



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2017 Wisconsin Act 54**  
[2017 Senate Bill 133]

**Credit Card Skimmers**

2017 Wisconsin Act 54 creates new crimes relating to the possession or use of a reencoder or scanning device. The Act also provides immunity from civil liability to certain people for the unauthorized access, storage, or use of credit card information by another person by means of a credit card scanner or reencoder installed on a fuel pump or automated teller machine (ATM).

### **KEY TERMINOLOGY**

Reencoders and scanning devices are commonly referred to as “credit card skimmers” or “skimming devices.” Specifically, under the Act, a “reencoder” is an electronic device that places encoded information from a computer chip or magnetic strip or stripe of a credit card onto the computer chip or magnetic strip or stripe of a credit card or any electronic medium that allows a transaction to occur. A “scanning device” is a scanner, reader, or any other electronic device that can access information encoded on a computer chip or magnetic strip or stripe of a credit card.

### **CRIMES**

Prior to Act 54, Wisconsin law prohibited certain unauthorized uses of an individual or entity’s personal or identifying information. The Act creates additional crimes that specifically target harmful uses of credit card skimmers.

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

## **Related Crimes**

### **Unauthorized Use of an Individual's Personal Identifying Information or Documents<sup>1</sup>**

Generally, Wisconsin law prohibits a person from using, attempting to use, or possessing with intent to use, an individual's personal identifying information or a personal identification document for certain purposes without authorization or consent and representing that he or she is the individual, is acting with the consent of the individual, or that the information or document belongs to him or her.<sup>2</sup> The types of prohibited purposes under this law include the following:

- To obtain credit, money, goods, services, employment, or any other thing of value or benefit.
- To avoid civil or criminal process or penalty.
- To harm the reputation, property, person, or estate of the individual.

The penalty for this crime is a Class H felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.

### **Unauthorized Use of an Entity's Identifying Information or Documents<sup>3</sup>**

Wisconsin law also generally prohibits a person from intentionally using, attempting to use, or possessing with intent to use, any identifying information or identification document of an entity for certain purposes without authorization or consent and representing that the person is the entity or is acting with the authorization or consent of the entity.<sup>4</sup> The types of prohibited purposes under this law include the following:

- To obtain credit, money, goods, services, or anything else of value or benefit.
- To harm the reputation or property of the entity.

The penalty for this crime is a Class H felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed six years, or both.

## **Act 54**

Act 54 makes it a crime for a person to do any of the following:

- Possess a credit card skimmer with intent to commit one of the related crimes mentioned above or to access information encoded on a credit card without the permission of an authorized user of the credit card. The penalty for this crime is a

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<sup>1</sup> Section 943.201, Stats.

<sup>2</sup> The terms "personal identification document" and "personal identifying information" are defined in s. 943.201 (1), Stats.

<sup>3</sup> Section 943.203, Stats.

<sup>4</sup> The terms "entity," "identification document," and "identifying information," are defined in s. 943.203 (1), Stats.

Class I felony, punishable by a fine not to exceed \$10,000 or imprisonment not to exceed three years and six months, or both.

- Possess a credit card skimmer with the intent to transfer it to another person if the person knows or should know that the transferee will use the credit card skimmer to commit one of the related crimes mentioned above or to access information encoded on a credit card without the permission of an authorized user of the credit card. This crime is punishable as a Class H felony.
- Use or attempt to use a credit card skimmer to commit one of the related crimes mentioned above or to access information encoded on a credit card without the permission of an authorized user of the credit card. This crime is punishable as a Class H felony.
- Use a credit card skimmer to commit one of the related crimes mentioned above or to access information encoded on a credit card without the permission of an authorized user of the credit card if the person obtains, purchases, or receives credit, money, goods, services, or any other thing of value from the use. The penalty for this crime is a Class G felony, punishable by a fine not to exceed \$25,000 or imprisonment not to exceed 10 years, or both.

### **IMMUNITY FROM CIVIL LIABILITY**

Act 54 provides the following people immunity from civil liability for the unauthorized access, storage, or use of credit card information by another person by means of a credit card skimmer that has been installed on his or her machine:

- Any person who sells or distributes motor vehicle fuel and who dispenses that fuel from a pump capable of reading a credit card.
- Any person who owns or is responsible for an ATM.

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