

STATE OF MAINE

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MAINE PROSECUTORS ASSOCIATION SHIRA BURNS, EXECUTIVE DIRECTOR

“An Act to Criminalize Certain Offenses Related to Gift Card Thefts”
Before the Joint Standing Committee on Criminal Justice and Public Safety
Public Hearing Date: April 30, 2025
Testimony in SUPPORT of LD 1773

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety. My name is Shira Burns, I represent the Maine Prosecutors Association and I am submitting this testimony in support of LD 1773.

Organized retail theft is the large-scale theft of retail merchandise with the intent to resell the stolen items for financial gain. Organized retail theft may involve a criminal enterprise that employs a group of individuals to steal large quantities of merchandise from multiple stores. The current organized retail theft trends that the Federal Bureau of Investigation (FBI) has reported seeing is using stolen or cloned credit cards to obtain merchandise, changing bar codes to pay lower prices, returning stolen merchandise to obtain cash, gift cards, or store credit, resell merchandise on e-commerce sites, and gift card theft/alterting gift cards to steal the funds added to the cards when they are later purchased by legitimate shoppers.

Organized retail theft impacts both retailers and the everyday consumer in some of the following ways:

- Higher prices for consumers and less tax revue for state and local governments;
- Closing of retail businesses and loss of jobs; and
- Violence associated with organized retail theft makes retail establishments less safe for employees and consumers.

This bill does not add a new crime to our criminal code, but carefully defines retail merchandise to make sure our statute for organized retail theft covers the scheme of stealing gift cards that have no value, returning them to the store after the information on the gift card has been stolen, and collecting the funds on the gift card once a consumer has purchased the gift card. This scheme is consistent with the policy reasons of creating a special statute that deals with organized retail theft.

For these reasons, the Maine Prosecutors Association is in support of LD 1773.