WEST VIRGINIA CODE: §61-4A-4

§61-4A-4. False pretenses involving gift cards.

(a) Any person who, with intent to defraud any other person or entity, devises a scheme to obtain a gift card or gift card redemption information from a card holder, card issuer, or gift card seller by means of false or fraudulent pretenses, representations, or promises, and the value of the gift card or gift cards is less than $1,000 is guilty of the misdemeanor crime of false pretenses involving a gift card and upon conviction thereof shall be confined in jail for a term not to exceed one year or fined not more than $1,000, or both fined and confined.

(b) Any person who, with intent to defraud any other person or entity, devises a scheme to obtain a gift card or gift card redemption information from a card holder, card issuer, or gift card seller by means of false or fraudulent pretenses, representations, or promises, and the value of the gift card or gift cards is greater than $1,000 is guilty of the felony crime of false pretenses involving a gift card and upon conviction thereof shall be imprisoned in a state correctional facility for not less than a year nor more than 10 years, or fined not more than $2,500, or both fined and imprisoned.

(c) In determining the value of the gift card or gift cards in subsections (a) and (b) of this section, it is permissible to cumulate the value of multiple gift cards when such gift cards are part of a common scheme or plan.

WV Legislature