



Maryland State's Attorneys' Association

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DATE: February 24, 2025

BILL NUMBER: SB 874

POSITION: Favorable

The Maryland State's Attorneys' Association (MSAA) supports Senate Bill 874 and urges this Committee to issue a favorable report.

Offenses relating to the theft of gift cards can present a challenge for prosecutors under Maryland's current laws – the value of a gift card is the balance that is stored on an account the card is associated with, but a gift card is fundamentally different from a credit or debit card. SB 874 creates provisions in MD. CODE ANN., CRIM. LAW ("CL") § 8-204 that relate specifically to the theft of gift cards, streamlining the prosecution of these offenses and removing any ambiguity that currently exists in Maryland law about the value of these items.

The penalties provided for in SB 874 mirror the penalties in the consolidated theft statute, CL § 7-104, to an extent – the bill separates offenses based on the value stored on the card or associated account, with values less than \$100 carrying 90 days of incarceration, and values of \$100 or over carrying six months of incarceration for a first offense, and one year of incarceration for subsequent offenses. While this may preclude more serious criminal liability for the theft of gift cards with a very high value (CL § 7-104 provides increased penalties for thefts of property with value greater than \$1,500, \$25,000, and \$100,000), gift cards rarely store this level of value. Because SB 874 provides needed clarity for this type of offense, MSAA urges this Committee to issue a favorable report.