

By: Cook

H.B. No. 3168

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of fraudulent use or possession of a gift card or gift card redemption information.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 32, Penal Code, is amended by adding Section 32.56 to read as follows:

Sec. 32.56. FRAUDULENT USE OR POSSESSION OF GIFT CARD OR GIFT CARD REDEMPTION INFORMATION. (a) In this section:

(1) "Cardholder" means a person to whom a physical or virtual gift card is given or any person who purchased the gift card.

(2) "Card issuer" means any person that issues a gift card or the agent of that person with respect to the card.

(3) "Gift card" means a card, code, or device that is issued to a consumer on a prepaid basis in a specified amount and redeemable upon presentation for the purchase of goods or services and that is either activated or inactivated.

(4) "Gift card redemption information" means information unique to each gift card that allows the cardholder to access, transfer, or spend funds on the gift card.

(5) "Gift card seller" means a merchant engaged in the business of selling gift cards to consumers.

(b) A person commits an offense if the person, with the intent to harm or defraud another:

1 (1) acquires or retains possession of a gift card or
2 gift card redemption information without the consent of the
3 cardholder, card issuer, or gift card seller;

4 (2) alters or tampers with a gift card; or

5 (3) uses or attempts to use a gift card or gift card
6 redemption information to obtain goods, services, or anything else
7 of value with knowledge that the gift card or gift card redemption
8 information has been obtained in violation of Subdivision (1) or
9 altered or tampered with.

10 (c) An offense under this section is:

11 (1) a Class C misdemeanor if the value of the gift
12 card, gift cards, or gift card redemption information involved is
13 less than \$100;

14 (2) a Class B misdemeanor if the value of the gift
15 card, gift cards, or gift card redemption information involved is
16 \$100 or more but less than \$750;

17 (3) a Class A misdemeanor if the value of the gift
18 card, gift cards, or gift card redemption information involved is
19 \$750 or more but less than \$2,500;

20 (4) a state jail felony if the value of the gift card,
21 gift cards, or gift card redemption information involved is \$2,500
22 or more but less than \$30,000;

23 (5) a felony of the third degree if the value of the
24 gift card, gift cards, or gift card redemption information involved
25 is \$30,000 or more but less than \$150,000;

26 (6) a felony of the second degree if the value of the
27 gift card, gift cards, or gift card redemption information involved

1 is \$150,000 or more but less than \$300,000; and

2 (7) a felony of the first degree if the value of the

3 gift card, gift cards, or gift card redemption information involved

4 is \$300,000 or more.

5 SECTION 2. This Act takes effect September 1, 2025.