

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 18.2-196.1, relating to unlawful*
3 *use of payment card scanning devices and re-encoders; penalty.*

4 [H 2059]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 18.2-196.1 as follows:**8 *§ 18.2-196.1. Unlawful use of payment card scanning devices and re-encoders; penalty.*9 *A. Any person who with malicious intent uses a scanning device or a re-encoder on the payment*
10 *card of another without the permission of the authorized payment card user is guilty of a Class 1*
11 *misdemeanor.*12 *B. Any person who violates this section and sells or distributes such information to another is guilty*
13 *of a Class 6 felony.*14 *C. Any person who violates this section and uses such information in the commission of another*
15 *crime is guilty of a Class 6 felony.*16 *D. For the purposes of this section:*17 *1. "Authorized payment card user" means any person with the authorization or permission to use any*
18 *payment card to obtain, purchase, or receive goods, services, money, or anything else of value from a*
19 *merchant.*20 *2. "Merchant" means an owner or operator of any mercantile establishment or any agent, employee,*
21 *lessee, consignee, officer, director, franchisee, or independent contractor of such owner or operator who*
22 *receives from an authorized payment card user or someone he believes to be an authorized payment*
23 *card user, a payment card or information from a payment card, or what he believes to be a payment*
24 *card or information from a payment card, as the instrument for obtaining, purchasing or receiving*
25 *goods, services, money, or anything else of value from him.*26 *3. "Payment card" means a credit card, charge card, debit card, hotel key card, stored-value card,*
27 *white plastic, or any other card containing encoded information that allows an authorized payment card*
28 *user to obtain, purchase, or receive goods, services, money, or anything else of value from a merchant.*29 *4. "Re-encoder" means an electronic device that transfers encoded information from the magnetic*
30 *strip or stripe of a payment card onto the magnetic strip or stripe of a different payment card.*31 *5. "Scanning device" means a scanner, reader, or any other electronic device that is used to access,*
32 *read, scan, obtain, memorize, temporarily store, or permanently store encoded information on the*
33 *magnetic strip or stripe of a payment card.*34 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
35 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot**
36 **be determined for periods of imprisonment in state adult correctional facilities and is \$0 for**
37 **periods of commitment to the custody of the Department of Juvenile Justice.**
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