

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 1345

Short Title: Computer Fraud Piracy.

(Public)

Sponsors: Senator Rand.

Referred to: Judiciary I.

June 12, 2002

A BILL TO BE ENTITLED

1 AN ACT TO PREVENT IDENTITY THEFT THROUGH UNLAWFUL USE OF
2 SCANNING DEVICES.
3

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 114-113.8 is amended by adding a new subdivision to
6 read:

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

11 **SECTION 2.** G.S. 114-119.9(a) reads as rewritten:

12 "(a) A person is guilty of financial transaction card theft when:

- 13 (1) He takes, obtains or withholds a financial transaction card from the
14 person, possession, custody or control of another without the
15 cardholder's consent and with the intent to use it; or who, with
16 knowledge that it has been so taken, obtained or withheld, receives the
17 financial transaction card with intent to use it or to sell it, or to transfer
18 it to a person other than the issuer or the cardholder; or
19 (2) He receives a financial transaction card that he knows to have been
20 lost, mislaid, or delivered under a mistake as to the identity or address
21 of the cardholder, and who retains possession with intent to use it or to
22 sell it or to transfer it to a person other than the issuer or the
23 cardholder; or
24 (3) He, not being the issuer, sells a financial transaction card or buys a
25 financial transaction card from a person other than the issuer; or
26 (4) He, not being the issuer, during any 12-month period, receives
27 financial transaction cards issued in the names of two or more persons
28 which he has reason to know were taken or retained under

1 circumstances which constitute a violation of G.S. 14-113.13(a)(3) and
2 subdivision (3) of subsection (a) of this ~~section~~-section; or

3 (5) He uses a scanning device to access, read, obtain, memorize, or store,
4 temporarily or permanently, information encoded on the magnetic strip
5 or stripe of a financial institution transaction card without the
6 permission of the authorized user of the financial institution
7 transaction card with the intent to defraud the authorized user, the
8 issuer of the authorized user's financial transaction card, or a
9 merchant."

10 **SECTION 3.** This act becomes effective December 1, 2002, and applies to
11 offenses committed on or after that date.