HOUSE DOCKET, NO. 3161 FILED ON: 1/21/2011

HOUSE . . . . . No. 2860

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:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William M. Straus	*10th Bristol*
John W. Scibak	*2nd Hampshire*
Steven A. Tolman	☐ *[District]* ☐
Bruce E. Tarr	☐ *[District]* ☐

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HOUSE . . . . . No. 2860

By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 2860) of William M. Straus 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. The Judiciary.

The Commonwealth of Massachusetts

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:

SECTION 1. Section 37E of chapter 266 is hereby further amended by the following definitions in subsection (a):-

"Radio frequency identification", the use of electromagnetic radiating waves and reactive field coupling in the radio frequency portion of the spectrum to read or communicate personal identifiable information to or from a radio frequency identification document through a variety of modulation and encoding schemes.

"Radio frequency identification reader", an electronic device capable of reading, activating, triggering, or receiving information or data from a radio frequency identification tag.

"Radio frequency identification tag", an electronic identifier comprised of electronic tags, electronic product codes, electronic chips, circuits or other triggering devices which contain identification information, data signals or other information related to the product, manufacturer, contents, serial number, date, purchaser, seller, destination, origin, package, carton, material, object or person to which it is attached, embedded or associated, and which information or data is capable of being wirelessly transmitted to or read by an radio frequency identification reader or system.

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

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

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

25

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

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