CHAPTER 74--H.F.No. 3155

An act relating to public safety; including gift card fraud in organized retail theft; amending Minnesota Statutes 2024, section 609.522, subdivisions 1, 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2024, section 609.522, subdivision 1, is amended to read:

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given.

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

(c) "Gift card" means a physical or digital closed-loop gift card or open-loop gift card that is either activated or not activated.

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

~~(b)~~ (e) "Pattern of retail theft" means acts committed or directed by the defendant on at least two separate occasions in the preceding six months that would constitute a violation of:

(1) section 609.52, subdivision 2, paragraph (a), clause (1), (3), or (4), involving retail merchandise;

(2) section 609.521;

(3) section 609.53, subdivision 1, involving retail merchandise;

(4) section 609.582 when the building was a retail establishment; or

(5) section 609.59.

~~(c)~~ (f) "Retail establishment" means the building where a retailer sells retail merchandise.

~~(d)~~ (g) "Retail merchandise" means all forms of tangible property, without limitation, held out for sale by a retailer and all gift cards.

~~(e)~~ (h) "Retail theft enterprise" means a group of two or more individuals with a shared goal involving the unauthorized removal of retail merchandise from a retailer. Retail theft enterprise does not require the membership of the enterprise to remain the same or that the same individuals participate in each offense committed by the enterprise.

~~(f)~~ (i) "Retailer" means a person or entity that sells retail merchandise.

~~(g)~~ (j) "Value" means:

(1) in the case of property, the retail market value at the time of the theft or, if the retail market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft~~.~~; or

(2) in the case of a gift card, the greatest amount of economic loss the owner of the property might reasonably suffer, including but not limited to the full monetary face value or potential value for variable-load gift cards.

Sec. 2. Minnesota Statutes 2024, section 609.522, subdivision 2, is amended to read:

Subd. 2. **Organized retail theft.** A person is guilty of organized retail theft if:

(1) the person is employed by or associated with a retail theft enterprise;

(2) the person has previously engaged in a pattern of retail theft and intentionally commits an act or directs another member of the retail theft enterprise to commit an act involving retail merchandise that would constitute a violation of:

(i) section 609.52, subdivision 2, paragraph (a), clause (1), (3), or (4); or

(ii) section 609.53, subdivision 1; and

(3) the person or another member of the retail theft enterprise:

(i) resells or intends to resell the stolen retail merchandise;

(ii) advertises or displays any item of the stolen retail merchandise for sale; ~~or~~

(iii) returns any item of the stolen retail merchandise to a retailer for anything of value~~.~~; or

(iv) tampers with the stolen retail merchandise or its packaging for the purpose of obtaining anything of value from the retailer or any retail customer.

EFFECTIVE DATE. This section is effective August 1, 2026, and applies to crimes committed on or after that date.

Presented to the governor May 6, 2026