

## Code of Ala. § 13A-8-113

Current through the end of the 2023 First Special, Regular, and Second Special Sessions, but not including corrections and changes made to the 2023 session laws by the Code Commissioner.

*Michie's™ Alabama Code > TITLE 13A Criminal Code (Chs. 1 — 14) > CHAPTER 8 Offenses Involving Theft (Arts. 1 — 11) > Article 5A The Alabama Digital Crime Act (§§ 13A-8-110 — 13A-8-119)*

### **§ 13A-8-113. Encoded data fraud.**

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(a) A person commits the crime of encoded data fraud by:

- (1) Knowingly and with the intent to commit an unlawful act or to defraud, possessing a scanning device; or knowingly and with intent to commit an unlawful act or defraud, using or attempting to use a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on an identification document by means of magnetic strip, integrated circuit, or radio frequency identification tag without the permission of the authorized user or issuer of the identification document.
- (2) Knowingly and with the intent to commit an unlawful act or to defraud, possessing a reencoder; or knowingly and with intent to commit an unlawful act or defraud, using or attempting to use a reencoder to place encoded information on an identification document by means of magnetic strip, integrated circuit, or radio frequency identification tag without the permission of the authorized user or issuer of the identification document from which the information is being reencoded.
- (3) Knowingly and with intent to commit an unlawful act or to defraud, possess any purported credit or debit card that was not legitimately issued by a financial institution, company, governmental agency, or other card issuer. If any credit or debit card contains conflicting identifying information, this conflict shall create a rebuttable presumption of intent to commit an unlawful act or to defraud and that the credit or debit card was not legitimately issued.

(b) Any person violating this section, upon conviction, shall be guilty of a Class C felony. For the purposes of charges under subdivision (3) of subsection (a), the possession of each credit or debit card shall be charged as a separate count.

(c) Any scanning device, reencoder, or credit or debit card owned by the defendant and possessed or used in violation of this section may be seized and be destroyed as contraband by the investigating law enforcement agency by which the scanning device, reencoder, or credit or debit card was seized.

### **History**

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Acts 2012, No. 12-432, § 4, Aug. 1, 2012; Acts 2016, No. 16-359, § 1, effective August 1, 2016.

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