

HOUSE No. 02860

The Commonwealth of Massachusetts

PRESENTED BY:

William M. Straus

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to further protect citizens of the Commonwealth from skimming and radio frequency identification theft .

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>William M. Straus</i>	<i>10th Bristol</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Steven A. Tolman</i>	<i>Second Suffolk and Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>

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By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 2860) of Scibak and others relative to the use of a radio frequency scanning devices or reencoders to obtain personal identification information for the purpose of committing fraud Joint Committee on the Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to further protect citizens of the Commonwealth from skimming and radio frequency identification theft .

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Section 37E of chapter 266 is hereby further amended by the following definitions
- 2 in subsection (a):-
- 3 “Radio frequency identification”, the use of electromagnetic radiating waves and reactive field
- 4 coupling in the radio frequency portion of the spectrum to read or communicate personal
- 5 identifiable information to or from a radio frequency identification document through a variety
- 6 of modulation and encoding schemes.
- 7 “Radio frequency identification reader”, an electronic device capable of reading, activating,
- 8 triggering, or receiving information or data from a radio frequency identification tag.
- 9 “Radio frequency identification tag”, an electronic identifier comprised of electronic tags,
- 10 electronic product codes, electronic chips, circuits or other triggering devices which contain

11 identification information, data signals or other information related to the product, manufacturer,
12 contents, serial number, date, purchaser, seller, destination, origin, package, carton, material,
13 object or person to which it is attached, embedded or associated, and which information or data
14 is capable of being wirelessly transmitted to or read by an radio frequency identification reader
15 or system.

16 "Reencoder", an electronic device that places encoded information from the computer chip or
17 magnetic strip or stripe of a payment card onto the computer chip or magnetic strip or stripe of
18 another payment card or any electronic medium that allows an authorized transaction to occur.

19 "Scanning device", a scanner, reader or any other electronic device that is used to access, read,
20 scan, obtain, memorize or store, temporarily or permanently, information encoded on the
21 computer chip or magnetic strip or stripe of a payment card

22 "Skimming", the use of a scanning device or reencoder to obtain personal identification
23 information for the purpose of committing fraud, identity theft or any other unlawful act.

24

25 SECTION 2. Section 37E of Chapter 266 is hereby amended by inserting the following new
26 subsection:

27 Whoever, with intent to defraud, obtains personal identifying information about another person
28 by means of skimming or a radio frequency identification reader without the express
29 authorization of such person, shall be punished by a fine of not more than \$10,000 or
30 imprisonment in a house of correction for not more than two and one-half years, or by both such
31 fine and imprisonment.