

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025

A Bill

SENATE BILL 302

4
5 By: Senator Gilmore
6 By: Representative Beaty Jr.

For An Act To Be Entitled

9 AN ACT TO CREATE THE CRIMINAL OFFENSE OF GIFT CARD
10 FRAUD; TO DECLARE AN EMERGENCY; AND FOR OTHER
11 PURPOSES.

Subtitle

15 TO CREATE THE CRIMINAL OFFENSE OF GIFT
16 CARD FRAUD; AND TO DECLARE AN EMERGENCY.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

19
20 SECTION 1. Arkansas Code Title 5, Chapter 37, Subchapter 2, is amended to
21 add an additional section to read as follows:

22 5-37-229. Gift card fraud – Definitions.

23 (a) As used in this section:

24 (1) "Card holder" means a person who receives a gift card
25 through a purchase or a gift;

26 (2) "Card issuer" means a person or agent of the person that
27 issues a gift card;

28 (3) "Gift card" means a physical or electronic payment device
29 that is:

30 (A) Usable at a single merchant or affiliated group of
31 merchants that share the same name, mark, or logo;

32 (B) Issued in a specified amount and may be increased in
33 value or reloaded;

34 (C) Purchased on a prepaid basis in exchange for payment;
35 and

36 (D) Honored upon presentation by the card holder to a



1 single merchant or affiliated group of merchants for goods or services;

2 (4) "Gift card redemption information" means any numeric codes
3 specific to the activation or redemption of a gift card; and

4 (5) "Value" means the greatest amount of economic loss the owner
5 of a gift card could reasonably suffer including without limitation the full
6 monetary face value or potential value for a variable load gift card.

7 (b) A person commits the offense of gift card fraud if he or she:

8 (1) With purpose to defraud, acquires or retains possession of a
9 gift card or gift card redemption information;

10 (2) Obtains by deception a gift card or gift card redemption
11 information from a card holder or card issuer; or

12 (3) Knowingly uses a gift card or gift card redemption
13 information that has been obtained in violation of subdivision (b)(1) or
14 (b)(2) of this section for the purpose of obtaining money, goods, services,
15 or anything else of value.

16 (c) Gift card fraud is a:

17 (1) Class B felony if:

18 (A) The value of a gift card or gift card redemption
19 information is twenty-five thousand dollars (\$25,000) or more; or

20 (B) The aggregate value of one (1) or more gift cards or
21 gift card redemption information obtained through multiple violations of
22 subsection (b) of this section within one hundred twenty (120) days is
23 twenty-five thousand dollars (\$25,000) or more;

24 (2) Class C felony if:

25 (A) The value of a gift card or gift card redemption
26 information is less than twenty-five thousand dollars (\$25,000) but more than
27 five thousand dollars (\$5,000); or

28 (B) The aggregate value of one (1) or more gift cards or
29 gift card redemption information acquired, retained, obtained, or used in
30 violation of subsection (b) of this section within one hundred twenty (120)
31 days is less than twenty-five thousand dollars (\$25,000) but more than five
32 thousand dollars (\$5,000);

33 (3) Class D felony if:

34 (A) The value of a gift card or gift card redemption
35 information is less than five thousand dollars (\$5,000) but more than one
36 thousand dollars (\$1,000); or

1 (B) The aggregate value of one (1) or more gift cards or
2 gift card information acquired, retained, obtained, or used in violation of
3 subsection (b) of this section within one hundred twenty (120) days is less
4 than five thousand dollars (\$5,000) but more than one thousand dollars
5 (\$1,000); or

6 (4) Class A misdemeanor if:

7 (A) The value of a gift card or gift card information is
8 less than one thousand dollars (\$1,000); or

9 (B) The aggregate value of one (1) or more gift cards or
10 gift card information acquired, retained, obtained, or used in violation of
11 subsection (b) of this section within one hundred twenty (120) days is less
12 than one thousand dollars (\$1,000).

13
14 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly of the State of Arkansas that gift card fraud is a pervasive
16 problem in the state; that businesses and consumers suffer the economic
17 consequences of such crimes; and that this act is immediately necessary to
18 provide a deterrent against gift card fraud and protect the economy of the
19 state. Therefore, an emergency is declared to exist, and this act being
20 immediately necessary for the preservation of the public peace, health, and
21 safety shall become effective on:

22 (1) The date of its approval by the Governor;

23 (2) If the bill is neither approved nor vetoed by the Governor,
24 the expiration of the period of time during which the Governor may veto the
25 bill; or

26 (3) If the bill is vetoed by the Governor and the veto is
27 overridden, the date the last house overrides the veto.