

State of Arkansas
95th General Assembly
Regular Session, 2025

As Engrossed: S3/11/25

A Bill

SENATE BILL 302

By: Senator Gilmore

By: Representative Beaty Jr.

For An Act To Be Entitled

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

Subtitle

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

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

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

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

(a) As used in this section:

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

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

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

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

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

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

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



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

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

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

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

(1) With purpose to defraud, acquires or retains possession of a gift card or gift card redemption information with the purpose of depriving the owner of property;

(2) Obtains by deception a gift card or gift card redemption information from a card holder or card issuer with the purpose of depriving the owner of property;

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

(c) Gift card fraud is a:

(1) Class B felony if:

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

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

(2) Class C felony if:

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

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

(3) Class D felony if:

(A) The value of a gift card or gift card redemption

information is less than five thousand dollars (\$5,000) but more than one thousand dollars (\$1,000); or

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

(4) Class A misdemeanor if:

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

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

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

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

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

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

/s/Gilmore

APPROVED: 4/16/25