

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0037

SENATE BILL NO. \_\_\_\_\_

Introduced by: \_\_\_\_\_

1 FOR AN ACT ENTITLED, An Act to BRULE----Reencoder Crimes.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-30A-8.2 be amended to read as follows:

4 22-30A-8.2. Terms used in §§ 22-30A-8.2 to 22-30A-8.5, inclusive, mean:

5 (1) "Reencoder," an any electronic device that places encoded information from the  
6 magnetic strip or stripe of a payment card onto the magnetic strip or stripe of a  
7 different payment card;

8 (2) "Scanning device," a any scanner, reader, or any other electronic device that is  
9 used to access, read, scan, obtain, memorize, or store, temporarily or permanently,  
10 information encoded on the magnetic strip or stripe of a payment card.

11 Section 2. That § 22-30A-8.3 be amended to read as follows:

12 22-30A-8.3. No person may use a scanning device to access, read, obtain, memorize, or  
13 store, temporarily or permanently, information encoded on the magnetic strip or stripe of a  
14 payment card with the intent to defraud. A violation of this section is a Class 6 felony.

15 Section 3. That § 22-30A-8.4 be amended to read as follows:

16 22-30A-8.4. No person may use a reencoder to place information encoded on the magnetic



1 strip or stripe of a payment card onto the magnetic strip or stripe of a different card without the  
2 permission of the authorized user of the card from which the information is being reencoded and  
3 with the intent to defraud. A violation of this section is a Class 6 felony.

4 Section 4. That § 22-30A-8.5 be amended to read as follows:

5 22-30A-8.5. No person may own or possess a scanning device or a reencoder with the intent  
6 to use such scanning device or reencoder to defraud. A violation of this section is a Class 1  
7 misdemeanor.

8 Section 5. The code counsel shall transfer §§ 22-30A-8.2 to 22-30A-8.5, inclusive, to  
9 chapter 22-40 and shall renumber the sections accordingly and adjust all appropriate cross  
10 references.