
Public Safety Committee

ESB 6248

Brief Description: Making the unlawful possession of instruments of financial fraud a crime.

Sponsors: Senators Pearson, Benton and O'Ban.

<p style="text-align: center;">Brief Summary of Engrossed Bill</p> <ul style="list-style-type: none">• Makes possession of a device that has the ability to capture, read, scan, store, record, transmit, or receive financial information from an access device, a class C felony, when the intent is to commit financial fraud.
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Hearing Date: 2/25/14

Staff: Yvonne Walker (786-7841).

Background:

A person can commit financial fraud in a variety of ways including, but not limited to, the unlawful:

1. Production of Payment Instruments - producing a check or other payment instrument in the name of a person or entity, or with the routing number or account number of a person or entity without the permission of that person or entity.
2. Possession of Payment Instruments - possessing two or more checks or other payment instruments, alone or in combination, in the name of another person, entity or fictitious person or entity.
3. Possession of a Personal Identification Device - possessing a personal identification device with intent to use the device to commit theft, forgery, or identity theft.
4. Possession of Fictitious Identification - possessing a personal identification card with a fictitious person's identification with intent to use the identification card to commit theft, forgery, or identity theft.
5. Possession of Instruments of Financial Fraud - possessing a check making machine, equipment, or software, with intent to use or distribute checks for purposes of defrauding an account holder, business, financial institution or other person or organization.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Such crimes are a seriousness level I, class C felony offense. A first-time offender would receive a presumptive sentence of zero to 60 days in jail.

Summary of Bill:

A person is guilty of Unlawful Possession of Instruments of Financial Fraud if he or she possesses a device that has the ability to capture, read, scan, store, record, transmit, or receive financial information from an access device, with the intent to commit financial fraud. Unlawful Possession of Instruments is a class C felony offense.

An "access device" means any card, plate, code, account number, or other means of account access that can be used alone or in conjunction with another access device to obtain money, goods, services, or anything else of value, or that can be used to initiate a transfer of funds, other than a transfer originated solely by paper instrument. A device that has the ability to capture, read, scan, store, record, transmit, or receive financial information may include, but is not limited to, automated teller machine overlays, wireless devices, magnetic card readers, video recorders, memory and data storage devices, and wireless transmitters and receivers.

Appropriation: None.

Fiscal Note: Available.

Effective Date: This act takes effect on January 1, 2015.