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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 817

02/06/2017 Authored by Loonan, Howe, Rarick, Youakim and Franson
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance
02/22/2017 Adoption of Report: Re-referred to the Committee on Commerce and Regulatory Reform

1.1 A bill for an act
1.2 relating to public safety; establishing crimes for interfering with point-of-sale
1.3 terminals, gas pump dispensers, and automated teller machines; amending
1.4 Minnesota Statutes 2016, sections 609.87, by adding subdivisions; 609.891,
1.5 subdivisions 1, 2, 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2016, section 609.87, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 15. **Electronic terminal.** "Electronic terminal" means an electronic device, other
1.10 than a telephone operated by a consumer, through which an individual or company may
1.11 initiate an electronic fund transfer. The term includes, but is not limited to, point-of-sale
1.12 terminals, automated teller machines, cash dispensing machines, and gas pump dispensers.

1.13 Sec. 2. Minnesota Statutes 2016, section 609.87, is amended by adding a subdivision to
1.14 read:

1.15 Subd. 16. **Access device.** "Access device" means a card that is used by an individual or
1.16 company to initiate transactions and is:

- 1.17 (1) a means of access to an individual's or company's account;
- 1.18 (2) issued on a prepaid basis to the individual or company in a specific amount; or
- 1.19 (3) used by the individual or company to access government benefits.

2.1 Sec. 3. Minnesota Statutes 2016, section 609.891, subdivision 1, is amended to read:

2.2 Subdivision 1. **Crime.** A person is guilty of unauthorized computer access if the person
2.3 intentionally and without authorization attempts to or does penetrate a computer security
2.4 system or electronic terminal.

2.5 Sec. 4. Minnesota Statutes 2016, section 609.891, subdivision 2, is amended to read:

2.6 Subd. 2. **Felony.** (a) A person who violates subdivision 1 in a manner that creates a
2.7 grave risk of causing the death of a person is guilty of a felony and may be sentenced to
2.8 imprisonment for not more than ten years or to payment of a fine of not more than \$20,000,
2.9 or both.

2.10 (b) A person who is convicted of a second or subsequent gross misdemeanor violation
2.11 of subdivision 1 is guilty of a felony and may be sentenced under paragraph (a).

2.12 (c) A person who violates subdivision 1 by accessing an electronic terminal through
2.13 opening any panel or access door without authorization and placing or attaching an electronic
2.14 device to capture, store, or communicate access device information is guilty of a felony.

2.15 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
2.16 committed on or after that date.

2.17 Sec. 5. Minnesota Statutes 2016, section 609.891, subdivision 3, is amended to read:

2.18 Subd. 3. **Gross misdemeanor.** (a) A person who violates subdivision 1 in a manner that
2.19 creates a risk to public health and safety is guilty of a gross misdemeanor and may be
2.20 sentenced to imprisonment for a term of not more than one year or to payment of a fine of
2.21 not more than \$3,000, or both.

2.22 (b) A person who violates subdivision 1 in a manner that compromises the security of
2.23 data that are protected under section 609.52, subdivision 2, clause (8), or are not public data
2.24 as defined in section 13.02, subdivision 8a, is guilty of a gross misdemeanor and may be
2.25 sentenced under paragraph (a).

2.26 (c) A person who violates subdivision 1 and gains access to personal data is guilty of a
2.27 gross misdemeanor and may be sentenced under paragraph (a).

2.28 (d) A person who is convicted of a second or subsequent misdemeanor violation of
2.29 subdivision 1 within five years is guilty of a gross misdemeanor and may be sentenced
2.30 under paragraph (a).

3.1 (e) A person who violates subdivision 1 by accessing an electronic terminal through
3.2 opening any panel or access door without authorization is guilty of a gross misdemeanor
3.3 and may be sentenced under paragraph (a).

3.4 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
3.5 committed on or after that date.