

1 SENATE BILL 603

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

4 Michael Padilla

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10 AN ACT

11 RELATING TO CRIMINAL LAW; AMENDING THE CRIMINAL CODE TO INCLUDE
12 FRAUD BY USE OF A SCANNING DEVICE OR RE-ENCODER.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 30-16-35 NMSA 1978 (being Laws 1971,
16 Chapter 239, Section 11) is amended to read:

17 "30-16-35. POSSESSION OF INCOMPLETE CREDIT CARDS OR
18 MACHINERY, PLATES OR OTHER CONTRIVANCE.--

19 A. Any person who possesses an incomplete [~~credit~~
20 ~~card, with intent to defraud, is guilty of a misdemeanor.~~
21 ~~Possession of four or more incomplete credit cards, with intent~~
22 ~~to defraud, is a fourth degree felony]~~ payment card, a scanning
23 device to access, read, obtain, memorize or store, temporarily
24 or permanently, information encoded on the computer chip or
25 magnetic strip or stripe of a payment card or a re-encoder to

.213045.4

underscored material = new
[bracketed material] = delete

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[bracketed material] = delete

1 place encoded information on the computer chip or magnetic
2 strip or stripe of a payment card or any electronic medium that
3 allows an authorized transaction to occur is guilty of a
4 misdemeanor.

5 B. Any person, who with intent to defraud,
6 possesses machinery, plates, a scanning device, a re-encoder or
7 any other contrivance designed to reproduce instruments
8 purporting to be [~~credit cards of an issuer who has not~~
9 ~~consented to the preparation of such credit cards~~] a payment
10 card is guilty of a fourth degree felony.

11 C. As used in this section:

12 (1) "payment card" means a credit card, debit
13 card or any other card that is issued to an authorized user and
14 that allows the user to obtain, purchase or receive goods,
15 services, money or anything else of value;

16 (2) "re-encoder" means an electronic device
17 that places encoded information from the computer chip or
18 magnetic strip or stripe of a payment card onto the computer
19 chip or magnetic strip or stripe of a different payment card or
20 any electronic medium that allows an unauthorized transaction
21 to occur; and

22 (3) "scanning device" means a scanner, reader
23 or any other electronic device that is used to access, read,
24 scan, obtain, memorize or store, temporarily or permanently,
25 information encoded on the computer chip or magnetic strip or

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1 stripe of a payment card."

2 SECTION 2. EFFECTIVE DATE.--The effective date of the
3 provisions of this act is July 1, 2019.

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