

ONE HUNDRED FIFTH LEGISLATURE - SECOND SESSION - 2018
COMMITTEE STATEMENT
LB811

Hearing Date: Wednesday February 21, 2018
Committee On: Judiciary
Introducer: Lindstrom
One Liner: Change prohibited uses of scanning devices and encoding machines

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 7 Senators Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks
Nay:
Absent: 1 Senator Chambers
Present Not Voting:

Verbal Testimony:

Proponents:
Senator Brett Lindstrom
Jason Bassett
Jerry Stilmock
Brandon Luetkenhaus

Representing:
Introducer
Kum & Go
Nebraska Bankers' Association
Nebraska Credit Union League

Opponents:

Representing:

Neutral:
Spike Eickholt

Representing:
Nebraska Criminal Defense Attorneys' Association

Summary of purpose and/or changes:

This bill updates Neb. Rev. Stat. Sec. 28-632 & 28-634 to attempt to address new technological methods for committing credit card fraud, especially those affecting new cards that primarily rely on a computer chip instead of a magnetic strip only for encoding user account information. The bill would eliminate limiting language in the criminal statute that refers to "magnetic strip." The bill eliminates the current requirement that a prosecutor show that use of a scanning device without permission was "with the intent to defraud the authorized user."

Explanation of amendments:

AM 2216 to LB 811 would add the requirement that commission of the crime requires that the prohibited act be committed "intentionally and knowingly."

The amendment also strikes the phrase "directly or indirectly" to eliminate an ambiguity in the bill as introduced.

Laura Ebke, Chairperson