

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senator Todd**

A Bill

SENATE BILL

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE 5-36-103 AND 5-36-106
9 CONCERNING THEFT OF ANIMALS; AND FOR OTHER PURPOSES."

Subtitle

12 "AN ACT CONCERNING THEFT OF ANIMALS."

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

16 SECTION 1. Arkansas Code 5-36-103 is amended as follows:

17 "5-36-103. Theft of property.

18 (a) A person commits theft of property if he:

19 (1) Knowingly takes or exercises unauthorized control over, or makes an
20 unauthorized transfer of an interest in, the property of another person, with
21 the purpose of depriving the owner thereof; or

22 (2) Knowingly obtains the property of another person, by deception or
23 by threat, with the purpose of depriving the owner thereof.

24 (b)(1) Theft of property is a Class B felony if:

25 (A) The value of the property is two thousand five hundred dollars
26 (\$2,500) or more; or

27 (B) The property is obtained by the threat of serious physical injury
28 to any person or destruction of the occupiable structure of another; or

29 (C) The property is obtained by threat, and the actor stands in a
30 confidential or fiduciary relationship to the person threatened.

31 (2) Theft of property is a Class C felony if:

32 (A) The value of the property is less than two thousand five hundred
33 dollars (\$2,500) but more than two hundred dollars (\$200); or

34 (B) The property is obtained by threat; or

35 (C) The property is a firearm valued at less than two thousand five

1 hundred dollars (\$2,500); or

2 (D) The property is a credit card.

3 (3) Theft of property is a Class C felony if the property is livestock,
4 and the value of the livestock is in excess of two hundred dollars (\$200);

5 (4) Theft of property is a Class D felony if the property is any
6 animal, not included in paragraph (3) above, which has inherent, subjective,
7 or idiosyncratic value to its rightful owner or possessor even if the animal
8 has no market value or replacement cost.

9 (5) Theft of property is a Class A misdemeanor if:

10 (A) The value of the property is two hundred dollars (\$200) or less; or

11 (B) The property, excluding property referred to in paragraph (4)
12 above, has inherent, subjective, or idiosyncratic value to its owner or
13 possessor even if the property has no market value or replacement cost."

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15 SECTION 2. Arkansas Code 5-36-106 is amended to read as follows:

16 "5-36-106. Theft by receiving.

17 (a) A person commits the offense of theft by receiving if he receives,
18 retains, or disposes of stolen property of another person, knowing that it was
19 stolen or having good reason to believe it was stolen.

20 (b) For purposes of this section, "receiving" means acquiring possession,
21 control, or title or lending on the security of the property.

22 (c) The unexplained possession or control by a person of recently stolen
23 property or the acquisition by a person of property for a consideration known
24 to be far below its reasonable value shall give rise to a presumption that he
25 knows or believes that the property was stolen.

26 (d) It is a defense to a prosecution for the offense of theft by
27 receiving that the property is received, retained, or disposed of with the
28 purpose of restoring it to the owner or other person entitled to it.

29 (e)(1) Theft by receiving is a Class B felony if the value of the
30 property is two thousand five hundred dollars (\$2,500) or more.

31 (2) Theft by receiving is a Class C felony if:

32 (A) The value of the property is less than two thousand five hundred
33 dollars (\$2,500) but more than two hundred dollars (\$200); or

34 (B) The property is a credit card; or

35 (C) The property is a firearm valued at less than two thousand five

1 hundred dollars (\$2,500).

2 (3) Theft by receiving is a Class D felony if the property is any animal
3 which has inherent, subjective, or idiosyncratic value to its rightful owner
4 or possessor even if the animal has no market value or replacement cost.

5 (4) Otherwise, theft by receiving is a Class A misdemeanor."
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7 SECTION 3. All provisions of this act of a general and permanent
8 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
9 Code Revision Commission shall incorporate the same in the Code.

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11 SECTION 4. If any provision of this act or the application thereof to
12 any person or circumstance is held invalid, such invalidity shall not affect
13 other provisions or applications of the act which can be given effect without
14 the invalid provision or application, and to this end the provisions of this
15 act are declared to be severable.

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17 SECTION 5. All laws and parts of laws in conflict with this act are
18 hereby repealed.

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