

Subject Including gift card fraud in the crime of organized retail theft

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Overview

In 2023, the legislature established the crime of organized retail theft. The crime applies when a person is part of a group of two or more individuals who remove retail merchandise from a retailer, has committed previous theft-related offenses, and resells or returns the stolen merchandise. Penalties for organized retail theft are greater than penalties for other types of theft.

This bill would include theft involving gift cards under the organized retail theft statute. It would also include situations where someone tampers with stolen merchandise for the purpose of obtaining something of value from the retailer or a retail customer.

Summary

Section	Description
1	Definitions. Adds definitions for the terms “closed-loop gift card,” “gift card,” and “open-loop gift card.” Specifies that “retail merchandise” includes gift cards. Establishes that, in the case of gift cards, value should be calculated as the greatest economic loss the owner of the property might experience.
2	Organized retail theft. Specifies that the crime of organized retail theft applies when a person meets the other requirements and tampers with the stolen merchandise for the purpose of obtaining anything of value from the retailer or a retail customer.