

HOUSE BILL 944

By Lollar

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 14, Part 1, relative to electronic  
information devices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-150, is amended by adding  
the following language as a new, appropriately designated subsection:

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(1) For the purposes of this subsection:

(A) "Reencoder" means an electronic device that places encoded information from the computer chip or magnetic strip or stripe of a payment card, driver license, or state or local government-issued identification card, onto the computer chip or magnetic strip or stripe of a different payment card, driver license, or state or local government-issued identification card, or any other electronic medium that allows an authorized transaction to occur;

(B) "Scanning device" means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on a computer chip or magnetic strip or stripe of a payment card, driver license, or state or local government-issued identification card; and

(C) "Unlawful activity" means:

(i) Any offense constituting a felony violation of the laws of this state or any offense constituting a felony violation of a similar law of another state or the United States; and

(ii) Any offense constituting a nonfelony violation under chapter 14, part 1 of this title, or chapter 16, part 3 of this title, or any offense constituting a nonfelony violation of a similar law of another state or the United States.

(2)

(A) It is an offense for a person to use a scanning device or reencoder without the permission of the cardholder of the card from which information is being scanned or reencoded with the intent to commit, aid, or abet any unlawful activity.

(B) It is an offense for a person who possesses any device, apparatus, equipment, software, material, good, property, or supply that is designed or adapted for use as a scanning device or reencoder with the intent to commit, aid, or abet any unlawful activity.

(C) A violation of this subsection is a class D felony.

SECTION 2. This act shall take effect July 1, 2011, the public welfare requiring it.