

CRIMES CODE (18 PA.C.S.) - POSSESSION AND USE OF UNLAWFUL
DEVICES

Act of Jun. 28, 2018, P.L. 425, No. 60

Cl. 18

Session of 2018

No. 2018-60

HB 1918

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in forgery and fraudulent practices, providing for the offense of possession and use of unlawful devices.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 4121. Possession and use of unlawful devices.

(a) **Offense defined.**--A person commits an offense if:

(1) The person, with the intent to defraud another person:

(i) uses a device to access, read, obtain, memorize or store, temporarily or permanently, information encoded on the computer chip, magnetic strip or stripe or other storage mechanism of a payment card or possesses a device capable of doing so; or

(ii) places information encoded on the computer chip, magnetic strip or stripe or other storage mechanism of a payment card onto the computer chip, magnetic strip or stripe or other storage mechanism of a different card or possesses a device capable of doing so.

(2) The person knowingly possesses, sells or delivers a device which is designed to read and store in the device's internal memory information encoded on a computer chip, magnetic strip or stripe or other storage mechanism of a payment card other than for the purpose of processing the information to facilitate a financial transaction.

(b) **Grading.**--

(1) A first offense under subsection (a) constitutes a felony of the third degree.

(2) A second or subsequent offense under subsection (a) constitutes a felony of the second degree.

(c) **Definitions.**--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Payment card." A credit card, a charge card, a debit card or another card which is issued to an authorized card user to purchase or obtain goods, services, money or another thing of value.

Section 2. This act shall take effect in 60 days.

APPROVED--The 28th day of June, A.D. 2018.

TOM WOLF