

# SENATE BILL 437

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6lr2760  
CF 6lr1407

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By: **Senator Folden**

Introduced and read first time: January 30, 2026

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Theft and Fraud Crimes – Valuation and Forgery of Gift Cards**

3 FOR the purpose of providing for the valuation of a gift card for the purpose of determining  
4 value for crimes involving theft; prohibiting a person, with the intent to defraud  
5 another, from altering or tampering with a gift card or its packaging; and generally  
6 relating to crimes involving gift cards.

7 BY repealing and reenacting, without amendments,  
8 Article – Commercial Law  
9 Section 14–4901(a), (b), and (e)  
10 Annotated Code of Maryland  
11 (2025 Replacement Volume)

12 BY repealing and reenacting, without amendments,  
13 Article – Criminal Law  
14 Section 7–103(a) and (b)  
15 Annotated Code of Maryland  
16 (2021 Replacement Volume and 2025 Supplement)

17 BY adding to  
18 Article – Criminal Law  
19 Section 7–103(h) and 8–409  
20 Annotated Code of Maryland  
21 (2021 Replacement Volume and 2025 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article – Commercial Law**

25 14–4901.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(a) In this subtitle the following words have the meanings indicated.

(b) “Closed–loop gift card” means a card, code, or device that is:

(1) 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

(2) Redeemable on presentation by a consumer at a single merchant or a group of affiliated merchants.

(e) “Open–loop gift card” means a card, code, or device that is:

(1) 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;

(2) Payment card network branded; and

(3) (i) Redeemable on presentation at multiple unaffiliated merchants for goods or services within the payment card network; or

(ii) Usable at an automated teller machine.

## Article – Criminal Law

7–103.

(a) In this section, “value” means:

(1) the market value of the property or service at the time and place of the crime; or

(2) if the market value cannot satisfactorily be ascertained, the cost of the replacement of the property or service within a reasonable time after the crime.

(b) Except as provided in § 7–104.1 of this subtitle, the value of property or service under this part shall be determined in accordance with this section.

**(H) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(II) “CLOSED–LOOP GIFT CARD” HAS THE MEANING STATED IN § 14–4901 OF THE COMMERCIAL LAW ARTICLE.**

1 (III) 1. "GIFT CARD" MEANS AN OPEN-LOOP GIFT CARD OR A  
2 CLOSED-LOOP GIFT CARD.

3 2. "GIFT CARD" DOES NOT INCLUDE:

4 A. A CREDIT CARD;

5 B. AN ELECTRONIC FUNDS TRANSFER; OR

6 C. MONEY, A CHECK, A DRAFT, OR ANY OTHER SIMILAR  
7 PAPER INSTRUMENT.

8 (IV) "OPEN-LOOP GIFT CARD" HAS THE MEANING STATED IN §  
9 14-4901 OF THE COMMERCIAL LAW ARTICLE.

10 (2) THE VALUE OF A GIFT CARD IS THE GREATEST OF:

11 (I) THE VALUE REPRESENTED ON THE FACE OF THE GIFT CARD;

12 (II) THE VALUE THAT A DEFENDANT WHO IS ALLEGED TO HAVE  
13 VIOLATED THIS SUBTITLE REPRESENTED THE VALUE OF THE GIFT CARD TO BE; OR

14 (III) THE AMOUNT OF LOSS INCURRED BY ANY PERSON  
15 INVOLVING THE USE OF THE GIFT CARD.

16 8-409.

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (2) "CLOSED-LOOP GIFT CARD" HAS THE MEANING STATED IN §  
20 14-4901 OF THE COMMERCIAL LAW ARTICLE.

21 (3) (I) "GIFT CARD" MEANS AN OPEN-LOOP GIFT CARD OR A  
22 CLOSED-LOOP GIFT CARD.

23 (II) "GIFT CARD" DOES NOT INCLUDE:

24 1. A CREDIT CARD;

25 2. AN ELECTRONIC FUNDS TRANSFER; OR

