

26103315D

SENATE BILL NO. 444

Offered January 14, 2026

Prefiled January 13, 2026

A BILL to amend the Code of Virginia by adding in Chapter 6 of Title 18.2 an article numbered 6.1, consisting of sections numbered 18.2-199.1 through 18.2-199.7, relating to offenses relating to gift cards; penalties.

Patrons—Bagby and Stanley

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 6 of Title 18.2 an article numbered 6.1, consisting of sections numbered 18.2-199.1 through 18.2-199.7, as follows:

Article 6.1.

Offenses Relating to Gift Cards.

§ 18.2-199.1. Definitions.

As used in this article, unless the context requires a different meaning:

"Cardholder" means any person or party to whom a physical or virtual gift card is sold, gifted, or issued following the authorized sale of such gift card.

"Card issuer" means any person that issues a gift card.

"Closed-loop gift card" means a card, code, or device that is issued to a consumer on a prepaid basis primarily for personal, family, or household purposes in a specified amount, regardless of whether that amount may be increased or reloaded in exchange for payment, and is redeemable upon presentation by a consumer at a single merchant or group of affiliated merchants.

"Gift card" means a physical or digital closed-loop gift card or open-loop gift card that is either activated or inactivated.

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

"Gift card seller" means a merchant that is engaged in the business of selling open-loop or closed-loop gift cards to consumers.

"Open-loop gift card" means a card, code, or device that is issued to a consumer on a prepaid basis primarily for personal, family, or household purposes in a specified amount, regardless of whether that amount may be increased or reloaded in exchange for payment, and is redeemable upon presentation at multiple unaffiliated merchants for goods or services within the payment card network.

"Value" means the greatest amount of economic loss the card issuer, gift card seller, or cardholder might reasonably suffer including the full or maximum monetary face or load value of the gift card, regardless of whether or not the gift card has been activated.

§ 18.2-199.2. Gift card theft; penalty.

A. Any person who, with intent to defraud, acquires or retains possession of a gift card or gift card redemption information without the consent of the cardholder, card issuer, or gift card seller is guilty of theft.

B. Gift card theft is grand larceny and punishable as provided in § 18.2-95.

§ 18.2-199.3. Gift card forgery; penalty.

Any person who, with intent to defraud, alters or tampers with a gift card or its packaging is guilty of gift card forgery, a Class 5 felony.

§ 18.2-199.4. Gift card fraud; conspiracy; penalties.

A. Any person who, with intent to defraud, devises a scheme to obtain a gift card or gift card redemption information from a cardholder, card issuer, or gift card seller by means of false or fraudulent pretenses, representations, or promises is guilty of gift card fraud.

B. Conviction of gift card fraud is punishable as a Class 1 misdemeanor if the value of all money, goods, services, and anything else of value furnished in violation of this section, or if the difference between the value of all money, goods, services, and anything else of value actually furnished and the value represented to the card issuer to have been furnished in violation of this section, is less than \$1,000 in any six-month period; conviction of gift card fraud is punishable as a Class 6 felony if such value is \$1,000 or more in any six-month period.

C. Any person who conspires, confederates, or combines with another (i) either within or without the Commonwealth to commit gift card fraud within the Commonwealth or (ii) within the Commonwealth to commit gift card fraud within or without the Commonwealth is guilty of a Class 6 felony.

§ 18.2-199.5. Criminally receiving goods and services fraudulently obtained; penalty.

1/30/26 12:52

59 A person is guilty of criminally receiving goods and services fraudulently obtained when he receives
60 money, goods, services, or anything else of value obtained in violation of § 18.2-199.4 with the knowledge or
61 belief that the same were obtained in violation of such section. Conviction of criminal receipt of goods and
62 services fraudulently obtained is punishable as a Class 1 misdemeanor if the value of all money, goods,
63 services, and anything else of value obtained in violation of this section is less than \$1,000 in any six-month
64 period; conviction of criminal receipt of goods and services fraudulently obtained is punishable as a Class 6
65 felony if such value is \$1,000 or more in any six-month period.

66 **§ 18.2-199.6. Venue.**

67 Notwithstanding the provisions of § 19.2-244, a prosecution for a violation of this article may be had in
68 any county or city in which (i) any act in furtherance of the crime was committed; (ii) a card issuer or card
69 holder, or an agent of either, sustained a financial loss as a result of the offense; or (iii) the cardholder
70 resides. A prosecution for a violation of § 18.2-199.2 may be had in any county or city where a gift card or
71 gift card redemption information is used, is attempted to be used, or is possessed with intent to violate § 18.2-
72 199.3, 18.2-199.4, or 18.2-199.5.

73 **§ 18.2-199.7. Penalties for violation of article.**

74 Persons violating any provision of this article for which no other specific punishment is provided are
75 guilty of a Class 6 felony.

76 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
77 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**
78 **appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;**
79 **therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing**
80 **Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of**
81 **Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of**
82 **commitment to the custody of the Department of Juvenile Justice.**