

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 225

5 By: Senator Rapert
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For An Act To Be Entitled

8 AN ACT CONCERNING CREDIT OR DEBIT CARD "SKIMMING";
9 CREATING THE OFFENSE OF UNAUTHORIZED ACQUISITION OR
10 TRANSFER OF FINANCIAL SIGHT ORDER OR PAYMENT CARD
11 INFORMATION; AND FOR OTHER PURPOSES.
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Subtitle

14 CONCERNING CREDIT OR DEBIT CARD
15 "SKIMMING"; AND CREATING THE OFFENSE OF
16 UNAUTHORIZED ACQUISITION OR TRANSFER OF
17 FINANCIAL SIGHT ORDER OR PAYMENT CARD
18 INFORMATION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code Title 5, Chapter 37, Subchapter 2, is amended
25 to add an additional section to read as follows:

26 5-37-229. Unauthorized acquisition or transfer of financial sight
27 order or payment card information.

28 (a) As used in this section:

29 (1) "Check" means the same as defined in § 4-60-101;

30 (2) "Debit card" means the same as defined in § 4-88-702;

31 (3) "Financial sight order or payment card information" means
32 financial information that is:

33 (A) Contained on either side of a check or similar sight
34 order or payment card; or

35 (B) Encoded on the magnetic strip or stripe of a payment
36 card;



1 (4) "Payment card" means a debit card or credit card;

2 (5) "Reencoder" means an electronic device that places encoded
3 information from the computer chip or magnetic strip or stripe of a payment
4 card onto the computer chip or magnetic strip or stripe of a different
5 payment card or any electronic medium that allows an authorized transaction
6 to occur; and

7 (6) "Skimmer" means an electronic, photographic, visual imaging,
8 recording, or other device capable of accessing, reading, recording,
9 capturing, copying, imaging, scanning, reproducing, or storing in any manner
10 financial sight order or payment card information.

11 (b) A person commits the offense of unauthorized acquisition or
12 transfer of financial sight order or payment card information if, knowing
13 that he or she is not entitled to obtain or possess financial sight order or
14 payment card information, the person:

15 (1) Obtains the financial sight order or payment card
16 information of another person by use of a skimmer;

17 (2) Transfers to another person financial sight order or payment
18 card information obtained as described under subdivision (b)(1) of this
19 section; or

20 (3) Uses a reencoder to place encoded financial sight order or
21 payment card information on the computer chip or magnetic strip or stripe of
22 a payment card or any electronic medium that allows an authorized transaction
23 to occur.

24 (c)(1) Unauthorized acquisition or transfer of financial sight order
25 or payment card information is a Class D felony under subdivision (b)(2) or
26 (b)(3) of this section.

27 (2) Otherwise, unauthorized acquisition or transfer of financial
28 sight order or payment card information is a Class A misdemeanor.

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