

[First Reprint]

**SENATE, No. 3587**

**STATE OF NEW JERSEY**

**221st LEGISLATURE**

INTRODUCED SEPTEMBER 19, 2024

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**SYNOPSIS**

Upgrades, and in some circumstances provides for extended terms of imprisonment for, certain retail theft crimes, addresses gift card fraud, and authorizes new Attorney General initiatives to address organized retail theft.

**CURRENT VERSION OF TEXT**

As reported by the Senate Judiciary Committee on February 20, 2025, with amendments.

(Sponsorship Updated As Of: 2/27/2025)

1 AN ACT concerning retail theft, amending and supplementing  
2 various parts of the statutory law, and making an appropriation.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 7 of P.L.1981, c.167 (C.2C:20-7.1) is amended to  
8 read as follows:

9 7. Fencing. a. Possession of altered property. Any dealer in  
10 property who knew or should have known that the identifying  
11 features such as serial numbers and permanently affixed labels of  
12 property in his possession have been removed or altered without the  
13 consent of the manufacturer is guilty of possession of altered  
14 property. It is a defense to a prosecution under this subsection that  
15 a person lawfully possesses the usual indicia of ownership in  
16 addition to mere possession.

17 b. (1) Dealing in stolen property. A person is guilty of dealing in  
18 stolen property if he traffics in, or initiates, organizes, plans,  
19 finances, directs, manages or supervises trafficking in stolen  
20 property, including through the use of an online platform via any  
21 electronic device or through a social media site. This paragraph  
22 shall not apply to dealing in stolen property consisting of a  
23 domestic companion animal, addressed in paragraph (2) of this  
24 subsection.

25 (2) Dealing in stolen domestic companion animals. A person is  
26 guilty of dealing in stolen domestic companion animals if he  
27 trafficks in, or initiates, organizes, plans, finances, directs, manages  
28 or supervises trafficking in stolen property consisting of a domestic  
29 companion animal.

30 c. (1) For any violation of this section, other than dealing in  
31 stolen domestic companion animals, the value of the property  
32 involved in the violation shall be determined by the trier of fact for  
33 the purpose of determining the grade of the offense, and the value  
34 of the property involved in the violation may be aggregated in  
35 determining the grade of the offense where the acts or conduct  
36 constituting a violation were committed pursuant to one scheme or  
37 course of conduct, whether from the same person or several  
38 persons.

39 (2) A violation of this section for dealing in stolen domestic  
40 companion animals constitutes a crime of the third degree.

41 d. It is an affirmative defense to a prosecution under this  
42 section that the actor:

43 (1) Was unaware that the property or service was that of  
44 another;

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate SJU committee amendments adopted February 20, 2025.

1 (2) Acted under an honest claim of right to the property or  
2 service involved or that he had a right to acquire or dispose of it as  
3 he did.

4 e. In addition to the presumptions contained in subsection b. of  
5 N.J.S.2C:20-7, the following presumptions are available in the  
6 prosecution for a fencing offense:

7 (1) Proof of the purchase or sale of property at a price  
8 substantially below its fair market value, unless satisfactorily  
9 explained, gives rise to an inference that the person buying or  
10 selling the property knew that it had been stolen;

11 (2) Proof of the purchase or sale of property by a dealer in that  
12 property, out of the regular course of business, or without the usual  
13 indicia of ownership other than mere possession, or the property or  
14 the job lot of which it is a part was bought, received, possessed or  
15 controlled in broken succession of title, so that it cannot be traced,  
16 by appropriate documents, in unbroken succession to the  
17 manufacturer, in all cases where the regular course of business  
18 reasonably indicates records of purchase, transfer or sale, unless  
19 satisfactorily explained, gives rise to an inference that the person  
20 buying or selling the property knew that it had been stolen; and

21 (3) Proof that a person buying or selling property of the sort  
22 received obtained such property without having ascertained by  
23 reasonable inquiry that the person from whom he obtained it had a  
24 legal right to possess or control it gives rise to an inference that  
25 such person knew that it had been stolen.

26 (cf: P.L.2017, c.156, s.1)

27  
28 2. (New section) a. <sup>1</sup>As used in P.L. , c. (C. ) (pending  
29 before the Legislature as this bill):

30 “Online platform” means any public-facing Internet website,  
31 Internet web application, or computer or mobile application,  
32 including a social networking website or publication.

33 “Sale” means any sale, transfer, exchange, barter, or offer for  
34 sale and distribution, in any manner or by any means whatsoever,  
35 including, but not limited to, via an online platform.

36 b.<sup>1</sup> A person is guilty of fostering the sale of stolen property, a  
37 disorderly persons offense, if the person <sup>1</sup> [

38 (1) hosts<sup>1</sup> , <sup>1</sup> acting alone or in concert with another person or  
39 persons,<sup>1</sup> advertises <sup>1</sup> [ , ]<sup>1</sup> or otherwise assists <sup>1</sup> , by any means,  
40 including through personal contact or through the use of an online  
41 platform or any other communications channel or medium,<sup>1</sup> in the  
42 sale of <sup>1</sup> [ stolen goods, including through an online platform; and

43 (2) knows or reasonably should know that the property was  
44 stolen. The requisite knowledge is presumed in the case of a person  
45 who undertook a substantial and unjustifiable risk that the persons  
46 actions would result in the sale of stolen property ] property of

1 another knowing that it has been stolen or reasonably believing that  
2 it is stolen<sup>1</sup>.

3 <sup>1</sup>**[b.** As defined in this act:

4 “Online platform” means any public-facing Internet website,  
5 Internet web application, or computer or mobile application,  
6 including a social networking website or publication.

7 “Sale” means any sale, transfer, exchange, barter, or offer for  
8 sale and distribution, in any manner or by any means whatsoever,  
9 including, but not limited to, via an online platform.

10 “Stolen property” shall have the same meaning as defined  
11 pursuant to N.J.S.2C:20-1.】

12 c. The following presumptions are available in the prosecution  
13 of an offense under this section of fostering the sale of stolen  
14 property:

15 (1) Proof of the property being advertised for sale at a price  
16 substantially below its fair market value, unless satisfactorily  
17 explained, gives rise to an inference that the person advertising or  
18 otherwise assisting in the sale of the property knew that it is stolen  
19 or reasonably believed that the property is stolen; and

20 (2) Proof that a person advertised or otherwise assisted in the  
21 sale of the property without having ascertained by reasonable  
22 inquiry that the person offering the property for sale had a legal  
23 right to possess or control it gives rise to an inference that such  
24 person knew that it is stolen or reasonably believed that it is stolen.

25 d. Nothing in this section shall be construed to preclude or  
26 limit the prosecution or conviction of any person for any other  
27 crime or offense.<sup>1</sup>

28

29 3. N.J.S.2C:12-1 is amended as follows:

30 2C:12-1. Assault. a. Simple assault. A person is guilty of  
31 assault if the person:

32 (1) Attempts to cause or purposely, knowingly or recklessly  
33 causes bodily injury to another; or

34 (2) Negligently causes bodily injury to another with a deadly  
35 weapon; or

36 (3) Attempts by physical menace to put another in fear of  
37 imminent serious bodily injury.

38 Simple assault is a disorderly persons offense unless committed  
39 in a fight or scuffle entered into by mutual consent, in which case it  
40 is a petty disorderly persons offense.

41 b. Aggravated assault. A person is guilty of aggravated assault  
42 if the person:

43 (1) Attempts to cause serious bodily injury to another, or causes  
44 injury purposely or knowingly or under circumstances manifesting  
45 extreme indifference to the value of human life recklessly causes  
46 such injury; or

47 (2) Attempts to cause or purposely or knowingly causes bodily  
48 injury to another with a deadly weapon; or

- 1 (3) Recklessly causes bodily injury to another with a deadly  
2 weapon; or
- 3 (4) Knowingly under circumstances manifesting extreme  
4 indifference to the value of human life points a firearm, as defined  
5 in subsection f. of N.J.S.2C:39-1, at or in the direction of another,  
6 whether or not the actor believes it to be loaded; or
- 7 (5) Commits a simple assault as defined in paragraph (1), (2), or  
8 (3) of subsection a. of this section upon:
- 9 (a) Any law enforcement officer acting in the performance of  
10 the officer's duties while in uniform or exhibiting evidence of  
11 authority or because of the officer's status as a law enforcement  
12 officer; or
- 13 (b) Any paid or volunteer firefighter acting in the performance  
14 of the firefighter's duties while in uniform or otherwise clearly  
15 identifiable as being engaged in the performance of the duties of a  
16 firefighter; or
- 17 (c) Any person engaged in emergency first-aid or medical  
18 services acting in the performance of the person's duties while in  
19 uniform or otherwise clearly identifiable as being engaged in the  
20 performance of emergency first-aid or medical services; or
- 21 (d) Any school board member, school administrator, teacher,  
22 school bus driver, or other employee of a public or nonpublic  
23 school or school board while clearly identifiable as being engaged  
24 in the performance of the person's duties or because of the person's  
25 status as a member or employee of a public or nonpublic school or  
26 school board or any school bus driver employed by an operator  
27 under contract to a public or nonpublic school or school board while  
28 clearly identifiable as being engaged in the performance of the  
29 person's duties or because of the person's status as a school bus  
30 driver; or
- 31 (e) Any employee of the Division of Child Protection and  
32 Permanency while clearly identifiable as being engaged in the  
33 performance of the employee's duties or because of the status as an  
34 employee of the division; or
- 35 (f) Any justice of the Supreme Court, judge of the Superior  
36 Court, judge of the Tax Court or municipal judge while clearly  
37 identifiable as being engaged in the performance of judicial duties  
38 or because of the status as a member of the judiciary; or
- 39 (g) Any operator of a motorbus or the operator's supervisor or  
40 any employee of a rail passenger service while clearly identifiable  
41 as being engaged in the performance of the person's duties or  
42 because of the status as an operator of a motorbus or as the  
43 operator's supervisor or as an employee of a rail passenger service;  
44 or
- 45 (h) Any Department of Corrections employee, county  
46 correctional police officer, juvenile correctional police officer, State  
47 juvenile facility employee, juvenile detention staff member,  
48 juvenile detention officer, probation officer or any sheriff,

1 undersheriff, or sheriff's officer acting in the performance of the  
2 person's duties while in uniform or exhibiting evidence of the  
3 person's authority or because of the status as a Department of  
4 Corrections employee, county correctional police officer, juvenile  
5 correctional police officer, State juvenile facility employee, juvenile  
6 detention staff member, juvenile detention officer, probation  
7 officer, sheriff, undersheriff, or sheriff's officer; or

8 (i) Any employee, including any person employed under  
9 contract, of a utility company as defined in section 2 of P.L.1971,  
10 c.224 (C.2A:42-86) or a cable television company subject to the  
11 provisions of the "Cable Television Act," P.L.1972, c.186  
12 (C.48:5A-1 et seq.) while clearly identifiable as being engaged in  
13 the performance of the employee's duties in regard to connecting,  
14 disconnecting, or repairing or attempting to connect, disconnect, or  
15 repair any gas, electric, or water utility, or cable television or  
16 telecommunication service; or

17 (j) Any health care worker employed by a licensed health care  
18 facility to provide direct patient care, any health care professional  
19 licensed or otherwise authorized pursuant to Title 26 or Title 45 of  
20 the Revised Statutes to practice a health care profession, except a  
21 direct care worker at a State or county psychiatric hospital or State  
22 developmental center or veterans' memorial home, while clearly  
23 identifiable as being engaged in the duties of providing direct  
24 patient care or practicing the health care profession; or

25 (k) Any direct care worker at a State or county psychiatric  
26 hospital or State developmental center or veterans' memorial home,  
27 while clearly identifiable as being engaged in the duties of  
28 providing direct patient care or practicing the health care  
29 profession, provided that the actor is not a patient or resident at the  
30 facility who is classified by the facility as having a mental illness or  
31 developmental disability; or

32 (l) Any employee of a 'store or other' retail mercantile  
33 establishment <sup>1</sup>]. "Employee of a retail mercantile establishment"  
34 means any person,] <sup>1</sup>while clearly identifiable as being engaged in  
35 the performance of the person's duties <sup>1</sup>], engaged in the sale,  
36 display, or offering for sale of consumer commodities and who is  
37 employed by any place of business where merchandise is displayed,  
38 held, stored, or sold or offered at retail to members of consuming  
39 public] . "Store or other retail mercantile establishment" means the  
40 same as such term is defined in N.J.S.2C:20-11. "Employee"  
41 means any person who provides customer assistance, store  
42 management, visual merchandising, loss prevention or security  
43 services, whether in uniform or in plain clothes, or who acts as a  
44 cashier, salesperson, or team associate or otherwise interacts with  
45 customers for or on behalf of the store or other retail mercantile  
46 establishment <sup>1</sup>; or

1 (6) Causes bodily injury to another person while fleeing or  
2 attempting to elude a law enforcement officer in violation of  
3 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
4 violation of subsection c. of N.J.S.2C:20-10. Notwithstanding any  
5 other provision of law to the contrary, a person shall be strictly  
6 liable for a violation of this paragraph upon proof of a violation of  
7 subsection b. of N.J.S.2C:29-2 or while operating a motor vehicle in  
8 violation of subsection c. of N.J.S.2C:20-10 which resulted in  
9 bodily injury to another person; or

10 (7) Attempts to cause significant bodily injury to another or  
11 causes significant bodily injury purposely or knowingly or, under  
12 circumstances manifesting extreme indifference to the value of  
13 human life recklessly causes such significant bodily injury; or

14 (8) Causes bodily injury by knowingly or purposely starting a  
15 fire or causing an explosion in violation of N.J.S.2C:17-1 which  
16 results in bodily injury to any emergency services personnel  
17 involved in fire suppression activities, rendering emergency  
18 medical services resulting from the fire or explosion or rescue  
19 operations, or rendering any necessary assistance at the scene of the  
20 fire or explosion, including any bodily injury sustained while  
21 responding to the scene of a reported fire or explosion. For  
22 purposes of this paragraph, "emergency services personnel" shall  
23 include, but not be limited to, any paid or volunteer firefighter, any  
24 person engaged in emergency first-aid or medical services and any  
25 law enforcement officer. Notwithstanding any other provision of  
26 law to the contrary, a person shall be strictly liable for a violation of  
27 this paragraph upon proof of a violation of N.J.S.2C:17-1 which  
28 resulted in bodily injury to any emergency services personnel; or

29 (9) Knowingly, under circumstances manifesting extreme  
30 indifference to the value of human life, points or displays a firearm,  
31 as defined in subsection f. of N.J.S.2C:39-1, at or in the direction of  
32 a law enforcement officer; or

33 (10) Knowingly points, displays or uses an imitation firearm, as  
34 defined in subsection v. of N.J.S.2C:39-1, at or in the direction of a  
35 law enforcement officer with the purpose to intimidate, threaten, or  
36 attempt to put the officer in fear of bodily injury or for any unlawful  
37 purpose; or

38 (11) Uses or activates a laser sighting system or device, or a  
39 system or device which, in the manner used, would cause a  
40 reasonable person to believe that it is a laser sighting system or  
41 device, against a law enforcement officer acting in the performance  
42 of the officer's duties while in uniform or exhibiting evidence of the  
43 officer's authority. As used in this paragraph, "laser sighting system  
44 or device" means any system or device that is integrated with or  
45 affixed to a firearm and emits a laser light beam that is used to  
46 assist in the sight alignment or aiming of the firearm; or

47 (12) Attempts to cause significant bodily injury or causes  
48 significant bodily injury purposely or knowingly or, under

1 circumstances manifesting extreme indifference to the value of  
2 human life, recklessly causes significant bodily injury to a person  
3 who, with respect to the actor, meets the definition of a victim of  
4 domestic violence, as defined in subsection d. of section 3 of  
5 P.L.1991, c.261 (C.2C:25-19); or

6 (13) Knowingly or, under circumstances manifesting extreme  
7 indifference to the value of human life, recklessly obstructs the  
8 breathing or blood circulation of a person who, with respect to the  
9 actor, meets the definition of a victim of domestic violence, as  
10 defined in subsection d. of section 3 of P.L.1991, c.261 (C.2C:25-  
11 19), by applying pressure on the throat or neck or blocking the nose  
12 or mouth of such person, thereby causing or attempting to cause  
13 bodily injury.

14 Aggravated assault under paragraphs (1) and (6) of subsection b.  
15 of this section is a crime of the second degree; under paragraphs  
16 (2), (7), (9), and (10) of subsection b. of this section is a crime of  
17 the third degree; under paragraphs (3) and (4) of subsection b. of  
18 this section is a crime of the fourth degree; and under paragraph (5)  
19 of subsection b. of this section is a crime of the third degree if the  
20 victim suffers bodily injury, otherwise it is a crime of the fourth  
21 degree, except that any aggravated assault under subparagraph (g)  
22 of paragraph (5) of subsection b. of this section shall be a crime of  
23 the third degree. Aggravated assault under paragraph (8) of  
24 subsection b. of this section is a crime of the third degree if the  
25 victim suffers bodily injury; if the victim suffers significant bodily  
26 injury or serious bodily injury it is a crime of the second degree.  
27 Aggravated assault under paragraph (11) of subsection b. of this  
28 section is a crime of the third degree. Aggravated assault under  
29 paragraph (12) of subsection b. of this section is a crime of the third  
30 degree but the presumption of non-imprisonment set forth in  
31 subsection e. of N.J.S.2C:44-1 for a first offense of a crime of the  
32 third degree shall not apply. Aggravated assault under paragraph  
33 (13) of subsection b. of this section is a crime of the second degree.

34 c. (1) A person is guilty of assault by auto or vessel when the  
35 person drives a vehicle or vessel recklessly and causes either  
36 serious bodily injury or bodily injury to another. Assault by auto or  
37 vessel is a crime of the fourth degree if serious bodily injury results  
38 and is a disorderly persons offense if bodily injury results. Proof  
39 that the defendant was operating a hand-held wireless telephone  
40 while driving a motor vehicle in violation of section 1 of P.L.2003,  
41 c.310 (C.39:4-97.3) may give rise to an inference that the defendant  
42 was driving recklessly.

43 (2) Assault by auto or vessel is a crime of the third degree if the  
44 person drives the vehicle while in violation of R.S.39:4-50 or  
45 section 2 of P.L.1981, c.512 (C.39:4-50.4a) and serious bodily  
46 injury results and is a crime of the fourth degree if the person drives  
47 the vehicle while in violation of R.S.39:4-50 or section 2 of  
48 P.L.1981, c.512 (C.39:4-50.4a) and bodily injury results.

1 (3) Assault by auto or vessel is a crime of the second degree if  
2 serious bodily injury results from the defendant operating the auto  
3 or vessel while in violation of R.S.39:4-50 or section 2 of P.L.1981,  
4 c.512 (C.39:4-50.4a) while:

5 (a) on any school property used for school purposes which is  
6 owned by or leased to any elementary or secondary school or school  
7 board, or within 1,000 feet of such school property;

8 (b) driving through a school crossing as defined in R.S.39:1-1 if  
9 the municipality, by ordinance or resolution, has designated the  
10 school crossing as such; or

11 (c) driving through a school crossing as defined in R.S.39:1-1  
12 knowing that juveniles are present if the municipality has not  
13 designated the school crossing as such by ordinance or resolution.

14 Assault by auto or vessel is a crime of the third degree if bodily  
15 injury results from the defendant operating the auto or vessel in  
16 violation of this paragraph.

17 A map or true copy of a map depicting the location and  
18 boundaries of the area on or within 1,000 feet of any property used  
19 for school purposes which is owned by or leased to any elementary  
20 or secondary school or school board produced pursuant to section 1  
21 of P.L.1987, c.101 (C.2C:35-7) may be used in a prosecution under  
22 subparagraph (a) of paragraph (3) of this subsection.

23 It shall be no defense to a prosecution for a violation of  
24 subparagraph (a) or (b) of paragraph (3) of this subsection that the  
25 defendant was unaware that the prohibited conduct took place while  
26 on or within 1,000 feet of any school property or while driving  
27 through a school crossing. Nor shall it be a defense to a prosecution  
28 under subparagraph (a) or (b) of paragraph (3) of this subsection  
29 that no juveniles were present on the school property or crossing  
30 zone at the time of the offense or that the school was not in session.

31 (4) Assault by auto or vessel is a crime of the third degree if the  
32 person purposely drives a vehicle in an aggressive manner directed  
33 at another vehicle and serious bodily injury results and is a crime of  
34 the fourth degree if the person purposely drives a vehicle in an  
35 aggressive manner directed at another vehicle and bodily injury  
36 results. For purposes of this paragraph, "driving a vehicle in an  
37 aggressive manner" shall include, but is not limited to,  
38 unexpectedly altering the speed of the vehicle, making improper or  
39 erratic traffic lane changes, disregarding traffic control devices,  
40 failing to yield the right of way, or following another vehicle too  
41 closely.

42 As used in this subsection, "vessel" means a means of  
43 conveyance for travel on water and propelled otherwise than by  
44 muscular power.

45 d. A person who is employed by a facility as defined in section  
46 2 of P.L.1977, c.239 (C.52:27G-2) who commits a simple assault as  
47 defined in paragraph (1) or (2) of subsection a. of this section upon  
48 an institutionalized elderly person as defined in section 2 of

1 P.L.1977, c.239 (C.52:27G-2) is guilty of a crime of the fourth  
2 degree.

3 e. (Deleted by amendment, P.L.2001, c.443).

4 f. A person who commits a simple assault as defined in  
5 paragraph (1), (2), or (3) of subsection a. of this section in the  
6 presence of a child under 16 years of age at a school or community  
7 sponsored youth sports event is guilty of a crime of the fourth  
8 degree. The defendant shall be strictly liable upon proof that the  
9 offense occurred, in fact, in the presence of a child under 16 years  
10 of age. It shall not be a defense that the defendant did not know  
11 that the child was present or reasonably believed that the child was  
12 16 years of age or older. The provisions of this subsection shall not  
13 be construed to create any liability on the part of a participant in a  
14 youth sports event or to abrogate any immunity or defense available  
15 to a participant in a youth sports event. As used in this act, "school  
16 or community sponsored youth sports event" means a competition,  
17 practice, or instructional event involving one or more  
18 interscholastic sports teams or youth sports teams organized  
19 pursuant to a nonprofit or similar charter or which are member  
20 teams in a youth league organized by or affiliated with a county or  
21 municipal recreation department and shall not include collegiate,  
22 semi-professional or professional sporting events.

23 (cf: P.L.2021, c.352, s.1)

24

25 4. N.J.S.2C:20-11 is amended to read as follows:

26 a. Definitions. The following definitions apply to this section:

27 (1) "Shopping cart" means those push carts of the type or types  
28 which are commonly provided by grocery stores, drug stores or  
29 other retail mercantile establishments for the use of the public in  
30 transporting commodities in stores and markets and, incidentally,  
31 from the stores to a place outside the store;

32 (2) "Store or other retail mercantile establishment" means a  
33 place where merchandise is displayed, held, stored or sold or  
34 offered to the public for sale;

35 (3) "Merchandise" means any goods, chattels, foodstuffs or  
36 wares of any type and description, regardless of the value thereof;

37 (4) "Merchant" means any owner or operator of any store or  
38 other retail mercantile establishment, or any agent, servant,  
39 employee, lessee, consignee, officer, director, franchisee or  
40 independent contractor of such owner or proprietor;

41 (5) "Person" means any individual or individuals, including an  
42 agent, servant or employee of a merchant where the facts of the  
43 situation so require;

44 (6) "Conceal" means to conceal merchandise so that, although  
45 there may be some notice of its presence, it is not visible through  
46 ordinary observation;

47 (7) "Full retail value" means the merchant's stated or advertised  
48 price of the merchandise;

1 (8) "Premises of a store or retail mercantile establishment"  
2 means and includes but is not limited to, the retail mercantile  
3 establishment; any common use areas in shopping centers and all  
4 parking areas set aside by a merchant or on behalf of a merchant for  
5 the parking of vehicles for the convenience of the patrons of such  
6 retail mercantile establishment;

7 (9) "Under-ring" means to cause the cash register or other sale  
8 recording device to reflect less than the full retail value of the  
9 merchandise;

10 (10) "Antishoplifting or inventory control device  
11 countermeasure" means any item or device which is designed,  
12 manufactured, modified, or altered to defeat any antishoplifting or  
13 inventory control device;

14 (11) "Organized retail theft enterprise" means any association of  
15 two or more persons who engage in the conduct of or are associated  
16 for the purpose of effectuating the transfer or sale of shoplifted  
17 merchandise.

18 b. Shoplifting. Shoplifting shall consist of any one or more of  
19 the following acts:

20 (1) For any person purposely to take possession of, carry away,  
21 transfer or cause to be carried away or transferred, any merchandise  
22 displayed, held, stored or offered for sale by any store or other retail  
23 mercantile establishment with the intention of depriving the  
24 merchant of the possession, use or benefit of such merchandise or  
25 converting the same to the use of such person without paying to the  
26 merchant the full retail value thereof.

27 (2) For any person purposely to conceal upon his person or  
28 otherwise any merchandise offered for sale by any store or other  
29 retail mercantile establishment with the intention of depriving the  
30 merchant of the processes, use or benefit of such merchandise or  
31 converting the same to the use of such person without paying to the  
32 merchant the value thereof.

33 (3) For any person purposely to alter, transfer or remove any  
34 label, price tag or marking indicia of value or any other markings  
35 which aid in determining value affixed to any merchandise  
36 displayed, held, stored or offered for sale by any store or other retail  
37 mercantile establishment and to attempt to purchase such  
38 merchandise personally or in consort with another at less than the  
39 full retail value with the intention of depriving the merchant of all  
40 or some part of the value thereof.

41 (4) For any person purposely to transfer any merchandise  
42 displayed, held, stored or offered for sale by any store or other retail  
43 merchandise establishment from the container in or on which the  
44 same shall be displayed to any other container with intent to deprive  
45 the merchant of all or some part of the retail value thereof.

46 (5) For any person purposely to under-ring with the intention of  
47 depriving the merchant of the full retail value thereof.

1 (6) For any person purposely to remove a shopping cart from the  
2 premises of a store or other retail mercantile establishment without  
3 the consent of the merchant given at the time of such removal with  
4 the intention of permanently depriving the merchant of the  
5 possession, use or benefit of such cart.

6 c. Gradation. (1) Shoplifting constitutes a crime of the second  
7 degree under subsection b. of this section if the full retail value of  
8 the merchandise is \$75,000 or more, or the offense is committed in  
9 furtherance of or in conjunction with an organized retail theft  
10 enterprise and the full retail value of the merchandise is \$1,000 or  
11 more.

12 (2) Shoplifting constitutes a crime of the third degree under  
13 subsection b. of this section if the full retail value of the  
14 merchandise exceeds \$500 but is less than \$75,000, or the offense  
15 is committed in furtherance of or in conjunction with an organized  
16 retail theft enterprise and the full retail value of the merchandise is  
17 less than \$1,000.

18 (3) Shoplifting constitutes a crime of the fourth degree under  
19 subsection b. of this section if the full retail value of the  
20 merchandise is at least \$200 but does not exceed \$500.

21 (4) Shoplifting is a disorderly persons offense under subsection  
22 b. of this section if the full retail value of the merchandise is less  
23 than \$200.

24 The <sup>1</sup>**total**<sup>1</sup> value of the merchandise involved in a violation or  
25 <sup>1</sup>**in**<sup>1</sup> multiple violations of this section may be aggregated <sup>1</sup>**within**<sup>1</sup>  
26 **the previous one-year period**<sup>1</sup> in determining the grade of the  
27 offense where the acts or conduct constituting a violation were  
28 committed pursuant to one scheme or course of conduct, whether  
29 from the same person or several persons <sup>1</sup>**and regardless of the time**<sup>1</sup>  
30 **period over which the scheme or course of conduct took place**<sup>1</sup>, or  
31 were committed in furtherance of or in conjunction with an  
32 organized retail theft enterprise.

33 Additionally, notwithstanding the term of imprisonment provided  
34 in N.J.S.2C:43-6 or 2C:43-8, any person convicted of a shoplifting  
35 offense shall be sentenced to perform community service as  
36 follows: for a first offense, at least ten days of community service;  
37 for a second offense, at least 15 days of community service; and for  
38 a third or subsequent offense, a maximum of 25 days of community  
39 service and any person convicted of a third or subsequent  
40 shoplifting offense shall serve a minimum term of imprisonment of  
41 not less than 90 days.

42 d. Presumptions. Any person purposely concealing  
43 unpurchased merchandise of any store or other retail mercantile  
44 establishment, either on the premises or outside the premises of  
45 such store or other retail mercantile establishment, shall be prima  
46 facie presumed to have so concealed such merchandise with the  
47 intention of depriving the merchant of the possession, use or benefit  
48 of such merchandise without paying the full retail value thereof,

1 and the finding of such merchandise concealed upon the person or  
2 among the belongings of such person shall be prima facie evidence  
3 of purposeful concealment; and if such person conceals, or causes  
4 to be concealed, such merchandise upon the person or among the  
5 belongings of another, the finding of the same shall also be prima  
6 facie evidence of willful concealment on the part of the person so  
7 concealing such merchandise.

8 e. A law enforcement officer, or a special officer, or a  
9 merchant, who has probable cause for believing that a person has  
10 willfully concealed unpurchased merchandise and that he can  
11 recover the merchandise by taking the person into custody, may, for  
12 the purpose of attempting to effect recovery thereof, take the person  
13 into custody and detain him in a reasonable manner for not more  
14 than a reasonable time, and the taking into custody by a law  
15 enforcement officer or special officer or merchant shall not render  
16 such person criminally or civilly liable in any manner or to any  
17 extent whatsoever.

18 Any law enforcement officer may arrest without warrant any  
19 person he has probable cause for believing has committed the  
20 offense of shoplifting as defined in this section.

21 A merchant who causes the arrest of a person for shoplifting, as  
22 provided for in this section, shall not be criminally or civilly liable  
23 in any manner or to any extent whatsoever where the merchant has  
24 probable cause for believing that the person arrested committed the  
25 offense of shoplifting.

26 f. Any person who possesses or uses any antishoplifting or  
27 inventory control device countermeasure within any store or other  
28 retail mercantile establishment is guilty of a disorderly persons  
29 offense.

30 (cf: P.L.2006, c.56, s.1)

31

32 <sup>1</sup>5. Section 2 of P.L.2006, c.56 (C.2C:20-11.2) is amended to  
33 read as follows:

34 2. A person is a leader of an organized retail theft enterprise if  
35 he conspires with others as an organizer, supervisor, financier or  
36 manager, to engage for profit in a scheme or course of conduct to  
37 effectuate the transfer or sale of shoplifted merchandise. Leader of  
38 organized retail theft enterprise is a crime of the **second** first  
39 degree. Notwithstanding the provisions of subsection a. of  
40 N.J.S.2C:43-3, the court may impose a fine not to exceed \$250,000  
41 or five times the retail value of the merchandise seized at the time  
42 of the arrest, whichever is greater.

43 Notwithstanding the provisions of N.J.S.2C:1-8, a conviction of  
44 leader of organized retail theft enterprise shall not merge with the  
45 conviction for any offense which is the object of the conspiracy.  
46 Nothing contained in this section shall prohibit the court from  
47 imposing an extended term pursuant to N.J.S.2C:43-7; nor shall this  
48 section be construed in any way to preclude or limit the prosecution

1 or conviction of any person for conspiracy under N.J.S.2C:5-2, or  
2 any prosecution or conviction for any other offense.

3 It shall not be necessary in any prosecution under this section for  
4 the State to prove that any intended profit was actually realized. The  
5 trier of fact may infer that a particular scheme or course of conduct  
6 was undertaken for profit from all of the attending circumstances,  
7 including but not limited to the number of persons involved in the  
8 scheme or course of conduct, the actor's net worth and his  
9 expenditures in relation to his legitimate sources of income, the  
10 amount of merchandise involved, or the amount of cash or currency  
11 involved.

12 It shall not be a defense to a prosecution under this section that  
13 any shoplifted merchandise was brought into or transported in this  
14 State solely for ultimate distribution in another jurisdiction; nor  
15 shall it be a defense that any profit was intended to be made in  
16 another jurisdiction.

17 (cf: P.L.2006, c.56, s.2)]<sup>1</sup>

18

19 <sup>1</sup>[6.] 5.<sup>1</sup> (New section) a. Upon request of the prosecutor, a  
20 person who has been convicted of shoplifting pursuant to  
21 N.J.S.2C:20-11, receiving stolen property pursuant to N.J.S.2C:20-  
22 7, leader of organized retail theft enterprise pursuant to section 2 of  
23 P.L.2006, c.56 (C.2C:20-11.2); or theft as defined in chapter 20 of  
24 Title 2C of the New Jersey Statutes that involves the stealing of  
25 merchandise from a retail mercantile establishment shall be  
26 sentenced to an extended term of imprisonment pursuant to  
27 N.J.S.2C:43-7 if the person has previously been convicted on two or  
28 more prior and separate occasions, regardless of the dates of the  
29 convictions, in accordance with the provisions of subsection b. of  
30 this section, for a violation of paragraphs (1) or (2) of subsection c.  
31 of N.J.S.2C:20-11, N.J.S.2C:20-7, section 2 of P.L.2006, c.56  
32 (C.2C:20-11.2), or theft as defined in chapter 20 of Title 2C of the  
33 New Jersey Statutes involving the stealing of merchandise, or a  
34 crime under any statute of the United States, this State, or any other  
35 state for a crime that is substantially equivalent to a violation of  
36 shoplifting, leader of organized retail theft enterprise, or theft  
37 involving merchandise.

38 b. The provisions of this section shall not apply unless the prior  
39 convictions are for crimes committed on separate occasions and the  
40 crime for which the defendant is being sentenced was committed  
41 either:

42 (1) within 10 years of the date of the defendant's last release  
43 from confinement for the commission of any crime; or

44 (2) within 10 years of the date of the commission of the most  
45 recent of the crimes enumerated in subsection a. of this section for  
46 which the defendant has a prior conviction.

47 c. Prior convictions shall be defined and proven in accordance  
48 with N.J.S.2C:44-4.

1 d. The court shall not impose a sentence of imprisonment  
2 pursuant to this section unless the ground therefor has been  
3 established at a hearing after the conviction of the defendant and on  
4 written notice to the defendant of the ground proposed. The  
5 defendant shall have the right to hear and controvert the evidence  
6 against him and to offer evidence upon the issue.

7  
8 <sup>1</sup>~~7.1~~ 6.<sup>1</sup> (New section) a. The Attorney General shall <sup>1</sup>~~in~~, in  
9 consultation with the Director of the Division of Criminal Justice,  
10 ~~establish~~ undertake such steps as the Attorney General deems  
11 appropriate to promote the effective investigation, prosecution, and  
12 deterrence of organized retail theft in this State, which may include  
13 establishing<sup>1</sup> a retail theft unit <sup>1</sup>, task force,<sup>1</sup> or other appropriate  
14 office <sup>1</sup>or initiative<sup>1</sup> in the Department of Law and Public Safety to  
15 combat organized retail theft <sup>1</sup>~~in this State. The Attorney General~~  
16 ~~shall~~ or the implementation of a Statewide policy to direct and  
17 coordinate State and local law enforcement efforts to<sup>1</sup> investigate  
18 <sup>1</sup>~~in this State. The Attorney General shall~~ and<sup>1</sup> prosecute organized  
19 retail theft.

20 b. (1). In a manner prescribed by the Attorney General, a  
21 county prosecutor, law enforcement officer, special officer, or retail  
22 merchant may notify the Division of Criminal Justice <sup>1</sup>, or other  
23 entity within the Department of Law and Public Safety designated  
24 by the Attorney General to receive notice,<sup>1</sup> of allegations that a  
25 crime of retail theft was committed.

26 (2) In a manner prescribed by the Attorney General, a county  
27 prosecutor shall notify the Division of Criminal Justice <sup>1</sup>, or other  
28 entity within the Department of Law and Public Safety designated  
29 by the Attorney General to receive notice,<sup>1</sup> that a crime of retail  
30 theft was allegedly committed by a defendant if:

31 (a) there is probable cause that the defendant has committed two  
32 or more acts of retail theft in the State;

33 (b) there is probable cause that the defendant has committed one  
34 or more acts of retail theft in this State and one or more acts of  
35 retail theft in another state; or

36 (c) the defendant has previously been convicted of retail theft in  
37 this State or another state.

38 c. <sup>1</sup>~~The~~ In addition to any other authority provided under the  
39 law, the<sup>1</sup> Division of Criminal Justice shall have the authority to:

40 (1) investigate and, if warranted, prosecute cases concerning  
41 acts of retail theft; and

42 (2) assist county prosecutors in the investigation and prosecution  
43 of acts of retail theft.

44 d. As used in this section, “retail theft” shall include the crimes  
45 of shoplifting pursuant to N.J.S.2C:20-11; leader of organized retail  
46 theft enterprise pursuant to section 2 of P.L.2006, c.56 (C.2C:20-

1 11.2); or theft as defined in chapter 20 of Title 2C of the New  
2 Jersey Statutes that involves the stealing of merchandise.

3

4 <sup>1</sup>~~8.~~ 7.<sup>1</sup> Section 19 of P.L.1987, c.76 (C.54:52-9) is amended  
5 to read as follows:

6 19. a. A person is guilty of a crime <sup>1</sup>~~of the third degree~~<sup>1</sup> if he  
7 fails to pay or turn over when due any tax, fee, penalty or interest or  
8 any part thereof required to be paid pursuant to the provisions of the  
9 State Tax Uniform Procedure Law, R.S. 54:48-1 et seq., as amended  
10 and supplemented, or any State tax law, with the intent to evade,  
11 avoid or otherwise not make timely payment or deposit of any tax,  
12 fee, penalty or interest or any part thereof. The crime shall be of  
13 the second degree if <sup>1</sup>~~a person fails to pay or turn over when due~~  
14 any any portion of the<sup>1</sup> tax, fee, penalty or interest or any part  
15 thereof required to be paid <sup>1</sup>~~in connection with the person being a~~  
16 ~~leader of an organized retail theft enterprise~~ or turned over was  
17 accrued through conduct committed<sup>1</sup> in violation <sup>1</sup>~~of~~ section 2 of  
18 P.L.2006, c.56 (C.2C:20-11.2) <sup>1</sup>, otherwise it shall be a crime of the  
19 third degree<sup>1</sup>.

20 b. The fact that any payment was made with a subsequently  
21 dishonored negotiable instrument shall constitute prima facie  
22 evidence that the actor failed to pay within the meaning of  
23 subsection a. of this section, and the trier of fact may draw a  
24 permissive inference therefrom that the actor did not intend to make  
25 the payment.

26 (cf: P.L.1987, c.76, s.19)

27

28 <sup>1</sup>~~9.~~ 8.<sup>1</sup> Section 25 of P.L.1987, c.76 (C.54:52-15) is  
29 amended to read as follows:

30 25. A person is guilty of a crime of the third degree if <sup>1</sup>~~he~~<sup>1</sup>,  
31 after having collected or withheld taxes as required by any State tax  
32 law, whether or not <sup>1</sup>~~he~~ the person<sup>1</sup> is authorized, licensed, or  
33 registered to collect or withhold taxes, <sup>1</sup>~~the person~~<sup>1</sup> purposely fails  
34 to turn over the taxes to the Director of the Division of Taxation in  
35 the manner and at the time prescribed by law. The crime shall be of  
36 the second degree if the amount of the tax collected or withheld is  
37 \$75,000.00 or more, or if the <sup>1</sup>~~person is a leader of~~ taxes the  
38 person failed to turn over to the Director of the Division of Taxation  
39 were collected or withheld as part of<sup>1</sup> an organized retail theft  
40 enterprise in violation of section 2 of P.L.2006, c.56 (C.2C:20-  
41 11.2).

42 (cf: P.L.1987, c.76, s.25)

43

44 <sup>1</sup>~~10.~~ 9.<sup>1</sup> Section 1 of P.L.2021, c.431 (C.56:8-110.1) is  
45 amended to read as follows:

1       1. a. Every retail mercantile establishment in this State that  
2 displays <sup>1</sup>["open-loop gift cards or closed-loop"]<sup>1</sup> gift cards for sale  
3 shall train employees on how to identify and respond to <sup>1</sup>["open-  
4 loop gift card or closed-loop"]<sup>1</sup> gift card fraud. A retail mercantile  
5 establishment shall conduct the training in accordance with  
6 guidelines issued pursuant to section 2 of **[this act]** P.L.2021, c.431  
7 (C.56:8-110.2).

8       b. A retail mercantile establishment that violates the provisions  
9 of this section or section 10 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending  
10 before the Legislature as this bill) shall be subject to a civil penalty  
11 of \$1,000, which may be collected and enforced by the Director of  
12 the Division of Consumer Affairs in the Department of Law and  
13 Public Safety in a summary proceeding pursuant to the "Penalty  
14 Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.).  
15 The Superior Court shall have jurisdiction of proceedings for the  
16 enforcement of the penalty provided by this section.

17       A violation of this section shall not be considered an unlawful  
18 practice in violation of P.L.1960, c.39 (C.56:8-1 et seq.).

19       c. As used in <sup>1</sup>**[this]**<sup>1</sup> **[section]** P.L.2021, c.431 <sup>1</sup>(C.56:8-110.1  
20 et seq.)<sup>1</sup>, and section 10 of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
21 Legislature as this bill):

22       <sup>1</sup>["Closed-loop gift card" means a gift card, code or device that  
23 is:

24       (1) issued to a consumer on a prepaid basis primarily for  
25 personal, family, or household purposes in a specified amount,  
26 regardless of whether that amount may be increased or reloaded in  
27 exchange for payment; and

28       (2) redeemable on presentation by a consumer at a single retail  
29 mercantile establishment or a group of affiliated retail mercantile  
30 establishments.]<sup>1</sup>

31       "Gift card" means a tangible device, whereon is embedded or  
32 encoded in an electronic or other format a value issued in exchange  
33 for payment, which promises to provide to the bearer merchandise  
34 of equal value to the remaining balance of the device. <sup>1</sup>A "gift  
35 card" shall not include a stored value reloadable card as defined in  
36 subsection k. of section 5 of P.L.2010, c.25 (C.46:30B-42.1).<sup>1</sup>

37       "Merchandise" means any objects, wares, goods, commodities,  
38 services, or anything offered, directly or indirectly, to the public for  
39 sale.

40       <sup>1</sup>["Open-Loop Gift Card" means a card, code, or device that is:

41       (1) issued to a consumer on a prepaid basis primarily for  
42 personal, family, or household purposes in a specified amount,  
43 regardless of whether that amount may be increased or reloaded in  
44 exchange for payment;

- 1       (2) payment card network branded; and  
2       (3) redeemable on presentation at multiple unaffiliated merchants  
3 for goods or services within the payment card network or usable at  
4 an automated teller machine.】<sup>1</sup>

5       “Retail mercantile establishment” means any place of business  
6 where merchandise is exposed or offered for sale at retail to  
7 members of the consuming public.

8       “Third-Party Gift Card Reseller” means a merchant who, without  
9 authorization from or affiliation with the business entity issuing  
10 ‘[an open- or closed-loop] a<sup>1</sup> gift card, is engaged in the business  
11 of:

12       (1) buying ‘[an open- or closed-loop]’ gift cards on behalf of  
13 consumers; or

14       (2) reselling ‘[an open- or closed-loop]’ gift cards to consumers.  
15 (cf: P.L.2021, c.431, s.1)

16

17       <sup>1</sup>**【11.】 10.**<sup>1</sup> (New section) a. The Director of the Division of  
18 Consumer Affairs in the Department of Law and Public Safety shall  
19 create and <sup>1</sup>**【provide】** make available on its Internet website<sup>1</sup> a  
20 notice to <sup>1</sup>**【customers of】** retail mercantile establishments which  
21 shall include, but not be limited to:

22       (1) the risk of gift card scams; and

23       (2) available assistance, including from the Division of  
24 Consumer Affairs, a consumer may seek if the consumer suspects  
25 they may be a victim of a gift card scam.

26       b. (1) <sup>1</sup>**【Except as provided in subsection e. of this section, a】**  
27 A<sup>1</sup> retail mercantile establishment may not knowingly sell ‘[an  
28 open-loop gift card or closed-loop] a<sup>1</sup> gift card to a consumer  
29 unless the retail mercantile establishment conspicuously displays a  
30 notice in a form as prescribed by the Director of the Division of  
31 Consumer Affairs in accordance with subsection a. of this section.

32       (2) For in-person sales, the notice shall be placed at or near the  
33 physical location where the <sup>1</sup>**【open-loop】** gift card is displayed for  
34 sale or where the <sup>1</sup>**【sale of the open-loop】** gift card <sup>1</sup>**【is sold】** sales  
35 transaction takes place<sup>1</sup>.

36       (3) For online sales of <sup>1</sup>**【open-loop】** gift cards, the notice shall  
37 be displayed on the webpage where the gift card is offered for sale  
38 or before the sale is finalized.

39       c. <sup>1</sup>**【For the sale of an open-loop】** Except as otherwise  
40 provided in subsection d. of this section, a retail mercantile  
41 establishment may not display or sell a<sup>1</sup> gift card ‘[pursuant to  
42 paragraph (2) of subsection b., the gift card shall be enclosed in  
43 packaging that] unless<sup>1</sup>:

44       (1) ‘the gift card or its packaging includes in a manner visible to  
45 potential purchasers when on display a warning that states “Do not

1 sell or purchase if the gift card or its packaging has been broken or  
2 indicates tampering” or that uses substantially similar language;

3 (2) the gift card, if enclosed in packaging,<sup>1</sup> is sealed in a manner  
4 that is not easily opened <sup>1</sup>, removed, or replaced<sup>1</sup> without signs of  
5 tampering;

6 <sup>1</sup>[(2) except as provided in paragraph (3) of this subsection,  
7 conceals] and

8 (3) regardless of whether the gift card is or is not enclosed in  
9 packaging,<sup>1</sup> all <sup>1</sup>[(numeric codes specific to the activation or the  
10 redemption of the gift] visible numbers such as a<sup>1</sup> card <sup>1</sup>[(,  
11 including any bar code] number<sup>1</sup>, CVV number, <sup>1</sup>[pin] or a PIN<sup>1</sup>  
12 number<sup>1</sup>, or activation code;

13 (3) displays an activation code, bar code, or other activation data  
14 only if the packaging used is more secure than it otherwise would  
15 be if the data were fully concealed; and

16 (4) includes a warning that states the following or uses language  
17 substantially similar to the following: “Do not sell or purchase if  
18 packaging has been broken or indicates tampering.”<sup>1</sup> that can be  
19 used for balance inquiries or manual entry redemption are either  
20 fully concealed or covered, or otherwise made unavailable prior to  
21 sale or, only if the gift card is enclosed in packaging that is  
22 designed to make the gift card more secure than full concealment or  
23 covering otherwise would, are partially concealed or covered.<sup>1</sup>

24 d. <sup>1</sup>[(For the sale of a closed-loop gift card, the gift card shall  
25 be enclosed in packaging that:

26 (1) conceals or covers, in a manner that is not easily removed or  
27 replaced without signs of tampering, all numeric codes specific to  
28 the redemption of the gift card; or

29 (2) if made more secure through partial concealment or covering  
30 than full concealment or covering pursuant to paragraph (1) of this  
31 subsection, partially conceals or covers, in a manner that is not  
32 easily removed or replaced without signs of tampering, all numeric  
33 codes specific to redemption of the gift card; and

34 (3) includes a warning that states the following or uses language  
35 substantially similar to the following: “Do not sell or purchase if  
36 packaging has been broken or indicates tampering.”

37 e.<sup>1</sup> A retail mercantile establishment may <sup>1</sup>display or<sup>1</sup> sell <sup>1</sup>[(an  
38 open- or closed loop] a<sup>1</sup> gift card that <sup>1</sup>[(is not enclosed in secured  
39 packaging pursuant to] does not conform to the requirements of  
40 paragraphs (2) and (3) of<sup>1</sup> subsection c. <sup>1</sup>[or d.]<sup>1</sup> of this section if:

41 (1) the gift card is a chip-enabled, numberless card that is  
42 activated by a consumer after registering the card on the card  
43 issuer’s website; <sup>1</sup>[or]<sup>1</sup>

44 (2) the gift card is:

45 (a) sold exclusively by a retail mercantile establishment for use  
46 only at the retail mercantile establishment or a group of affiliated

1 retail mercantile establishments for use at the retail mercantile  
2 establishments of the affiliated establishments; and

3 (b) is secured in a physical location within the retail mercantile  
4 establishment that is accessible only by an employee <sup>1</sup>, or

5 (3) the gift card or its packaging:

6 (a) incorporates technology that is designed to prevent  
7 activation if the gift card or its packaging has been subjected to  
8 tampering; or

9 (b) incorporates technology that is designed to detect and prevent  
10 unauthorized redemption<sup>1</sup>.

11 <sup>1</sup>**[f.] e.**<sup>1</sup> (1) When a third-party gift card reseller buys or sells  
12 <sup>1</sup>**[an open-loop] a**<sup>1</sup> gift card as part of a transaction occurring in  
13 this State, the reseller shall record and, for at least three years,  
14 maintain a copy of the following information as applicable:

15 (a) the date of the transaction;

16 (b) the name of the person who conducted the transaction;

17 (c) the name, age, and address of the seller of the gift card;

18 (d) the seller's and consumer's driver's license number or  
19 identification card number;

20 (e) a description of the purchased gift card, including, but not  
21 limited to, the retailer for which the gift card is intended for use and  
22 the gift card number;

23 (f) the specific amount issued on the gift card;

24 (g) the transaction price;

25 (h) the signature of the consumer.

26 (2) The information recorded and maintained pursuant to this  
27 section shall be chronologically written in ink or logged into a  
28 secure database, software system, or other similar technology  
29 platform.

30 (3) Except as provided in paragraph (4) of this subsection,  
31 recorded information may not be destroyed, altered, or erased.

32 (4) A handwritten correction may be made to an entry of  
33 information by drawing a line of ink through the entry in a manner  
34 that retains legibility.

35 (5) Information recorded pursuant to this subsection shall be  
36 open to inspection by any duly authorized law enforcement officer  
37 in this State during the ordinary business hours of the third-party  
38 gift card reseller or at other reasonable time.

39 f. A third-party gift card reseller, including an agent or  
40 employee of the third-party gift card reseller may not:

41 (1) fail to make an entry of or falsify, destroy, or remove any  
42 information required to be recorded and maintained pursuant to this  
43 section;

44 (2) refuse to allow any duly authorized law enforcement officer  
45 in this State to inspect a record of information or <sup>1</sup>**[open- or closed-**  
46 **loop] the**<sup>1</sup> gift cards in the reseller's possession; or

47 (3) fail to maintain a record in pursuant to this section.

1 g. Upon <sup>1</sup>~~the filing of an official report to~~ request of<sup>1</sup> a law  
2 enforcement agency <sup>1</sup>~~by any person alleging to be a victim~~  
3 conducting an investigation into allegations<sup>1</sup> of theft of one or more  
4 <sup>1</sup>~~open- or closed-loop~~<sup>1</sup> gift cards <sup>1</sup>~~with an aggregate value~~  
5 exceed \$500, law enforcement may request that <sup>1</sup>~~.~~<sup>1</sup> the issuer of the  
6 gift cards or the issuer's agents <sup>1</sup>shall<sup>1</sup> preserve and provide law  
7 enforcement <sup>1</sup>with<sup>1</sup> all relevant evidence <sup>1</sup>so requested<sup>1</sup>.

8  
9 <sup>1</sup>~~12.~~ There is appropriated from the General Fund to the  
10 Department of Law and Public Safety the sum of \$1,000,000 to  
11 effectuate the provisions of this act. <sup>1</sup>

12  
13 <sup>1</sup>~~13.~~ 11.<sup>1</sup> This act shall take effect immediately, except that  
14 sections <sup>1</sup>~~7,~~ <sup>1</sup>9 and <sup>1</sup>~~10~~ <sup>1</sup>shall remain inoperative until October 1,  
15 2025, but the Director of the Division of Consumer Affairs may  
16 take such anticipatory action as may be necessary to effectuate the  
17 provisions of those sections<sup>1</sup>, and <sup>1</sup>~~11~~ <sup>1</sup>section 6<sup>1</sup> shall take effect  
18 on the 180<sup>th</sup> day after the date of enactment.