

### Fiscal Estimate - 2017 Session

Original     
  Updated     
  Corrected     
  Supplemental

<b>LRB Number</b> <b>17-2426/1</b>	<b>Introduction Number</b> <b>AB-0196</b>
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**Description**  
 possession of or use of a credit card scanner, providing civil immunity for sellers or distributors of fuel for scanners installed on pumps, and providing criminal penalties

**Fiscal Effect**

**State:**

- No State Fiscal Effect
- Indeterminate
  - Increase Existing Appropriations
  - Decrease Existing Appropriations
  - Create New Appropriations
- Increase Existing Revenues
- Decrease Existing Revenues
- Increase Costs - May be possible to absorb within agency's budget
  - Yes
  - No
- Decrease Costs

**Local:**

- No Local Government Costs
- Indeterminate
- 1.  Increase Costs
  - Permissive  Mandatory
- 2.  Decrease Costs
  - Permissive  Mandatory
- 3.  Increase Revenue
  - Permissive  Mandatory
- 4.  Decrease Revenue
  - Permissive  Mandatory
- 5. Types of Local Government Units Affected
  - Towns     Village     Cities
  - Counties     Others     0
  - School Districts     WTCS Districts

**Fund Sources Affected** **Affected Ch. 20 Appropriations**

GPR   
  FED   
  PRO   
  PRS   
  SEG   
  SEGS 410

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## Fiscal Estimate Narratives

DOC 4/5/2017

LRB Number	17-2426/1	Introduction Number	AB-0196	Estimate Type	Original
<b>Description</b> possession of or use of a credit card scanner, providing civil immunity for sellers or distributors of fuel for scanners installed on pumps, and providing criminal penalties					

### Assumptions Used in Arriving at Fiscal Estimate

This bill creates several new crimes related to credit card scanners and the use of credit card scanners in identity theft. First, this bill makes it a Class I felony for an individual to possess a credit card scanner with the intent to commit identity theft. Second, this bill makes it a Class H felony for an individual that possesses a credit card scanning device or reencoder with the intent to transfer it to another person, knowing that the transferee will use it to commit identity theft. Third, this bill makes it a Class H felony to attempt to use a credit card scanner or reencoder to commit identity theft. Finally, if the individual using the credit card scanner or reencoder obtains, purchases, or receives credit, money, goods, services, or any other thing of value resulting from the use of the credit card scanner or reencoder, they are guilty of a Class G felony.

This bill also makes the seller of motor vehicle fuel from pumps that are capable of reading credit cards and any person who owns or operates an automated teller machine immune from civil liability if those machines are compromised by credit card scanners or reencoders.

The Department of Corrections is unable to determine the fiscal impact of this bill as it cannot predict the number of people that will be sentenced under these new offenses and the sentencing practices of judges under the new law.

State costs could increase if offenders of this new statute are convicted of this crime and sentenced to prison. The average FY16 annual cost for an inmate in a DOC institution is approximately \$32,300. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$5,700 based on FY16 costs. Should the Department use contract beds, the rate would be approximately \$18,800 annually per person.

State costs could also increase if offenders of this new statute are convicted of these crimes and sentenced to probation. If there is a large increase in the number of offenders placed on probation or extended supervision, additional community corrections funding and/or positions may be necessary to handle the population. The average FY16 annual cost to supervise one offender is approximately \$3,000.

### Long-Range Fiscal Implications