

2025 Regular Session

SENATE BILL NO. 38

BY SENATOR HENSGENS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Creates the crime of theft of gift cards or gift card redemption information. (8/1/25)

AN ACT

To enact R.S. 14:67.23, relative to theft; to create the crime of theft of gift cards or gift card redemption information; to provide relative to fraudulent acquisition of gift cards or gift card redemption information; to provide relative to forgery, alteration, or duplication of gift cards, gift card packaging, or gift card redemption information; to provide definitions and penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:67.23 is hereby enacted to read as follows:

§67.23. Theft of gift cards or gift card redemption information

A. As used in this Section:

(1) "Active" means that a gift card has had funds loaded onto it, at least once, since being acquired by a cardholder.

(2) "Cardholder" means a person who acquires an active gift card through legitimate means including but not limited to a lawful purchase, as a gift, reward, prize, rebate, or store credit.

(3) "Card issuer" means any merchant or service provider that causes a gift card to be placed into commerce.

1 (4) "Card redemption information" means any information necessary
2 for a cardholder to redeem either the full or partial value of a gift card.

3 (5) "Card seller" means any merchant that sells gift cards intended for
4 use with a third party card issuer.

5 (6) "Closed-loop card" means a card, code, or device that is issued to a
6 person on a prepaid basis in a specified amount, regardless of whether that
7 amount may be increased or reloaded in exchange for payment, and is
8 redeemable at a single merchant or a group of affiliated merchants.

9 (7) "Gift card" means a physical or digital open-loop card or closed-loop
10 card that represents the cardholder's right to exchange either the full or partial
11 value of the gift card for goods or services in lieu of tendering full payment by
12 other acceptable means.

13 (8) "Inactive" means a gift card has not yet been made active.

14 (9) "Misappropriation or taking" includes acquiring or retaining
15 possession of a gift card or gift card redemption information.

16 (10) "Open-loop card" means a card, code, or device that is issued to a
17 person in a specified amount, regardless of whether that amount may be
18 increased or reloaded in exchange for payment, and is redeemable at multiple
19 unaffiliated merchants within the payment card network. A pre-paid debit card
20 shall be considered an open-loop card.

21 (11) "Value" means either the amount of funds loaded onto an active gift
22 card or the maximum amount that an inactive gift card can hold at any one time
23 following activation. Gift card redemption information and gift card packaging
24 shall have the same value as the gift card that requires the card redemption
25 information to be redeemed or that is contained or held by the packaging.

26 B.(1) No person shall misappropriate or take a gift card or gift card
27 redemption information without the consent of either the card holder, card
28 issuer, or card seller.

29 (2) Whoever violates the provisions of this Subsection shall be sentenced

1 according to the provisions of R.S. 14:67.

2 C.(1) No person shall alter, tamper with, or duplicate a gift card, gift
3 card redemption information, or gift card packaging with the intent to defraud.

4 (2) Whoever violates the provisions of this Subsection shall be sentenced
5 according to the provisions of R.S. 14:67 and shall be imprisoned, with or
6 without hard labor, for an additional period of one year, to be served
7 consecutively with any sentence imposed pursuant to R.S. 14:67, and may be
8 fined an additional amount of not more than five thousand dollars.

9 D.(1) No person shall devise or participate in a scheme to obtain a gift
10 card or gift card redemption information from a cardholder, card issuer, or
11 card seller by means of false or fraudulent pretenses, representations, or
12 promises.

13 (2) Whoever violates the provisions of this Subsection shall be sentenced
14 according to the provisions of R.S. 14:67 and shall be imprisoned, with or
15 without hard labor, for an additional period of two years, to be served
16 consecutively with any sentence imposed pursuant to R.S. 14:67, and may be
17 fined an additional amount of not more than ten thousand dollars.

18 E. In addition to the penalties provided in this Section, the offender shall
19 be ordered to make full restitution to the victim and any other person who has
20 suffered a financial loss as a result of the offense. If the offender is found to be
21 indigent and therefore unable to make restitution in full at the time of
22 conviction, the court shall order a periodic payment plan consistent with the
23 offender's financial ability.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

- (1) Intentionally acquire or retain possession of a gift card or gift card redemption information without the consent of either the card holder, card issuer, or card seller.
- (2) Alter, tamper with, or duplicate a gift card, gift card redemption information, or gift card packaging with the intent to defraud.
- (3) Devise or participate in a scheme to obtain a gift card or gift card redemption information from a cardholder, card issuer, or card seller by means of false or fraudulent pretenses, representations, or promises.

Proposed law provides definitions relative to proposed law.

Proposed law provides that a person who intentionally acquires or retains possession of a gift card or gift card redemption information without consent of either the card holder, card issuer, or card seller will be sentenced according to the provisions of present law relative to theft.

Proposed law provides that a person who alters, tampers with, or duplicates, a gift card, gift card redemption information, or gift card packaging with the intent to defraud will be sentenced according to the provisions of present law relative to theft, and will be imprisoned for an additional period of one year, with or without hard labor, to be served consecutively with any period of incarceration imposed pursuant to proposed law, and may be fined up to an additional \$5,000.

Proposed law provides that a person who devises or participates in a scheme to obtain a gift card or gift card redemption information from a cardholder, card issuer, or card seller by means of false or fraudulent pretenses, representations, or promises will be sentenced according to the provisions of present law relative to theft, and will be imprisoned for an additional period of two years, with or without hard labor, to be served consecutively with any period of incarceration imposed pursuant to proposed law, and may be fined up to an additional \$10,000.

Effective August 1, 2025.

(Adds R.S. 14:67.23)