

HOUSE RESEARCH

Bill Summary

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Subject: Criminal and civil penalties for sales suppression devices

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Overview

This bill establishes criminal and civil penalties for the sale, purchase, installation, transfer, possession, accessing, and use of a sales suppression device. A sales suppression device is defined as a software program that falsifies the electronic records of an electronic cash register or point-of-sale system.

Section

1 Use of automated sales suppression devices.

- **Definitions.** Provides definitions for “automated sales suppression device” or “zapper,” “electronic cash register,” “phantom-ware,” “transaction data,” and “transaction report.”
- **Felony.** Creates a felony for a person who intentionally or knowingly sells, purchases, installs, transfers, possesses, accesses, or uses a sales suppression device, zapper, phantom-ware, or other similar device. Provides for a maximum punishment of five years in prison and a \$5,000 fine.
- **Gross misdemeanor.** Creates a gross misdemeanor for a person who sells, purchases, installs, transfers, possesses, accesses, or uses a sales suppression device, zapper, phantom-ware, or other similar device. Provides for a maximum punishment of three years in prison and a \$3,000 fine.
- **Forfeiture.** Provides that a sales suppression device, zapper, and phantom-ware are contraband and subject to forfeiture.
- **Civil liability.** Imposes civil liability on a person convicted of a gross misdemeanor or felony under the proposed law. The penalty is equal to all taxes and penalties due

Section

to the state as a result of the use of an automated sales suppression device, zapper, or phantom-ware.