



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 1918

PRINTERS NO. 2709

PRIME SPONSOR: Phillips-Hill

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	See Fiscal Impact	See Fiscal Impact

### SUMMARY:

House Bill 1918, Printer's Number 2709 amends Title 18 (Crimes and Offenses) by providing for a new Section 4121 (Possession and use of unlawful devices).

### ANALYSIS:

HB 1918 amends the Crimes Code providing for the offense of possession and use of an unlawful device. The offense is committed if a person:

1. Demonstrates the intent to defraud another by:
  - using a device to access, read, obtain, memorize or store information encoded on the computer chip, magnetic chip or another storage mechanism of a payment card, or possess a device capable of doing so; or
  - placing information encoded on the computer chip, magnetic strip or other storage mechanism of a payment card onto the computer chip, magnetic strip or other storage mechanism of a different card or possess a device capable of doing so.
2. Knowingly possess, sells or delivers a device which is designed to read and store in the devices internal memory information encoded on a computer chip, magnetic strip or other storage mechanism of a payment card other than for the purpose of processing the information to facilitate a financial transaction.

A person convicted of this offense for the first time will be commit a felony of the third degree (Fine up to \$15,000 and imprisonment up to 7 years); committing second or subsequent offenses will result in committing a felony of the second degree (Fine up to \$25,000 and imprisonment up to 10 years).

This legislation will take effect in 60 days.

### FISCAL IMPACT:

Enactment of this legislation will have an unknown fiscal impact on Commonwealth funds. The creation of a new crime has the potential to increase costs to the Commonwealth. However, reliable data is not available to estimate how many individuals may be convicted and sentenced for this crime.

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*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*