
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1918 Session of
2017

INTRODUCED BY PHILLIPS-HILL, BARBIN, BARRAR, BOBACK, CHARLTON,
DeLUCA, FEE, HARKINS, IRVIN, KEEFER, MARSICO, MILLARD,
B. MILLER, O'NEILL, ORTITAY, PASHINSKI, PICKETT, READSHAW,
ROZZI, SAYLOR, WARD, WATSON, WHEELAND AND GILLESPIE,
NOVEMBER 15, 2017

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 15, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in forgery and fraudulent practices,
3 providing for the offense of possession and use of unlawful
4 devices.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 4121. Possession and use of unlawful devices.

10 (a) Offense defined.--A person commits an offense if:

11 (1) The person, with the intent to defraud another
12 person:

13 (i) uses a device to access, read, obtain, memorize
14 or store, temporarily or permanently, information encoded
15 on the computer chip, magnetic strip or stripe or other
16 storage mechanism of a payment card or possesses a device
17 capable of doing so; or

1 (ii) places information encoded on the computer
2 chip, magnetic strip or stripe or other storage mechanism
3 of a payment card onto the computer chip, magnetic strip
4 or stripe or other storage mechanism of a different card
5 or possesses a device capable of doing so.

6 (2) The person knowingly possesses, sells or delivers a
7 device which is designed to read and store in the device's
8 internal memory information encoded on a computer chip,
9 magnetic strip or stripe or other storage mechanism of a
10 payment card other than for the purpose of processing the
11 information to facilitate a financial transaction.

12 (b) Grading.--

13 (1) A first offense under subsection (a) constitutes a
14 felony of the third degree.

15 (2) A second or subsequent offense under subsection (a)
16 constitutes a felony of the second degree.

17 (c) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Payment card." A credit card, a charge card, a debit card
21 or another card which is issued to an authorized card user to
22 purchase or obtain goods, services, money or another thing of
23 value.

24 Section 2. This act shall take effect in 60 days.