

SENATE BILL 437

E1

6lr2760
CF 6lr1407

By: Senator Folden

Introduced and read first time: January 30, 2026

Assigned to: Judicial Proceedings

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.

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, household purposes in a specified amount, regardless of whether that amount may be used or reloaded in exchange for payment; and

(2) Redeemable on presentation by a consumer at a single merchant or a 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, household purposes in a specified amount, regardless of whether that amount may be used or reloaded in exchange for payment;

(2) Payment card network branded; and

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

(ii) Usable at an automated teller machine.

Article – Criminal Law

17 7-103.

(a) In this section, "value" means:

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

(2) if the market value cannot satisfactorily be ascertained, the cost of the
acement 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
this part shall be determined in accordance with this section.

(H) (1) (i) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
HINGS INDICATED

(II) "CLOSED-LOOP GIFT CARD" HAS THE MEANING STATED IN 4901 OF THE COMMERCIAL LAW ARTICLE.

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

2. "GIFT CARD" DOES NOT INCLUDE:

A. A CREDIT CARD;

B. AN ELECTRONIC FUNDS TRANSFER; OR

C. MONEY, A CHECK, A DRAFT, OR ANY OTHER SIMILAR

7 PAPER INSTRUMENT.

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

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

(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.

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:

1. A CREDIT CARD;

2. AN ELECTRONIC FUNDS TRANSFER; OR

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

5 (B) A PERSON MAY NOT, WITH THE INTENT TO DEFRAUD ANOTHER, ALTER
6 OR TAMPER WITH A GIFT CARD OR ITS PACKAGING.

7 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE
8 MISDEMEANOR OF GIFT CARD FORGERY AND ON CONVICTION IS SUBJECT TO
9 IMPRISONMENT NOT EXCEEDING 18 MONTHS OR A FINE NOT EXCEEDING \$500 OR
10 BOTH.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2026.