

119TH CONGRESS
2^D SESSION

S. 3798

To amend title 18, United States Code, to establish criminal offenses with respect to violations involving ATMs, regardless of whether the ATM is located on the physical premises of a financial institution, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 5, 2026

Mr. CRUZ (for himself and Mr. GALLEGO) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to establish criminal offenses with respect to violations involving ATMs, regardless of whether the ATM is located on the physical premises of a financial institution, 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 2026”.

1 **SEC. 2. OFFENSES RELATED TO ATM ROBBERY AND INCI-**
 2 **DENTAL CRIMES.**

3 (a) IN GENERAL.—Chapter 103 of title 18, United
 4 States Code, is amended by inserting after section 2113
 5 the following:

6 **“§ 2113A. ATM robbery and incidental crimes**

7 “(a) OFFENSES AGAINST ATM USERS AND
 8 SERVICERS.—Whoever, by force or violence, or by intimi-
 9 dation, takes, or attempts to take, or conspires to take,
 10 any property or money or any other thing of value from
 11 any person using or servicing, or attempting to use or
 12 service, an ATM, or from any person having used or serv-
 13 iced an ATM, where the offense is committed in connec-
 14 tion with such use or service, or from any owner or oper-
 15 ator of any network-connected ATM while such person is
 16 engaged in transporting or delivering property that is to
 17 be inserted into any such ATM, or from any person en-
 18 gaged in such transport or delivery under contract with,
 19 or employment by, any such owner or operator, or who
 20 extorts or attempts or conspires to obtain by extortion,
 21 any property or money or any other thing of value from
 22 any such person described in this subsection, shall be fined
 23 under this title or imprisoned not more than 20 years, or
 24 both.

25 “(b) OFFENSES AGAINST PROPERTY.—

1 “(1) OFFENSES EXCEEDING \$1,000.—Whoever
2 breaks into, tampers with, damages, removes, steals,
3 or attempts to break into, tamper with, damage, re-
4 move, or steal any ATM without authorization of the
5 owner or operator of any such ATM, and removes or
6 attempts to remove any property or money from any
7 such ATM exceeding \$1,000, shall be fined under
8 this title or imprisoned not more than 10 years, or
9 both.

10 “(2) OFFENSES NOT EXCEEDING \$1,000.—Who-
11 ever breaks into, tampers with, damages, removes,
12 steals, or attempts to break into, tamper with, dam-
13 age, remove, or steal any ATM without authorization
14 of the owner or operator of any such ATM, and does
15 not remove or attempt to remove any property or
16 money from any such ATM exceeding \$1,000, shall
17 be fined under this title or imprisoned not more
18 than 1 year, or both.

19 “(c) RECEIPT, POSSESSION, CONCEALMENT, STOR-
20 AGE, BARTER, SALE, OR DISPOSAL OF PROPERTY AC-
21 QUIRED UNLAWFULLY UNDER THIS SECTION.—Whoever
22 receives, possesses, conceals, stores, barter, sells, or dis-
23 poses of, any property or money or other thing of value
24 that has been taken in violation of subsection (a) or (b),
25 or conspires to do so, knowing the same to be property

1 that has been unlawfully taken, shall be subject to the
2 punishment provided in subsection (a) or (b), as applica-
3 ble, for the taker.

4 “(d) ASSAULT IN CONNECTION WITH OFFENSES.—
5 Whoever, in committing, or in attempting to commit, any
6 offense defined in subsection (a) or (b), forcibly assaults
7 any person, or puts in jeopardy the life of any person by
8 the use of a dangerous weapon or device, shall be fined
9 under this title or imprisoned not more than 25 years, or
10 both.

11 “(e) KILLING OR FORCIBLE ACCOMPANIMENT IN
12 CONNECTION WITH OFFENSES.—Whoever, in committing
13 any offense defined in this section, or in avoiding or at-
14 tempting to avoid apprehension for the commission of such
15 offense, or in freeing himself or attempting to free himself
16 from arrest or confinement for such offense, kills any per-
17 son, or forces any person to accompany the offender with-
18 out the consent of such person, shall be imprisoned not
19 less than 10 years, or, if death results, shall be punished
20 by life imprisonment.

21 “(f) DEFINITIONS.—In this section:

22 “(1) ATM.—The term ‘ATM’—

23 “(A) means any network-connected auto-
24 mated teller machine terminal that is connected
25 to 1 or more of the global, national, or regional

1 electronic financial networks that allow a de-
2 positor of any bank, credit union, or savings
3 and loan association, by use at such automated
4 teller machine of a card or other access device,
5 as defined in section 1029(e)(1), issued or au-
6 thorized by such depository institution, to ac-
7 cess the account of the depositor for the pur-
8 pose of making withdrawals from or deposits to
9 such account, or making inquiry as to the bal-
10 ance in such account; and

11 “(B) includes any automated teller ma-
12 chine owned, operated, or sponsored by a bank,
13 credit union, or any savings and loan associa-
14 tion, regardless of whether—

15 “(i) the automated teller machine is
16 located on the physical premises of such an
17 institution; or

18 “(ii) the automated teller machine is
19 owned or operated by such an institution.

20 “(2) BANK; CREDIT UNION; SAVINGS AND LOAN
21 ASSOCIATION.—The terms ‘bank’, ‘credit union’, and
22 ‘savings and loan association’ have the meanings
23 given those terms in section 2113.

24 “(3) EXTORTION.—The term ‘extortion’ has the
25 meaning given the term in section 1951(b)(2).

1 “(g) INCLUDED OFFENSES.—The offenses defined in
 2 subsections (a) and (b) include any such offense com-
 3 mitted against or involving an ATM, or any person using
 4 or servicing, or attempting to use or service, or against
 5 a person having used or serviced an ATM, where the of-
 6 fense is committed in connection with, or by reason of,
 7 such use or service, and any such offense against any
 8 owner or operator of an ATM while such person is en-
 9 gaged in transporting or delivering property that is to be
 10 loaded into an ATM, or against any person engaged in
 11 such transport or delivery under contract with, or employ-
 12 ment by, any such owner or operator.”.

13 (b) CLERICAL AMENDMENT.—The table of sections
 14 for chapter 103 of title 18, United States Code, is amend-
 15 ed by inserting after the item relating to section 2113 the
 16 following:

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

17 **SEC. 3. OFFENSES RELATED TO BANK ROBBERY AND INCI-**
 18 **DENTAL CRIMES.**

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

21 (1) in the first paragraph, by striking “force
 22 and violence” and inserting “force or violence”; and

23 (2) by inserting “or conspires to take,” before
 24 “from the person or presence of another,”.