

119TH CONGRESS
2D SESSION

S. 5229

To amend title 18, United States Code, to enhance penalties for certain cases of gift card fraud, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 2026

Mrs. MOODY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to enhance penalties for certain cases of gift card fraud, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Saving Wallets and
5 Increasing Penalties for Elder Scams Act” or the
6 “SWIPES Act”.

7 **SEC. 2. PREVENTING GIFT CARD FRAUD.**

8 (a) AMENDMENTS TO SECTION 1029.—Section 1029
9 of title 18, United States Code, is amended—

10 (1) in subsection (a)(6)—

1 (A) in subparagraph (A), by striking “;
2 or” and inserting a semicolon;

3 (B) in subparagraph (B), by striking the
4 semicolon and inserting “; or”; and

5 (C) by adding at the end the following:

6 “(C) directly or indirectly obtaining an ac-
7 cess device, including by creating, maintaining,
8 or using a website that collects access device in-
9 formation;”;

10 (2) in subsection (c)(1)—

11 (A) in subparagraph (A)—

12 (i) in clause (i), by striking “10
13 years” and inserting “20 years”; and

14 (ii) in clause (ii), by striking “15
15 years” and inserting “25 years”;

16 (B) in subparagraph (B)—

17 (i) by striking “20 years” and insert-
18 ing “30 years”; and

19 (ii) by striking “; and” and inserting
20 a semicolon;

21 (C) in subparagraph (C), by striking the
22 period and inserting a semicolon; and

23 (D) by adding at the end the following:

24 “(D) in the case of an offense under para-
25 graph (3) of subsection (a) in which the amount

of access devices that are counterfeit or unauthorized exceeds 500 devices, a fine under this title or imprisonment for not more than 25 years, or both; and

“(E) in the case of an offense under paragraph (3) of subsection (a) in which the amount of access devices that are counterfeit or unauthorized exceeds 1,000 devices, a fine under this title or imprisonment for not more than 30 years, or both.”; and

(3) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “or other telecommunications service, equipment, or instrument identifier, or other means of account access” and inserting “gift card, password, cryptographic key, token, digital asset private key, digital asset recovery phrase, passkey, one-time password, hardware security key credential, or other physical or digital credential, authentication mechanism, or programmatic identifier”; and

(ii) by inserting “or other assets” after “transfer of funds”;

1 (B) in paragraph (10), by striking “; and”
 2 and inserting a semicolon;

3 (C) in paragraph (11), by striking the pe-
 4 riod and inserting a semicolon; and

5 (D) by adding at the end the following:

6 “(12) the term ‘gift card’ means a physical or
 7 virtual card, code, or device that may be issued to
 8 a consumer on a prepaid basis, in whole or in part,
 9 for personal, family, or household purposes in a
 10 specified amount, regardless of whether that amount
 11 may be increased or reloaded in exchange for pay-
 12 ment, and that is redeemable upon presentation by
 13 a consumer at a single merchant, a group of affili-
 14 ated merchants, or a group of unaffiliated mer-
 15 chants, including gift card redemption information.”.

16 (b) INCREASED PENALTIES FOR FRAUD AGAINST
 17 PERSONS OVER THE AGE OF 60.—

18 (1) IN GENERAL.—Chapter 47 of title 18,
 19 United States Code, is amended by inserting after
 20 section 1029 the following:

21 **“§ 1029A. Fraud against persons over the age of 60**

22 “(a) DEFINITION.—For purposes of this section:

23 “(1) COVERED FELONY VIOLATION.—The term
 24 ‘covered felony violation’ means any offense that is
 25 a felony violation of—

1 “(A) any provision contained in this chap-
2 ter (relating to fraud and false statements),
3 other than this section; and

4 “(B) any provision contained in chapter 63
5 (relating to mail, bank, and wire fraud).

6 “(2) KNOWINGLY.—The term ‘knowingly’
7 means that the defendant acts with actual knowl-
8 edge of the victim’s age, deliberate ignorance of the
9 victim’s age, or with reckless disregard for the vic-
10 tim’s age.

11 “(b) OFFENSE.—Whoever, during and in relation to
12 any covered felony violation, knowingly commits such of-
13 fense against a person over the age of 60 shall be sen-
14 tenced to a term of imprisonment of 2 years, in addition
15 to the term of imprisonment imposed for the covered fel-
16 ony violation.

17 “(c) CONSECUTIVE SENTENCE.—Notwithstanding
18 any other provision of law—

19 “(1) a court shall not place on probation any
20 person sentenced under subsection (b), nor shall the
21 term of imprisonment imposed on a person under
22 subsection (b) run concurrently with any other term
23 of imprisonment, except as provided in paragraph
24 (2); and

1 “(2) a term of imprisonment imposed on a per-
 2 son under this section may, in the discretion of the
 3 court, run concurrently, in whole or in part, only
 4 with another term of imprisonment that is imposed
 5 by the court at the same time on that person for an
 6 additional violation of this section, provided that
 7 such discretion shall be exercised in accordance with
 8 any applicable guidelines and policy statements
 9 issued by the United States Sentencing Commission
 10 pursuant to section 994 of title 28.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-
 12 tions for chapter 47 of title 18, United States Code,
 13 is amended by inserting the following item after the
 14 item for section 1029:

“1029A. Fraud against persons over the age of 60.”.

15 (c) DEFINING MONETARY INSTRUMENTS.—Section
 16 1956(c)(5) of title 18, United States Code, is amended—

17 (1) by striking “means (i) coin or currency”
 18 and inserting the following: “means—

19 “(A) coin or currency”;

20 (2) by striking “, or (ii) investment securities”
 21 and inserting the following: “;

22 “(B) investment securities”;

23 (3) in subparagraph (B), as so designated, by
 24 striking the semicolon and inserting “; or”; and

25 (4) by adding at the end the following:

1 “(C) a gift card, as defined in section
2 1029(e).”.

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