



ARKANSAS SENTENCING COMMISSION

1302 Pike Avenue, Suite E • North Little Rock, AR 72114

Phone: (501) 682-5001 • Fax: (501) 682-5018

Impact Assessment for SB302 Sponsored by Senator Gilmore

Subtitle TO CREATE THE CRIMINAL OFFENSE OF GIFT CARD FRAUD

Impact Summary¹ Cannot be determined. The proposed bill creates a new felony criminal offense for which the likely number of occurrences is unknown.

Change from Current Law² Amends Title 5 of Arkansas Code Annotated (A.C.A.) by adding a new section, A.C.A. § 5-37-229, Gift card fraud - Definitions. Under the proposed bill, a violation of A.C.A. § 5-37-229 is a Class B, C, or D Felony, or a Class A Misdemeanor, depending on the value of the gift card or gift card redemption or depending on the aggregate value of one (1) or more gift cards or gift card redemption information acquired or used within one hundred and twenty (120) days.

Impact Information The proposed bill creates a new felony offense, the likely number of occurrences of which cannot be determined. The proposed criminal offense contains similar elements to A.C.A. § 5-37-207, Fraudulent use of a credit card or debit card. [See attached for complete reproduction] The following data is for informational purposes only.

The Administrative Office of the Courts (AOC) reports that for the three (3) year period beginning January 1, 2022 and ending December 31, 2024, there were three hundred and eighty-three (383) felony convictions for a violation of A.C.A. § 5-37-207(b), (b)(1), (b)(2), and (b)(3), Fraudulent Use of a credit card or debit card, Class B, C, and D Felonies.

The Division of Correction (ADC) reports that there are currently five (5) offenders serving a sentence for A.C.A. § 5-37-207, Fraudulent use of a credit card or debit card, as the most serious offense. Three (3) of those offenders are serving a sentence for A.C.A. § 5-37-207(b)(2) and (b)(3), Fraudulent use of a credit card or debit card, Class C and D felonies. ADC data does not differentiate between the courses of unlawful conduct for the remaining two (2) offenders due to the sentencing dates.

The likely number of occurrences with the creation of the proposed new felony offense is unknown. For this reason, the potential impact on correctional resources cannot be determined.

¹ This impact assessment was prepared 3/4/2025 2:47 PM by the staff of the Arkansas Sentencing Commission pursuant to A. C. A. § 16-90-802(d)(6) with data supplied by the Department of Corrections and the Administrative Office of the Courts. A micro-simulation model may be used for bills which have the potential for significant impact on correctional resources. The following designations will be used:

“minimal” = less than 10 offenders per year will be affected; “medium” = would require budgetary increases for ADC costs; and “major” = would require budgetary increases for ADC costs and construction costs for additional beds.

² Standard punishment ranges:

Class Y 10-40 years or life
Class A 6-30 years; up to \$15,000
Class B 5-20 years; up to \$15,000

Class C 3-10 years; up to \$10,000
Class D 0-6 years; up to \$10,000
Unclassified As specified in statute

Misdemeanors
Class A Up to 1 year; up to \$2,500
Class B Up to 90 days; up to \$1,000
Class C Up to 30 days; up to \$500