## Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

## Act 1401 of the Regular Session

1	State of Arkansas	As Engrossed: H3/19/09		
2	87th General Assembl	y A Bill		
3	Regular Session, 2009		HOUSE BILL	2145
4				
5	By: Representative R	agland		
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8		For An Act To Be Entitled		
9	AN	ACT REGARDING THEFT OF CATTLE OR LIVESTOCK	C A	
10	PE	RSON HAS WON AT AN AUCTION BUT WHO FAILS TO	) PAY	
11	FO	R THE CATTLE OR LIVESTOCK; AND FOR OTHER		
12	PU	RPOSES.		
13				
14		Subtitle		
15		REGARDING THEFT OF CATTLE OR LIVESTOCK A		
16		PERSON HAS WON AT AN AUCTION BUT WHO		
17		FAILS TO PAY FOR THE CATTLE OR		
18		LIVESTOCK.		
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21	BE IT ENACTED BY	THE GENERAL ASSEMBLY OF THE STATE OF ARKAN	SAS:	
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23		Arkansas Code § 5-36-102 is amended to re		
24		Consolidation of offenses — Shoplifting pr		<u>ieft</u>
25		<u> auction of livestock presumption —</u> Amount o		
26		ct denominated theft in this chapter consti	_	
27	offense embracin	g the separate offenses known before Januar	y 1, 1976, as:	•
28	(1)	Larceny;		
29	(2)	Embezzlement;		
30	(3)	False pretense;		
31	(4)	Extortion;		
32	(5)	Blackmail;		
33	(6)	Fraudulent conversion;		
34	(7)	Receiving stolen property; and		
35	(8)	Other similar offenses.		

1	(b) Notwithstanding the specification of a different manner in the			
2	indictment or information, a criminal charge of theft may be supported by			
3	evidence that it was committed in any manner that would be theft under this			
4	chapter subject only to the power of the court to ensure a fair trial by			
5	granting a continuance or other appropriate relief if the conduct of the			
6	defense would be prejudiced by lack of fair notice or by surprise.			
7	(c) The knowing concealment, upon an actor's person or the person of			
8	another, of an unpurchased good or merchandise offered for sale by any store			
9	or other business establishment, gives rise to a presumption that the actor			
10	took the good or merchandise with the purpose of depriving the owner or			
11	another person having an interest in the good or merchandise.			
12	(d) <del>(1)</del> A person who is subject to 7 U.S.C. § 181 et seq. that obtains			
13	livestock from a commission merchant by representing that the person will			
14	make prompt payment is presumed to have obtained the livestock by deception			
15	if the person fails to make payment in accordance with 7 U.S.C. § 228b.			
16	$\frac{(d)}{(e)(1)}$ The amount involved in a theft is deemed to be the highest			
17	value, by any reasonable standard, of the property or service that the actor			
18	obtained or attempted to obtain.			
19	(2) An amount involved in a theft committed pursuant to one (1)			
20	scheme or course of conduct, whether from one (1) or more persons, may be			
21	aggregated in determining the grade of the offense.			
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23	/s/ Ragland			
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25	APPROVED: 4/9/2009			
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