

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

733I0631

HOUSE JUDICIARY COMMITTEE ENGROSSED NO.

HB 1187 - 02/12/2003

Introduced by: Representatives Weems, Buckingham, Hennies, Koistinen, Kraus, LaRue, Madsen, Miles, Novstrup, O'Brien, Peterson (Bill), Putnam, Rave, Smidt, Teupel, and Van Etten and Senators Jaspers, Abdallah, Duniphan, Kelly, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to prohibit the use or possession of scanning devices or
2 reencoders with intent to defraud and to provide a penalty therefor.

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

4 Section 1. Terms used in this Act mean:

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

8 (2) "Scanning device," a scanner, reader, or any other electronic device that is used to
9 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. No person may use a scanning device to access, read, obtain, memorize, or store,
12 temporarily or permanently, information encoded on the magnetic strip or stripe of a payment
13 card with the intent to defraud. A violation of this section is a Class 6 felony.

14 Section 3. 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. No person may own or possess a scanning device or a reencoder with the intent
5 to use such scanning device or reencoder to defraud. A violation of this section is a Class 1
6 misdemeanor.