

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **ENROLLED**

#### **Committee Substitute**

**for**

#### **House Bill 4990**

BY DELEGATES BROOKS, MARTIN, VANCE, KYLE, ROOP,  
MALLOW, MARPLE, HORNBY, PRITT, FERRELL, AND B.

SMITH

[Passed March 14, 2026; in effect 90 days from  
passage (June 12, 2026)]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §61-4A-1, §61-4A-2, §61-4A-3, and §61-4A-4, all relating to criminal offenses  
3 involving gift cards; defining terms; creating new misdemeanor and felony crimes relating  
4 to gift cards; and establishing criminal penalties and fines for newly created crimes.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 4A. CRIMES INVOLVING GIFT CARDS.**

**§61-4A-1. Definitions.**

1 As used in this article:

2 "Cardholder" means any person or party to whom a physical or virtual gift card is issued  
3 through a purchase or receives a gift card from a willing party.

4 "Card issuer" means any person that issues a gift card or the agent of that person with  
5 respect to that card.

6 "Closed-Loop Gift Card" means a card, code, or device that is issued to a consumer on a  
7 prepaid basis for goods, services, or credits in a specified amount, regardless of whether that  
8 amount may be increased or reloaded in exchange for payment; and is redeemable upon  
9 presentation by a consumer at a single merchant or group of affiliated merchants.

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

12 "Gift Card Redemption Information" means information unique to each gift card which  
13 allows the cardholder to access, transfer, or spend the funds on that gift card.

14 "Gift Card Seller" means a merchant that is engaged in the business of selling open-loop  
15 or closed-loop gift cards to consumers.

16 "Open-Loop Gift Card" means a card, code, or device that is issued to a consumer on a  
17 prepaid basis for goods, services, or credits in a specified amount, regardless of whether that  
18 amount may be increased or reloaded in exchange for payment; and is redeemable upon

19 presentation at multiple unaffiliated merchants for goods or services within the payment card  
20 network.

21 "Value" means the monetary amount obtained, transferred, or redeemed using the gift  
22 card or the monetary amount attempted to be obtained, transferred, or redeemed using the gift  
23 card.

**§61-4A-2. Larceny involving gift cards.**

1 (a) Any person who, with the intent to defraud any other person or entity, acquires or  
2 retains possession of a gift card or gift card redemption information without the consent of the  
3 cardholder, card issuer, or gift card seller and the value of the gift card or gift cards is less than  
4 \$1,000 is guilty of the misdemeanor offense of petit larceny involving gift cards and upon  
5 conviction thereof shall be confined in jail for a term not to exceed one year or fined not more than  
6 \$1,000, or both fined and confined.

7 (b) Any person who, with the intent to defraud any other person or entity, acquires or  
8 retains possession of a gift card or gift card redemption information without the consent of the  
9 cardholder, card issuer, or gift card seller and the value of the gift card or gift cards is greater than  
10 \$1,000 is guilty of the felony offense of grand larceny involving gift cards and upon conviction  
11 thereof shall be imprisoned in a state correctional facility for a term not less than a year nor more  
12 than 10 years, or fined not more than \$2,500, or both fined and imprisoned.

**§61-4A-3. Tampering involving gift cards.**

1 (a) Any person who, with the intent to defraud any other person or entity, alters or tampers  
2 with a gift card or its packaging and the value of the gift card or gift cards is less than \$1,000 is  
3 guilty of the misdemeanor crime of tampering with a gift card and upon conviction thereof shall be  
4 confined in jail for a term not to exceed one year or fined not more than \$1,000, or both fined and  
5 confined.

6 (b) Any person who, with the intent to defraud any other person or entity, alters or tampers  
7 with a gift card or its packaging and the value of the gift card or gift cards is greater than \$1,000

8 is guilty of the felony crime of tampering with a gift card and upon conviction thereof shall be  
9 imprisoned in a state correctional facility for a term not less than a year nor more than 10 years,  
10 or fined not more than \$2,500, or both fined and imprisoned.

11 (c) In determining the value of the gift card or gift cards in subsections (a) and (b) of this  
12 section, it is permissible to cumulate the value of multiple gift cards when such gift cards are part  
13 of a common scheme or plan.

**§61-4A-4. False pretenses involving gift cards.**

1 (a) Any person who, with intent to defraud any other person or entity, devises a scheme  
2 to obtain a gift card or gift card redemption information from a card holder, card issuer, or gift card  
3 seller by means of false or fraudulent pretenses, representations, or promises, and the value of  
4 the gift card or gift cards is less than \$1,000 is guilty of the misdemeanor crime of false pretenses  
5 involving a gift card and upon conviction thereof shall be confined in jail for a term not to exceed  
6 one year or fined not more than \$1,000, or both fined and confined.

7 (b) Any person who, with intent to defraud any other person or entity, devises a scheme  
8 to obtain a gift card or gift card redemption information from a card holder, card issuer, or gift card  
9 seller by means of false or fraudulent pretenses, representations, or promises, and the value of  
10 the gift card or gift cards is greater than \$1,000 is guilty of the felony crime of false pretenses  
11 involving a gift card and upon conviction thereof shall be imprisoned in a state correctional facility  
12 for not less than a year nor more than 10 years, or fined not more than \$2,500, or both fined and  
13 imprisoned.

14 (c) In determining the value of the gift card or gift cards in subsections (a) and (b) of this  
15 section, it is permissible to cumulate the value of multiple gift cards when such gift cards are part  
16 of a common scheme or plan.



The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....  
*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect 90 days from passage.

.....  
*Speaker of the House of Delegates*

.....  
*President of the Senate*

\_\_\_\_\_

The within is ..... this the.....  
Day of ....., 2026.

.....  
*Governor*