

HOUSE RESEARCH

Bill Summary

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Overview

This bill creates a felony for the unlawful possession or use of scanning devices or reencoders. A scanning device is used to read or store information encoded on a card with a magnetic or electronic strip. A reencoder is a device that places encoded information from one card onto a different card. This legislation would apply to payment cards, driver's licenses, and state issued identification cards.

Section

- 1 Authority.** Expands the county attorney's subpoena authority to include the production of certain records for identity theft investigations. Limits subpoena authority to identity theft cases where probable cause exists to believe a crime has been committed.
- 2 Definitions.** Defines "scanning device" and "reencoder" for purposes of identity theft crimes.
- 3 Unlawful possession or use of scanning device or reencoder.** Creates a five-year felony for the following: (1) using a scanning device or reencoder without the cardholder's permission and with intent to commit a crime; and (2) possessing any device that is designed to be used as a scanning device or reencoder, with intent to commit a crime.
- 4 Venue.** Applies the venue provisions to the new crime under section 3. (Under this subdivision, a case may be prosecuted in: (1) the county where the crime occurred; (2) the county of residence or place of business of the victim; or (3) the county of residence of the person whose identity was obtained or sought.)