



General Assembly

January Session, 2025

Raised Bill No. 1321

LCO No. 4544



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:

(PS)

**AN ACT CONCERNING CRIMES RELATING TO GIFT CARDS,
ORGANIZED RETAIL THEFT, FOSTERING THE SALE OF STOLEN
PROPERTY AND CIVIL LIABILITY FOR CERTAIN CONDUCT
RELATING TO GOODS, MERCHANDISE OR PRODUCE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2025*) (a) As used in this section:

2 (1) "Cardholder" means any person or party (A) to whom a physical
3 or virtual gift card is issued through a purchase, or (B) who receives a
4 gift card from a willing party;

5 (2) "Card issuer" means any person that issues a gift card or the agent
6 of such person with respect to such card;

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

13 (4) "Gift card" means a physical or digital closed-loop gift card or
14 open-loop gift card that is activated or inactivated;

15 (5) "Gift card redemption information" means information unique to
16 each gift card that allows the cardholder to access, transfer or spend the
17 funds on such gift card;

18 (6) "Open-loop gift card" means a card, code or device that is (A)
19 issued to a consumer on a prepaid basis primarily for personal, family
20 or household purposes in a specified amount, regardless of whether
21 such amount may be increased or reloaded in exchange for payment,
22 and (B) redeemable upon presentation by a consumer to multiple
23 unaffiliated merchants within a payment card network for goods or
24 services;

25 (7) "Gift card seller" means a merchant that is engaged in the business
26 of selling open-loop gift cards or closed-loop gift cards to consumers;
27 and

28 (8) "Value" means the greatest amount of economic loss that an owner
29 of a particular item of property might reasonably suffer in the event that
30 such owner is deprived of such item of property, which, in the case of a
31 gift card, means the full monetary face value or potential value for an
32 open-loop gift card or closed-loop gift card.

33 (b) Any person who, with intent to defraud, acquires or retains
34 possession of a gift card or gift card redemption information without
35 the consent of the cardholder, card issuer or gift card seller is guilty of a
36 class A misdemeanor.

37 (c) Any person who, with intent to defraud, alters or tampers with a
38 gift card is guilty of a class D felony.

39 (d) Any person who, with intent to defraud, devises a scheme to
40 obtain a gift card or gift card redemption information from a cardholder,
41 card issuer or gift card seller by means of false or fraudulent pretenses,

42 representations or promises is subject to the penalties set forth in
43 subsection (a) of section 53a-128i of the general statutes.

44 (e) (1) Any person who, with intent to defraud, uses, for the purpose
45 of obtaining money, goods, services or anything else of value, a gift card
46 or gift card redemption information that has been obtained in violation
47 of subsection (c) or (d) of this section is guilty of larceny, as defined in
48 section 53a-119 of the general statutes.

49 (2) If the total value of all money, goods, services and anything else
50 of value a person obtains in violation of this section during any three-
51 hundred-sixty-five-day period exceeds two thousand dollars, such
52 person shall be guilty of a class D felony.

53 Sec. 2. Section 53-142k of the general statutes is repealed and the
54 following is substituted in lieu thereof (*Effective October 1, 2025*):

55 (a) As used in this section:

56 (1) "Retail property" means any new article, product, commodity,
57 item or component intended to be sold in retail commerce;

58 (2) "Value" means the retail value of an item as advertised by the
59 affected retail establishment, including applicable taxes; and

60 (3) "Retail property fence" means a person who buys retail property
61 when such person knows or should know the property is stolen and
62 with the intent to unlawfully distribute the property or to promote,
63 manage, carry on or facilitate a violation of subsection (b) of this section.

64 (b) Any person who, for financial gain and in conjunction with one or
65 more other persons, commits larceny by shoplifting, as defined in
66 section 53a-119, as amended by this act, of retail property having an
67 aggregate value exceeding two thousand dollars and (1) wrongfully
68 takes such property during a period of [one hundred eighty] three
69 hundred sixty-five days, or (2) sells, delivers or otherwise transfers such
70 property to a retail property fence, shall have committed the offense of

71 organized retail theft.

72 (c) Any person who receives, possesses, conceals, stores, barter, sells
73 or disposes of any retail property acquired in violation of subsection (b)
74 of this section, including through the use of an online platform, Internet
75 web site or any electronic device, with the intent to distribute the
76 proceeds or otherwise promote, manage, carry on or facilitate a
77 violation of said subsection, shall have committed the offense of
78 accessory to organized retail theft.

79 (d) It shall not be a defense to a charge of accessory to organized retail
80 theft in violation of subsection (c) of this section that the retail property
81 was obtained by means other than through a violation of said subsection
82 if the property was explicitly represented to the person charged under
83 said subsection (c) as being obtained through the commission of
84 organized retail theft.

85 (e) Any person who violates subsection (b) or (c) of this section shall
86 be guilty of a class D felony, except that, if such person derives a
87 financial benefit of ten thousand dollars or more as a result of such
88 violation, such person shall be guilty of a class C felony.

89 Sec. 3. Section 53a-119 of the general statutes is repealed and the
90 following is substituted in lieu thereof (*Effective October 1, 2025*):

91 A person commits larceny when, with intent to deprive another of
92 property or to appropriate the same to himself or a third person, he
93 wrongfully takes, obtains or withholds such property from an owner.
94 Larceny includes, but is not limited to:

95 (1) Embezzlement. A person commits embezzlement when he
96 wrongfully appropriates to himself or to another property of another in
97 his care or custody.

98 (2) Obtaining property by false pretenses. A person obtains property
99 by false pretenses when, by any false token, pretense or device, he

100 obtains from another any property, with intent to defraud him or any
101 other person.

102 (3) Obtaining property by false promise. A person obtains property
103 by false promise when, pursuant to a scheme to defraud, he obtains
104 property of another by means of a representation, express or implied,
105 that he or a third person will in the future engage in particular conduct,
106 and when he does not intend to engage in such conduct or does not
107 believe that the third person intends to engage in such conduct. In any
108 prosecution for larceny based upon a false promise, the defendant's
109 intention or belief that the promise would not be performed may not be
110 established by or inferred from the fact alone that such promise was not
111 performed.

112 (4) Acquiring property lost, mislaid or delivered by mistake. A
113 person who comes into control of property of another that he knows to
114 have been lost, mislaid, or delivered under a mistake as to the nature or
115 amount of the property or the identity of the recipient is guilty of larceny
116 if, with purpose to deprive the owner thereof, he fails to take reasonable
117 measures to restore the property to a person entitled to it.

118 (5) Extortion. A person obtains property by extortion when he
119 compels or induces another person to deliver such property to himself
120 or a third person by means of instilling in him a fear that, if the property
121 is not so delivered, the actor or another will: (A) Cause physical injury
122 to some person in the future; or (B) cause damage to property; or (C)
123 engage in other conduct constituting a crime; or (D) accuse some person
124 of a crime or cause criminal charges to be instituted against him; or (E)
125 expose a secret or publicize an asserted fact, whether true or false,
126 tending to subject some person to hatred, contempt or ridicule; or (F)
127 cause a strike, boycott or other collective labor group action injurious to
128 some person's business; except that such a threat shall not be deemed
129 extortion when the property is demanded or received for the benefit of
130 the group in whose interest the actor purports to act; or (G) testify or
131 provide information or withhold testimony or information with respect

132 to another's legal claim or defense; or (H) use or abuse his position as a
133 public servant by performing some act within or related to his official
134 duties, or by failing or refusing to perform an official duty, in such
135 manner as to affect some person adversely; or (I) inflict any other harm
136 which would not benefit the actor.

137 (6) Defrauding of public community. A person is guilty of defrauding
138 a public community who (A) authorizes, certifies, attests or files a claim
139 for benefits or reimbursement from a local, state or federal agency which
140 he knows is false; or (B) knowingly accepts the benefits from a claim he
141 knows is false; or (C) as an officer or agent of any public community,
142 with intent to prejudice it, appropriates its property to the use of any
143 person or draws any order upon its treasury or presents or aids in
144 procuring to be allowed any fraudulent claim against such community.
145 For purposes of this subdivision such order or claim shall be deemed to
146 be property.

147 (7) Theft of services. A person is guilty of theft of services when: (A)
148 With intent to avoid payment for restaurant services rendered, or for
149 services rendered to him as a transient guest at a hotel, motel, inn,
150 tourist cabin, rooming house or comparable establishment, he avoids
151 such payment by unjustifiable failure or refusal to pay, by stealth, or by
152 any misrepresentation of fact which he knows to be false; or (B) (i) except
153 as provided in section 13b-38i, with intent to obtain railroad, subway,
154 bus, air, taxi or any other public transportation service without payment
155 of the lawful charge therefor or to avoid payment of the lawful charge
156 for such transportation service which has been rendered to him, he
157 obtains such service or avoids payment therefor by force, intimidation,
158 stealth, deception or mechanical tampering, or by unjustifiable failure
159 or refusal to pay, or (ii) with intent to obtain the use of equipment,
160 including a motor vehicle, without payment of the lawful charge
161 therefor, or to avoid payment of the lawful charge for such use which
162 has been permitted him, he obtains such use or avoids such payment
163 therefor by means of any false or fraudulent representation, fraudulent
164 concealment, false pretense or personation, trick, artifice or device,

165 including, but not limited to, a false representation as to his name,
166 residence, employment, or driver's license; or (C) obtaining or having
167 control over labor in the employ of another person, or of business,
168 commercial or industrial equipment or facilities of another person,
169 knowing that he is not entitled to the use thereof, and with intent to
170 derive a commercial or other substantial benefit for himself or a third
171 person, he uses or diverts to the use of himself or a third person such
172 labor, equipment or facilities.

173 (8) Receiving stolen property. A person is guilty of larceny by
174 receiving stolen property if he receives, retains, or disposes of stolen
175 property knowing that it has probably been stolen or believing that it
176 has probably been stolen, unless the property is received, retained or
177 disposed of with purpose to restore it to the owner. A person who
178 accepts or receives the use or benefit of a public utility commodity
179 which customarily passes through a meter, knowing such commodity
180 (A) has been diverted therefrom, (B) has not been correctly registered or
181 (C) has not been registered at all by a meter, is guilty of larceny by
182 receiving stolen property.

183 (9) Shoplifting. A person is guilty of shoplifting who intentionally
184 takes possession of any goods, wares or merchandise offered or exposed
185 for sale by any store or other mercantile establishment with the intention
186 of converting the same to his own use, without paying the purchase
187 price thereof. A person intentionally concealing unpurchased goods or
188 merchandise of any store or other mercantile establishment, either on
189 the premises or outside the premises of such store, shall be prima facie
190 presumed to have so concealed such article with the intention of
191 converting the same to his own use without paying the purchase price
192 thereof.

193 (10) Conversion of a motor vehicle. A person is guilty of conversion
194 of a motor vehicle who, after renting or leasing a motor vehicle under
195 an agreement in writing which provides for the return of such vehicle
196 to a particular place at a particular time, fails to return the vehicle to

197 such place within the time specified, and who thereafter fails to return
198 such vehicle to the agreed place or to any other place of business of the
199 lessor within one hundred twenty hours after the lessor shall have sent
200 a written demand to him for the return of the vehicle by registered mail
201 addressed to him at his address as shown in the written agreement or,
202 in the absence of such address, to his last-known address as recorded in
203 the records of the motor vehicle department of the state in which he is
204 licensed to operate a motor vehicle. It shall be a complete defense to any
205 civil action arising out of or involving the arrest or detention of any
206 person to whom such demand was sent by registered mail that he failed
207 to return the vehicle to any place of business of the lessor within one
208 hundred twenty hours after the mailing of such demand.

209 (11) Obtaining property through fraudulent use of an automated
210 teller machine. A person obtains property through fraudulent use of an
211 automated teller machine when such person obtains property by
212 knowingly using in a fraudulent manner an automated teller machine
213 with intent to deprive another of property or to appropriate the same to
214 himself or a third person. In any prosecution for larceny based upon
215 fraudulent use of an automated teller machine, the crime shall be
216 deemed to have been committed in the town in which the machine was
217 located. In any prosecution for larceny based upon more than one
218 instance of fraudulent use of an automated teller machine, (A) all such
219 instances in any six-month period may be combined and charged as one
220 offense, with the value of all property obtained thereby being
221 accumulated, and (B) the crime shall be deemed to have been committed
222 in any of the towns in which a machine which was fraudulently used
223 was located. For the purposes of this subsection, "automated teller
224 machine" means an unmanned device at which banking transactions
225 including, without limitation, deposits, withdrawals, advances,
226 payments and transfers may be conducted, and includes, without
227 limitation, a satellite device and point of sale terminal as defined in
228 section 36a-2.

229 (12) Library theft. A person is guilty of library theft when (A) he

230 conceals on his person or among his belongings a book or other archival
231 library materials, belonging to, or deposited in, a library facility with the
232 intention of removing the same from the library facility without
233 authority or without authority removes a book or other archival library
234 materials from such library facility or (B) he mutilates a book or other
235 archival library materials belonging to, or deposited in, a library facility,
236 so as to render it unusable or reduce its value. The term "book or other
237 archival library materials" includes any book, plate, picture,
238 photograph, engraving, painting, drawing, map, manuscript,
239 document, letter, public record, microform, sound recording,
240 audiovisual material in any format, magnetic or other tape, electronic
241 data-processing record, artifact or other documentary, written or
242 printed material regardless of physical form or characteristics, or any
243 part thereof, belonging to, on loan to, or otherwise in the custody of a
244 library facility. The term "library facility" includes any public library,
245 any library of an educational institution, organization or society, any
246 museum, any repository of public records and any archives.

247 (13) Conversion of leased property. (A) A person is guilty of
248 conversion of leased personal property who, with the intent of
249 converting the same to his own use or that of a third person, after renting
250 or leasing such property under an agreement in writing which provides
251 for the return of such property to a particular place at a particular time,
252 sells, conveys, conceals or aids in concealing such property or any part
253 thereof, and who thereafter fails to return such property to the agreed
254 place or to any other place of business of the lessor within one hundred
255 ninety-two hours after the lessor shall have sent a written demand to
256 him for the return of the property by registered or certified mail
257 addressed to him at his address as shown in the written agreement,
258 unless a more recent address is known to the lessor. Acknowledgment
259 of the receipt of such written demand by the lessee shall not be necessary
260 to establish that one hundred ninety-two hours have passed since such
261 written demand was sent. (B) Any person, being in possession of
262 personal property other than wearing apparel, received upon a written

263 lease, who, with intent to defraud, sells, conveys, conceals or aids in
264 concealing such property, or any part thereof, shall be prima facie
265 presumed to have done so with the intention of converting such
266 property to his own use. (C) A person who uses a false or fictitious name
267 or address in obtaining such leased personal property shall be prima
268 facie presumed to have obtained such leased personal property with the
269 intent of converting the same to his own use or that of a third person.
270 (D) "Leased personal property", as used in this subdivision, means any
271 personal property received pursuant to a written contract, by which one
272 owning such property, the lessor, grants to another, the lessee, the right
273 to possess, use and enjoy such personal property for a specified period
274 of time for a specified sum, but does not include personal property that
275 is rented or leased pursuant to chapter 743i.

276 (14) Failure to pay prevailing rate of wages. A person is guilty of
277 failing to pay the prevailing rate of wages when he (A) files a certified
278 payroll, in accordance with section 31-53 which he knows is false, in
279 violation of section 53a-157a, and (B) fails to pay to an employee or to
280 an employee welfare fund the amount attested to in the certified payroll
281 with the intent to convert such amount to his own use or to the use of a
282 third party.

283 (15) Theft of utility service. A person is guilty of theft of utility service
284 when he intentionally obtains electric, gas, water, telecommunications,
285 wireless radio communications or community antenna television
286 service that is available only for compensation: (A) By deception or
287 threat or by false token, slug or other means including, but not limited
288 to, electronic or mechanical device or unauthorized use of a confidential
289 identification or authorization code or through fraudulent statements,
290 to avoid payment for the service by himself or another person; or (B) by
291 tampering or making connection with or disconnecting the meter, pipe,
292 cable, conduit, conductor, attachment or other equipment or by
293 manufacturing, modifying, altering, programming, reprogramming or
294 possessing any device, software or equipment or part or component
295 thereof or by disguising the identity or identification numbers of any

296 device or equipment utilized by a supplier of electric, gas, water,
297 telecommunications, wireless radio communications or community
298 antenna television service, without the consent of such supplier, in order
299 to avoid payment for the service by himself or another person; or (C)
300 with intent to avoid payment by himself or another person for a
301 prospective or already rendered service the charge or compensation for
302 which is measured by a meter or other mechanical measuring device
303 provided by the supplier of the service, by tampering with such meter
304 or device or by attempting in any manner to prevent such meter or
305 device from performing its measuring function, without the consent of
306 the supplier of the service. There shall be a rebuttable presumption that
307 the person to whom the service is billed has the intent to obtain the
308 service and to avoid making payment for the service if, without the
309 consent of the supplier of the service: (i) Any meter, pipe, cable, conduit,
310 conductor, attachment or other equipment has been tampered with or
311 connected or disconnected, (ii) any device, software or equipment or
312 part or component thereof has been modified, altered, programmed,
313 reprogrammed or possessed, (iii) the identity or identification numbers
314 of any device or equipment utilized by the supplier of the service have
315 been disguised, or (iv) a meter or other mechanical measuring device
316 provided by the supplier of the service has been tampered with or
317 prevented from performing its measuring function. The presumption
318 does not apply if the person to whose service the condition applies has
319 received such service for less than thirty-one days or until the service
320 supplier has made at least one meter or service reading and provided a
321 billing statement to the person as to whose service the condition applies.
322 The presumption does not apply with respect to wireless radio
323 communications.

324 (16) Air bag fraud. A person is guilty of air bag fraud when such
325 person, with intent to defraud another person, obtains property from
326 such other person or a third person by knowingly selling, installing or
327 reinstalling any object, including any counterfeit air bag or
328 nonfunctional air bag, as such terms are defined in section 14-106d, in

329 lieu of an air bag that was designed in accordance with federal safety
330 requirements as provided in 49 CFR 571.208, as amended, and which is
331 proper for the make, model and year of the vehicle, as part of the vehicle
332 inflatable restraint system.

333 (17) Theft of motor fuel. A person is guilty of theft of motor fuel when
334 such person (A) delivers or causes to be delivered motor fuel, as defined
335 in section 14-327a, into the fuel tank of a vehicle or into a portable
336 container, or into both, on the premises of a retail dealer, as defined in
337 section 14-318, and (B) with the intent to appropriate such motor fuel to
338 himself or a third person, leaves such premises without paying the
339 purchase price for such motor fuel.

340 (18) Failure to repay surplus Citizens' Election Fund grant funds. A
341 person is guilty of failure to repay surplus Citizens' Election Fund grant
342 funds when such person fails to return to the Citizens' Election Fund
343 any surplus funds from a grant made pursuant to sections 9-700 to 9-
344 716, inclusive, not later than ninety days after the primary or election for
345 which the grant is made.

346 (19) Fostering the sale of stolen property. A person is guilty of
347 fostering the sale of stolen property if such person hosts, advertises or
348 otherwise assists in the sale of stolen property, including through an
349 online platform, knowing or believing that such property probably has
350 been stolen. A person who receives, retains or disposes of stolen
351 property for the purpose of restoring such property to the owner of such
352 property is not guilty of fostering the sale of stolen property.

353 Sec. 4. Section 52-564a of the general statutes is repealed and the
354 following is substituted in lieu thereof (*Effective October 1, 2025*):

355 (a) Any person eighteen years of age or older or an emancipated
356 minor who takes possession of goods or merchandise displayed or
357 offered for sale by any mercantile establishment, or who takes from any
358 real property any agricultural produce kept, grown or raised on the
359 property for purposes of sale, without the consent of the owner and with

360 the intention of converting such goods, merchandise or produce to his
361 own use without having paid the purchase price thereof, or who alters
362 the price indicia of such goods or merchandise, shall be liable in a civil
363 action to the owner of the goods, merchandise or produce for (1) the
364 actual and reasonable costs of maintaining the action, including court
365 costs and a reasonable attorney's fee, (2) the retail value of the goods,
366 merchandise or produce taken, if not recovered by the time of the
367 commencement of the action or if recovered in an unmerchantable
368 condition, and (3) punitive damages in an amount not to exceed [three
369 hundred] one thousand dollars.

370 (b) A conviction of larceny by shoplifting, as defined in subdivision
371 (9) of section 53a-119, as amended by this act, shall not be a condition
372 precedent to the maintenance of a civil action under this section.

373 (c) In any action brought pursuant to subsection (a) of this section, if
374 the plaintiff does not prevail, the court may award costs and reasonable
375 attorney's fees to the defendant. [his costs, including a reasonable
376 attorney's fee, and damages not to exceed three hundred dollars.]

377 (d) No action shall be brought pursuant to subsection (a) of this
378 section but within two years from the date of the act complained of.

| | | |
|---|------------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2025</i> | New section |
| Sec. 2 | <i>October 1, 2025</i> | 53-142k |
| Sec. 3 | <i>October 1, 2025</i> | 53a-119 |
| Sec. 4 | <i>October 1, 2025</i> | 52-564a |

Statement of Purpose:

To (1) establish various crimes relating to gift cards, (2) modify statutory provisions relating to the offenses of organized retail theft and accessory to organized retail theft, (3) establish fostering the sale of stolen property as a crime, and (4) modify statutory provisions relating to the civil liability of a person eighteen years of age or older or an emancipated

minor who takes possession of certain goods, merchandise or produce without the consent of the owner and with a certain intention, or who alters the price indicia of such goods or merchandise.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]