

434.580 Theft -- Receipt of stolen credit, debit, or gift card -- Presumption.

- (1) (a) A person who takes a credit, debit, or gift card from the person, possession, custody, or control of another without the consent of the cardholder, the issuer, or, for a gift card, the merchant, or who, with knowledge that it has been so taken, receives the credit, debit, or gift card with intent to use it or to sell it or to transfer it to a person other than the issuer, the cardholder, or, for a gift card, the merchant, is:
 1. For a credit or debit card, subject to the penalties set forth in KRS 434.730(1); or
 2. For a gift card, subject to the penalties set forth in KRS 514.030 for the face value of the gift card.
- (b) Taking a credit, debit, or gift card without consent includes obtaining it by conduct defined or known as statutory larceny, common-law larceny by trespassory taking, common-law larceny by trick, embezzlement, or obtaining property by false pretenses, false promise, or extortion.
- (2) A person who has in his or her possession or under his or her control two (2) or more credit, debit, or gift cards which have been taken or obtained in violation of subsection (1) of this section is presumed to know that the credit, debit, or gift cards have been so taken or obtained.

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History: Amended 2025 Ky. Acts ch. 38, sec. 3, effective June 27, 2025. -- Amended 1978 Ky. Acts ch. 67, sec. 4, effective June 17, 1978. -- Created 1970 Ky. Acts ch. 83, sec. 4.