

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 315
Committee Substitute Favorable 3/18/25

Short Title: Gift Card Theft & Unlawful Business Entry.

(Public)

Sponsors:

Referred to:

March 10, 2025

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AN OFFENSE FOR ENTERING A PART OF A BUILDING NOT OPEN TO THE PUBLIC WITH THE INTENT TO COMMIT AN UNLAWFUL ACT; TO ESTABLISH THE OFFENSE OF LARCENY OF GIFT CARDS; TO REVISE THE ORGANIZED RETAIL THEFT OFFENSE TO INCLUDE OFFENSES INVOLVING GIFT CARDS; AND TO PROVIDE CIVIL LIABILITY FOR LARCENY OF GIFT CARDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-54 is amended by adding a new subsection to read:

"(b1) Any person who, with the intent to commit an unlawful act, enters any area of a building (i) that is commonly reserved for personnel of a commercial business where money or other property is kept or (ii) clearly marked with a sign that indicates to the public that entry is forbidden is guilty of a Class 1 misdemeanor for a first offense and a Class I felony for a second or subsequent offense."

SECTION 2. Article 16 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-72.12. Larceny of gift cards.

(a) Definitions. – For purposes of this section, the terms "gift card," "gift card issuer," "gift card redemption information," and "gift card value" are as defined in G.S. 14-86.5.

(b) Offense. – A person commits the offense of larceny of gift cards if the person does any of the following:

(1) Acquires or retains possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.

(2) Obtains a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.

(3) Alters or tampers with a gift card or its packaging with intent to defraud another.

(c) Punishment. – A violation of this section is a Class 1 misdemeanor if the value of the gift card acquired, retained, or for which the card redemption information is obtained, or is altered or tampered with, is not more than one thousand dollars (\$1,000). Any other violation of this section is a Class H felony."

SECTION 3. G.S. 14-86.5 reads as rewritten:

"§ 14-86.5. Definitions.

The following definitions apply in this Article:

(1) ~~"Retail property." Any article, product, commodity, item, or component intended to be sold in retail commerce.~~ Gift card. – A record evidencing a



promise, made for monetary consideration, by a seller or issuer that goods or services will be provided to the owner of the record to the value shown in the record. A gift card includes a record that contains a microprocessor chip, magnetic strip, or other storage medium that is prefunded and for which the value is adjusted upon each use, a gift certificate, a stored-value card or certificate, a store card, or a prepaid long-distance telephone service that is activated by a prepaid card that required dialing an access number or an access code in addition to dialing the phone number to which the user of the prepaid card seeks to connect.

- (2) Repealed by Session Laws 2024-22, s. 2(a), effective December 1, 2024, and applicable to offenses committed on or after that date.
- (3) "Theft."—To take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to steal the retail property.Gift card issuer. – Any person or entity that sells, distributes, or supplies a gift card.
- (4) "Value."— The retail value of an item as advertised by the affected retail establishment, to include all applicable taxes.Gift card redemption information. – Any information unique to a gift card that allows the cardholder to access, transfer, or spend the funds on that gift card.
- (5) Gift card value. – The maximum monetary value that can be applied to the card.
- (6) Retail property. – Any article, product, commodity, item, or component intended to be sold in retail commerce.
- (7) Theft. – To take possession of, carry away, transfer, or cause to be carried away the retail property of another with the intent to steal the retail property.
- (8) Value. – The retail value of an item as advertised by the affected retail establishment, to include all applicable taxes."

SECTION 4. G.S. 14-86.6 reads as rewritten:

"§ 14-86.6. Organized retail theft.

- (a) Offense. – A person commits the offense of organized retail theft if the person does any of the following:
 - (1) Conspires with another person to commit theft of retail property from retail establishments with the intent to sell, transfer, or possess that retail property for monetary or other gain.
 - (2) Receives or possesses any retail property that has been taken or stolen in violation of subdivision (1) of this subsection while knowing or having reasonable grounds to believe the property is stolen.
 - (3) Conspires with two or more other persons as an organizer, supervisor, financier, leader, or manager to engage for profit in a scheme or course of conduct to effectuate or intend to effectuate the transfer or sale of property stolen from a merchant in violation of this section.
 - (4) Conspires with another person to acquire or retain possession of a gift card or gift card redemption information without the consent of the cardholder or card issuer.
 - (5) Devises a scheme with one or more persons to obtain a gift card or gift card redemption information from a cardholder or card issuer by means of false or fraudulent pretenses, representations, or promises.
 - (6) Conspires with another person to alter or tamper with a gift card or its packaging with intent to defraud another.

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1 (a2) Punishments. – The following classifications apply to the offense of organized retail
2 theft:

3 (1) An offense when the gift card value or the retail property has a value
4 exceeding one thousand five hundred dollars (\$1,500) aggregated over a
5 90-day period is a Class H felony.

6 (2) An offense when the gift card value or the retail property has a value
7 exceeding twenty thousand dollars (\$20,000) aggregated over a 90-day period
8 is a Class G felony.

9 (3) An offense when the gift card value or the retail property has a value
10 exceeding fifty thousand dollars (\$50,000) aggregated over a 90-day period is
11 a Class F felony.

12 (4) An offense when the gift card value or the retail property has a value
13 exceeding one hundred thousand dollars (\$100,000) aggregated over a 90-day
14 period is a Class C felony.

15 ...

16 (c) Multiple Thefts. – Thefts of gift cards, gift card redemption information, or retail
17 property occurring in more than one county may be aggregated into an alleged violation of this
18 section. Each county where a part of the charged offense occurs has concurrent venue as
19 described in G.S. 15A-132."

20 **SECTION 5.** G.S. 1-538.2 reads as rewritten:

21 "**§ 1-538.2. Civil liability for larceny, shoplifting, theft by employee, organized retail theft,**
22 **embezzlement, obtaining property by false pretense, and other offenses.**

23 (a) Any person, other than an unemancipated minor, who commits an act that is
24 punishable under G.S. 14-72, 14-72.1, 14-72.11, 14-72.12, 14-74, 14-86.6, 14-86.7, 14-90, or
25 14-100 is liable for civil damages to the owner of the property. In any action brought by the
26 owner of the property, the owner is entitled to recover the value of the goods or merchandise, if
27 the goods or merchandise have been destroyed, or any loss of value to the goods or merchandise,
28 if the goods or merchandise were recovered, or the amount of any money lost by reason of the
29 theft or embezzlement or fraud of an employee. The owner of the property is also entitled to
30 recover for loss to real or personal property caused in the commission of the act. In addition to
31 the above, the owner of the property is entitled to recover any consequential damages, and
32 punitive damages, together with reasonable attorneys' fees. The total consequential damages
33 awarded to a plaintiff against a defendant under this section shall not be less than one hundred
34 fifty dollars (\$150.00) and shall not exceed three thousand dollars (\$3,000) except an act
35 punishable under G.S. 14-74, 14-86.6, 14-86.7, or 14-90 shall have no maximum limit under this
36 section.

37 (b) The parent or legal guardian, having the care, custody and control of an
38 unemancipated minor who commits an act punishable under G.S. 14-72, 14-72.1, 14-72.11,
39 14-72.12, 14-74, 14-86.6, 14-86.7, 14-90, or 14-100, is civilly liable to the owner of the property
40 obtained by the act if such parent or legal guardian knew or should have known of the propensity
41 of the child to commit such an act; and had the opportunity and ability to control the child, and
42 made no reasonable effort to correct or restrain the child. In an action brought against the parent
43 or legal guardian by the owner, the owner is entitled to recover the amounts specified in
44 subsection (a) except punitive damages. The total consequential damages awarded to a plaintiff
45 against the parent or legal guardian shall not be less than one hundred fifty dollars (\$150.00) and
46 shall not exceed three thousand dollars (\$3,000).

47"

48 **SECTION 6.** Prosecutions for offenses committed before the effective date of this
49 act are not abated or affected by this act, and the statutes that would be applicable but for this act
50 remain applicable to those prosecutions.

1 **SECTION 7.** This act becomes effective December 1, 2025, and applies to offenses
2 committed on or after that date.