

SB 258-FN - AS INTRODUCED

2025 SESSION

25-1041

09/08

SENATE BILL ***258-FN***

AN ACT relative to the crime of fraudulent retail transactions.

SPONSORS: Sen. Ricciardi, Dist 9; Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. McGough,
Dist 11; Sen. Fenton, Dist 10; Rep. Spier, Hills. 6; Rep. Potucek, Rock. 13

COMMITTEE: Judiciary

ANALYSIS

This bill adds definitions and additional violative conduct to the crime of fraudulent retail transactions.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to the crime of fraudulent retail transactions.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Criminal Code; Fraudulent Retail Transactions. Amend RSA 637:10-b to read as follows:
2 637:10-b Fraudulent Retail Transactions.

3 ***I. For the purpose of this section, these terms shall have the following meanings:***

4 (a) “Cardholder” with respect to a specific gift card, means the person who has
5 purchased, or to whom is gifted, that card.

6 (b) “Card issuer” means any party that issues a gift card or the agent of that
7 party with respect to that card.

8 (c) “Closed-loop gift card” means a card, code, or device that is issued to a
9 consumer on a prepaid basis primarily for personal, family, or household purposes in a
10 specified amount, regardless of whether that amount may be increased or reloaded in
11 exchange for payment; and is redeemable upon presentation by a consumer at a single
12 merchant or group of affiliated merchants.

13 (d) “Gift card” means a digital closed-loop gift card or open-loop gift card that
14 is either activated or inactivated.

15 (e) “Gift card redemption information” means information unique to each gift
16 card which allows the cardholder to access, transfer, or spend the funds on that gift card.

17 (f) “Open-loop gift card” means a card, code, or device that is issued to a
18 consumer on a prepaid basis primarily for personal, family, or household purposes in a
19 specified amount, regardless of whether that amount may be increased or reloaded in
20 exchange for payment; and is redeemable upon presentation at multiple unaffiliated
21 merchants for goods or services within a payment card network.

22 (g) “Gift card seller” means a merchant that is engaged in the business of
23 selling open-loop or closed-loop gift cards to consumers.

24 (h) “Value” means the greatest amount of economic loss the owner of the
25 property might reasonably suffer including, in the case of a gift card, the full monetary
26 face value or potential value for variable load gift cards.

27 ~~I.~~ ***II.*** A person shall be guilty of a misdemeanor if such person possesses, uses, transfers,
28 manufactures, alters, counterfeits, or reproduces a retail sales receipt or universal product code label
29 with the purpose to deprive a merchant of goods or merchandise.

30 ~~II.~~ ***III.*** A person shall be guilty of a class B felony if such person possesses, uses, transfers,
31 manufactures, alters, counterfeits, or reproduces 5 or more retail sales receipts or universal product

code labels, or any combination of 5 or more sales receipts or universal product code labels, or possesses a device designed or adapted to manufacture counterfeit retail sales receipts or universal product code labels with the purpose to deprive a merchant of goods or merchandise.

IV. A person shall be guilty of theft if such person, with intent to defraud, acquires or retains possession of a gift card or gift card redemption information without the consent of the cardholder, card issuer, or gift card seller.

V. A person shall be guilty of fraudulent retail transactions if such person, with intent to defraud, alters or tampers with a gift card or its packaging.

VI. Any person who, with intent to defraud, devises a scheme to obtain a gift card or gift card redemption information from a cardholder, card issuer, or gift card seller by means of false or fraudulent pretenses, representations, or promises is guilty of fraudulent retail transactions.

VII. A person shall be guilty of theft if such person, with intent to defraud, uses, for the purpose of obtaining money, goods, services, or anything else of value, a gift card or gift card redemption information that has been obtained in violation of paragraphs IV or V of this section.

VIII. If the value of all money, goods, services, and other things of value obtained in violation of paragraphs IV through VII of this section exceeds \$1,500 in any consecutive 6 month period, then the person shall be guilty of a class A felony. If the value of all money, goods, services, and other things of value obtained in violation of this section exceeds \$1,000 in any consecutive 6 month period, then the person shall be guilty of a class B felony. All other violations shall be a misdemeanor.

2 Effective Date. This act shall take effect January 1, 2026.

**SB 258-FN- FISCAL NOTE
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FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association