

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The Criminal Code of 1961 is amended by adding  
5 Section 17-25 as follows:

6 (720 ILCS 5/17-25 new)

7 Sec. 17-25. Use of scanning device or reencoder to  
8 defraud.

9 (a) In this Section:

10 "Scanning device" means a scanner, reader, or any other  
11 electronic device that is used to access, read, scan, obtain,  
12 memorize, or store, temporarily or permanently, information  
13 encoded on the magnetic strip or stripe of a payment card.

14 "Reencoder" means an electronic device that places  
15 encoded information from the magnetic strip or stripe of a  
16 payment card onto the magnetic strip or stripe of a different  
17 payment card.

18 "Payment card" means a credit card, charge card, debit  
19 card, or any other card that is issued to an authorized card  
20 user and that allows the user to obtain, purchase, or receive  
21 goods, services, money, or anything else of value from a  
22 merchant.

23 "Merchant" means an owner or operator of any retail  
24 mercantile establishment or any agent, employee, lessee,  
25 consignee, officer, director, franchisee, or independent  
26 contractor of the owner or operator. "Merchant" also means a  
27 person who receives from an authorized user of a payment  
28 card, or someone the person believes to be an authorized  
29 user, a payment card or information from a payment card, or  
30 what the person believes to be a payment card or information  
31 from a payment card, as the instrument for obtaining,

1 purchasing or receiving goods, services, money, or anything  
2 else of value from the person.

3 (b) It is unlawful for a person to use:

4 (1) a scanning device to access, read, obtain,  
5 memorize, or store, temporarily or permanently,  
6 information encoded on the magnetic strip or stripe of a  
7 payment card without the permission of the authorized  
8 user of the payment card and with the intent to defraud  
9 the authorized user, the issuer of the authorized user's  
10 payment card, or a merchant; or

11 (2) a reencoder to place information encoded on the  
12 magnetic strip or stripe of a payment card onto the  
13 magnetic strip or stripe of a different card without the  
14 permission of the authorized user of the card from which  
15 the information is being reencoded and with the intent to  
16 defraud the authorized user, the issuer of the authorized  
17 user's payment card, or a merchant.

18 (c) Sentence. A violation of this Section is a Class 4  
19 felony. A second or subsequent violation of this Section is  
20 a Class 3 felony.

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.