

118TH CONGRESS  
1ST SESSION

# H. R. 3398

To establish criminal offenses with respect to violations involving ATMs,  
and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2023

Mr. ROSE (for himself and Mr. IVEY) introduced the following bill; which was  
referred to the Committee on the Judiciary

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## A BILL

To establish criminal offenses with respect to violations  
involving ATMs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safe Access to Cash  
5 Act of 2023”.

6 **SEC. 2. OFFENSES.**

7 (a) AUTOMATED TELLER MACHINES.—

8 (1) IN GENERAL.—Chapter 103 of title 18,  
9 United States Code, is amended by inserting after  
10 section 2113 the following:

1 **“§ 2113A. ATM robbery and incidental crimes**

2       “(a) OFFENSES AGAINST ATM USERS AND  
3 SERVICERS.—Whoever, by force and violence, or by intimi-  
4 dation, willfully takes, or attempts to take, from any per-  
5 son using, loading cash into, or servicing, or attempting  
6 to use, load cash into, or service, or having just used, load-  
7 ed cash into, or serviced, an ATM, or from any owner of  
8 any network-connected ATM while such owner is engaged  
9 in transporting or delivering cash that is to be inserted  
10 into any such ATM, or from any person engaged in such  
11 transport or delivery under contract with, or employment  
12 by, any such owner, or who attempts to obtain by extor-  
13 tion, any property or money or any other thing of value  
14 from any such person, shall be fined under this title or  
15 imprisoned not more than twenty years, or both.

16       “(b) OFFENSE AGAINST PROPERTY.—Whoever will-  
17 fully breaks into, tampers with, damages, removes, steals,  
18 or attempts to break into, tamper with, damage, remove,  
19 or steal any ATM, or, without authorization of the owner  
20 of any such ATM, removes or attempts to remove any  
21 property or money from any such ATM, shall be fined  
22 under this title or imprisoned not more than twenty years,  
23 or both.

24       “(c) DEFINITIONS.—In this section:

25               “(1) ATM.—The term ‘ATM’ means any net-  
26 work-connected automated teller machine terminal

1 that is connected to one or more of the global, na-  
 2 tional, or regional electronic financial networks that  
 3 allow a depositor of any bank, credit union, or sav-  
 4 ings and loan association, by use at such ATM of a  
 5 card or other access device, as defined in subsection  
 6 (e)(1) of section 1029 of this title, issued or author-  
 7 ized by such depository institution, to access such  
 8 depositor’s account for the purpose of making with-  
 9 draws from or deposits to such account, or making  
 10 inquiry as to the balance in such account.

11 “(2) BANK; CREDIT UNION; SAVINGS AND LOAN  
 12 ASSOCIATION.—The terms ‘bank’, ‘credit union’, and  
 13 ‘savings and loan association’ have the meanings  
 14 given such terms in section 2113.”.

15 (2) CLERICAL AMENDMENT.—The table of sec-  
 16 tions for chapter 103 of title 18, United States  
 17 Code, is amended by inserting after the item relating  
 18 to section 2113 the following:

“2113A. ATM robbery and incidental crimes.”.

19 (b) ENHANCEMENTS.—Section 2113 of title 18,  
 20 United States Code, is amended—

21 (1) in subsection (d), by inserting “or in section  
 22 2113A” after “of this section”; and

23 (2) in subsection (e), by inserting “or in section  
 24 2113A” after “this section”.