a person convicted under existing law to be ordered to make full restitution to the victim and any other person who had suffered a financial loss as a result of the offense in addition to the penalties provided in existing law.

New law provides that restitution shall be made to the victim in accordance with existing law (C.Cr.P. Art. 883.2).

Prior law provided that if a person ordered to make restitution pursuant to existing law was found to be indigent and therefore unable to make restitution in full at the time of conviction, the court was required to order a periodic payment plan consistent with the person's financial ability.

New law removes this provision of existing law.

Effective August 1, 2024.

(Amends R.S. 14:67.4(B)(4) and (5), (C), (D)(3), and (E))