

HR 3398

Safe Access to Cash Act of 2023

Congress: 118 (2023–2025, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: May 17, 2023

Current Status: Referred to the House Committee on the Judiciary.

Latest Action: Referred to the House Committee on the Judiciary. (May 17, 2023)

Official Text: <https://www.congress.gov/bill/118th-congress/house-bill/3398>

Sponsor

Name: Rep. Rose, John W. [R-TN-6]

Party: Republican • State: TN • Chamber: House

Cosponsors (10 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Ivey, Glenn [D-MD-4]	D · MD		May 17, 2023
Rep. Johnson, Henry C. "Hank," Jr. [D-GA-4]	D · GA		May 23, 2023
Rep. Payne, Donald M., Jr. [D-NJ-10]	D · NJ		Jun 6, 2023
Rep. Baird, James R. [R-IN-4]	R · IN		Mar 5, 2024
Rep. Fitzgerald, Scott [R-WI-5]	R · WI		Jul 23, 2024
Rep. Foster, Bill [D-IL-11]	D · IL		Aug 2, 2024
Rep. Kustoff, David [R-TN-8]	R · TN		Aug 2, 2024
Rep. Meuser, Daniel [R-PA-9]	R · PA		Aug 2, 2024
Rep. Ogles, Andrew [R-TN-5]	R · TN		Aug 2, 2024
Rep. Brownley, Julia [D-CA-26]	D · CA		Sep 11, 2024

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred To	May 17, 2023

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

Safe Access to Cash Act of 2023

This bill establishes a new federal statutory framework to govern robbery offenses involving ATMs and related conduct.

Currently, the federal bank robbery statute makes it a federal crime to take or attempt to take by force and violence or by intimidation, money or other property from any bank, credit union, or savings and loan association. A violation is punishable by a statutory maximum prison term of 20 years (or 25 years, if the offense includes assault or use of a dangerous weapon).

However, federal circuit courts have split on whether forcing someone to withdraw money from an ATM qualifies as an offense under the federal bank robbery statute. In *United States v. Chavez*, the Fifth Circuit Court of Appeals held that the bank customer, rather than the bank, had possession of the funds when the robbery occurred, so a necessary element of the federal bank robbery statute--that the money belonged to the bank--was not satisfied. In contrast, the Tenth, Seventh, and Fourth Circuits have held that directly forcing a bank customer to withdraw money from an ATM constitutes a federal bank robbery because the funds belonged to the bank when the withdrawal occurred.

This bill establishes new statutory criminal offenses for ATM robbery and related offenses such as ATM theft. A violation is subject to the same criminal penalties as an offense under the federal bank robbery statute--a statutory maximum prison term of 20 years (or 25 years, if the offense includes assault or use of a dangerous weapon).

Actions Timeline

- **May 17, 2023:** Introduced in House
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