

2024 Regular Session

HOUSE BILL NO. 211

BY REPRESENTATIVES VILLIO, ADAMS, BILLINGS, CARLSON, COX, DAVIS,
DEWITT, EDMONSTON, EGAN, FISHER, GLORIOSO, HORTON, JACKSON,
MIKE JOHNSON, OWEN, SCHLEGEL, TAYLOR, THOMPSON, WALTERS,
WILEY, AND ZERINGUE

1 AN ACT

2 To amend and reenact R.S. 14:67.4(B)(4) and (5), (C), (D)(3), and (E), relative to offenses
3 against property; to provide relative to the Anti-Skimming Act; to provide relative
4 to definitions; to provide relative to elements of the offense; to provide for penalties;
5 to provide relative to restitution; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:67.4(B)(4) and (5), (C), (D)(3), and (E) are hereby amended and
8 reenacted to read as follows:

9 §67.4. Anti-Skimming Act

10 * * *

11 B. As used in this Section the following terms have the following meanings:

12 * * *

13 (4) "Re-encoder" means an electronic device that places encoded information
14 from the microchip or magnetic strip or stripe of a payment card onto the microchip
15 or magnetic strip or stripe of a different payment card.

16 (5) "Scanning device" means a scanner, reader, or any other electronic
17 device that is used to access, read, scan, obtain, memorize, or store, temporarily or
18 permanently, information encoded on the microchip or magnetic strip or stripe of a
19 payment card.

20 C. It shall be unlawful for any person to do ~~either~~ any of the following:

21 (1) Use a scanning device to access, read, obtain, memorize, or store,
22 temporarily or permanently, information encoded on the microchip or magnetic strip

1 or stripe of a payment card without the permission of the authorized user of the
2 payment card and with the intent to defraud the authorized user, the issuer of the
3 authorized user's payment card, or a merchant.

4 (2) Use a re-encoder to place information encoded on the microchip or
5 magnetic strip or stripe of a payment card onto the microchip or magnetic strip or
6 stripe of a different card without the permission of the authorized user of the card
7 from which the information is being re-encoded and with the intent to defraud the
8 authorized user, the issuer of the authorized user's payment card, or a merchant.

9 (3) Possess a re-encoder or scanning device with the intent to defraud.

10 D.

11 * * *

12 (3) Upon a ~~third~~ second or subsequent conviction of a violation of the
13 provisions of this Section, the offender shall be imprisoned, with or without hard
14 labor, for not less than one year nor more than ten years, ~~or may~~ and may be fined
15 not more than twenty thousand dollars, ~~or both~~.

16 E. In addition to the penalties provided in Subsection D of this Section, a
17 person convicted under this Section shall be ordered to make full restitution to the
18 victim and any other person who has suffered a financial loss as a result of the
19 offense in accordance with Code of Criminal Procedure Article 883.2. ~~If a person~~
20 ~~ordered to make restitution pursuant to this Section is found to be indigent and~~
21 ~~therefore unable to make restitution in full at the time of conviction, the court shall~~
~~order a periodic payment plan consistent with the person's financial ability.~~

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA