

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.