

REFERENCE TITLE: gift cards; theft; forgery

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1351

Introduced by
Senator Gowan

AN ACT

AMENDING TITLE 13, CHAPTER 18, ARIZONA REVISED STATUTES, BY ADDING SECTION 13-1813; AMENDING SECTIONS 13-2002 AND 13-2310, ARIZONA REVISED STATUTES; RELATING TO THEFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 13, chapter 18, Arizona Revised Statutes, is
3 amended by adding section 13-1813, to read:

4 13-1813. Gift card theft; classification; definition

5 A. A PERSON COMMITS GIFT CARD THEFT IF, WITH THE INTENT TO DEFRAUD,
6 THE PERSON KNOWINGLY DOES ANY OF THE FOLLOWING:

7 1. ACQUIRES POSSESSION OF A GIFT CARD OR GIFT CARD INFORMATION
8 WITHOUT THE CONSENT OF THE GIFT CARD HOLDER, ISSUER OR SELLER.

9 2. ACQUIRES POSSESSION OF A GIFT CARD OR GIFT CARD INFORMATION BY
10 EXPLOITING THE GIFT CARD HOLDER, ISSUER OR SELLER.

11 3. OBTAINS MONEY, GOODS, SERVICES OR ANYTHING ELSE OF VALUE WITH A
12 GIFT CARD OR GIFT CARD INFORMATION THAT WAS ACQUIRED IN VIOLATION OF
13 PARAGRAPH 1 OF THIS SUBSECTION.

14 B. GIFT CARD THEFT IS A CLASS 3 FELONY.

15 C. FOR THE PURPOSES OF THIS SECTION, "GIFT CARD" MEANS A PHYSICAL
16 OR DIGITAL CLOSED-LOOP OR OPEN-LOOP GIFT CARD THAT IS ACTIVATED OR
17 INACTIVATED.

18 Sec. 2. Section 13-2002, Arizona Revised Statutes, is amended to
19 read:

20 13-2002. Forgery; classification; definitions

21 A. A person commits forgery if, with intent to defraud, the person:

22 1. Falsely makes, completes or alters a written instrument; or

23 2. Knowingly possesses a forged instrument; or

24 3. Offers or presents, whether accepted or not, a forged instrument
25 or one that contains false information.

26 B. The possession of five or more forged instruments may give rise
27 to an inference that the instruments are possessed with an intent to
28 defraud.

29 C. Forgery is a class 4 felony, except that if the forged
30 instrument is used in connection with the purchase, lease or renting of a
31 dwelling that is used as a drop house OR IF THE FORGED INSTRUMENT IS A
32 GIFT CARD, it is a class 3 felony.

33 D. For the purposes of this ~~subsection~~, SECTION:

34 1. "Drop house" means property that is used to facilitate smuggling
35 pursuant to section 13-2319.

36 2. "GIFT CARD" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1813.

37 Sec. 3. Section 13-2310, Arizona Revised Statutes, is amended to
38 read:

39 13-2310. Fraudulent schemes and artifices; classification;
40 definitions

41 A. ~~Any~~ A person who, pursuant to a scheme or artifice to defraud,
42 knowingly obtains any benefit by means of false or fraudulent pretenses,
43 representations, promises or material omissions is guilty of a class 2
44 felony.

1 B. Reliance on the part of any person shall not be a necessary
2 element of the offense described in subsection A of this section.

3 C. A person who is convicted of a violation of this section that
4 involved a benefit with a value of ~~one hundred thousand dollars~~ \$100,000
5 or more or the manufacture, sale or marketing of opioids is not eligible
6 for suspension of sentence, probation, pardon or release from confinement
7 on any basis except pursuant to section 31-233, subsection A or B until
8 the sentence imposed by the court has been served, the person is eligible
9 for release pursuant to section 41-1604.07 or the sentence is commuted.

10 D. This state shall apply the aggregation prescribed by section
11 13-1801, subsection B to violations of this section in determining the
12 applicable punishment.

13 E. For the purposes of this section: ~~;~~

14 1. "GIFT CARD" HAS THE SAME MEANING PRESCRIBED IN SECTION 13-1813.

15 2. "Scheme or artifice to defraud" includes a scheme or artifice to
16 deprive a person of EITHER OF THE FOLLOWING:

17 (a) The intangible right of honest services.

18 (b) A GIFT CARD OR GIFT CARD INFORMATION.