

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4990

By Delegates Brooks, Martin, Vance, Kyle, Roop,
Mallow, Marple, Hornby, Pritt, Ferrell, and B. Smith

[Introduced January 30, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §61-4A-1 and §61-4A-2, relating to gift card fraud, providing definitions, and
3 establishing punishment.

Be it enacted by the Legislature of West Virginia:

ARTICLE	4A.	CRIMES	INVOLVING	GIFT	CARDS.
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<u>§61-4A-1.</u>	<u>Crimes</u>	<u>involving</u>	<u>gift</u>	<u>cards.</u>
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1 (a) Any person who, with intent to defraud, acquires or retains possession of a gift card or
2 gift card redemption information without the consent of the cardholder, card issuer, or gift card
3 seller is guilty of theft.

4 (b) Any person who, with intent to defraud, alters or tampers with a gift card is guilty of
5 forgery.

6 (c) Any person who, with intent to defraud, devises a scheme to obtain a gift card or gift
7 card redemption information from a card holder, card issuer, or gift card seller by means of false or
8 fraudulent pretenses, representations, or promises, is guilty of fraud.

9 (d) Any person who, with intent to defraud, uses, for the purpose of obtaining money,
10 goods, services, or anything else of value, a gift card or gift card redemption information that has
11 been obtained in violation of sections (a) or (b) of this section is guilty of theft. If the value of all
12 money, goods, services, and other things of value obtained in violation of this section exceeds
13 \$1,000 in any consecutive six-month period, then the person shall be guilty of grand theft.

<u>§61-4A-2.</u>	<u>Definitions.</u>
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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 primarily for personal, family, or household purposes in a specified amount,
8 regardless of whether that amount may be increased or reloaded in exchange for payment; and is
9 redeemable upon presentation by a consumer at a single merchant or group of affiliated
10 merchants.

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

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

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

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

22 "Value" means the greatest amount of economic loss the owner of the property might
23 reasonably suffer including, in the case of a gift card, the full monetary face value or potential value
24 for variable load gift cards.

NOTE: The purpose of this bill is to create the crime of gift card fraud, providing definitions, and establishing punishments.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.