

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/18/19

A Bill

HOUSE BILL 1720

5 By: Representatives Jean, Dalby, Magie, Berry, Barker, Miller, Fielding, S. Meeks, Beck
6 By: Senators T. Garner, Maloch, M. Johnson, Rice, Hickey, Irvin, Hill, Rapert
7

For An Act To Be Entitled

9 AN ACT CONCERNING CRIMINAL LIABILITY FOR THEFT OF OIL
10 AND GAS EQUIPMENT AND PETROLEUM-RELATED PROPERTY; TO
11 MAKE ORGANIZATIONAL CHANGES AND TECHNICAL
12 CORRECTIONS; AND FOR OTHER PURPOSES.
13
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Subtitle

15 CONCERNING CRIMINAL LIABILITY FOR THEFT
16 OF OIL AND GAS EQUIPMENT AND PETROLEUM-
17 RELATED PROPERTY; AND TO MAKE
18 ORGANIZATIONAL CHANGES AND TECHNICAL
19 CORRECTIONS.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 5-36-101, concerning definitions used in
26 theft offenses, is amended to add additional subdivisions to read as follows:

27 (15) "Building material" means lumber, a construction tool, a
28 window, a door, copper tubing or wire, or any other material or good used in
29 the construction or rebuilding of a building or a structure;

30 (16) "Cost of incidental damage" means the total amount of money
31 damages suffered by an owner of oil and gas equipment as a direct result of
32 the theft of the oil and gas equipment, including without limitation lost
33 income, lost profits, and cost of repair of replacement of property damage;

34 (17) "Incidental damage" means loss of income, loss of profit,
35 or property damage;

36 (18) "Oil and gas equipment" means machinery, drilling mud,



1 welding equipment, pipes, fittings, generators, pumps, batteries, or other
2 equipment or tools used in connection with the drilling, production,
3 operation, or maintenance of oil or gas wells, or in connection with the
4 storage or transportation of oil or gas;

5 (19) "Permitted construction site" means the site of
6 construction, alteration, painting, or repair of a building or a structure
7 for which a building permit has been issued by a city of the first class, a
8 city of the second class, an incorporated town, or a county;

9 (20) "Utility" means a person or entity providing to the public
10 gas, electricity, water, sewer, telephone, telegraph, radio, radio common
11 carrier, railway, railroad, cable and broadcast television, video, or
12 internet services; and

13 (21) "Utility property" means any component that is reasonably
14 necessary to provide utility services, including without limitation any wire,
15 pole, facility, machinery, tool, equipment, cable, insulator, switch, signal,
16 duct, fiber optic cable, conduit, plant, work, system, backup deep cycle
17 battery or other power supply, substation, transmission or distribution
18 structure, line, street lighting fixture, generating plant, equipment, pipe,
19 main, transformer, underground line, gas compressor, meter, or any other
20 building or structure or part of a building or structure that a utility uses
21 in the production or use of its services.

22 *SECTION 2. Arkansas Code § 5-36-103(b), as amended by Acts 2019, No.*
23 *311 and concerning the penalties for theft of property, is amended to read as*
24 *follows:*

25 (b) Theft of property is a:

26 (1) Class B felony if:

27 (A) The value of the property is twenty-five thousand
28 dollars (\$25,000) or more;

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

32 (C) The property is obtained by threat and the actor
33 stands in a confidential or fiduciary relationship to the person threatened;
34 or

35 (D) The property is:

36 (i) Anhydrous ammonia in any form; ~~or~~

1 (ii) A product containing any percentage of
2 anhydrous ammonia in any form; ~~or~~

3 ~~(E)(i) The property is utility~~

4 (iii) Utility property and the value of the property
5 is five hundred dollars (\$500) or more; or

6 (iv) Oil and gas equipment, the value of the
7 property is less than twenty five thousand dollars (\$25,000) but more than
8 five thousand dollars (\$5,000), and the person:

9 (a) Caused more than two hundred fifty dollars
10 (\$250) in incidental damage to the owner of the oil and gas equipment during
11 the commission of the offense; or

12 (b) Transported the oil and gas equipment
13 across state lines to sell or dispose of the oil and gas equipment;

14 ~~(ii) As used in subdivision (b)(1)(E)(i) of this~~
15 ~~section;~~

16 ~~(a) "Utility" means any person or entity~~
17 ~~providing to the public gas, electricity, water, sewer, telephone, telegraph,~~
18 ~~radio, radio common carrier, railway, railroad, cable and broadcast~~
19 ~~television, video, or Internet services; and~~

20 ~~(b) "Utility property" means any component~~
21 ~~that is reasonably necessary to provide utility services, including without~~
22 ~~limitation any wire, pole, facility, machinery, tool, equipment, cable,~~
23 ~~insulator, switch, signal, duct, fiber optic cable, conduit, plant, work,~~
24 ~~system, backup deep cycle battery or other power supply, substation,~~
25 ~~transmission or distribution structure, line, street lighting fixture,~~
26 ~~generating plant, equipment, pipe, main, transformer, underground line, gas~~
27 ~~compressor, meter, or any other building or structure or part of a building~~
28 ~~or structure that a utility uses in the production or use of its services;~~

29 (2) Class C felony if:

30 (A) The value of the property is less than twenty-five
31 thousand dollars (\$25,000) but more than five thousand dollars (\$5,000);

32 (B) The property is obtained by threat;

33 (C) The property is a firearm valued at two thousand five
34 hundred dollars (\$2,500) or more;

35 (D)~~(i)~~ The property is building material obtained from a
36 permitted construction site and the value of the building material is five

1 hundred dollars (\$500) or more;

2 ~~(ii) As used in subdivision (b)(2)(D)(i) of this~~
3 ~~section;~~

4 ~~(a) "Building material" means lumber, a~~
5 ~~construction tool, a window, a door, copper tubing or wire, or any other~~
6 ~~material or good used in the construction or rebuilding of a building or a~~
7 ~~structure; and~~

8 ~~(b) "Permitted construction site" means the~~
9 ~~site of construction, alteration, painting, or repair of a building or a~~
10 ~~structure for which a building permit has been issued by a city of the first~~
11 ~~class, a city of the second class, an incorporated town, or a county; or~~

12 (E) The value of the property is five hundred dollars
13 (\$500) or more and the theft occurred in an area declared to be under a state
14 of emergency pursuant to proclamation by the President of the United States,
15 the Governor, or the executive officer of a city or county; or

16 (F) The property is oil and gas equipment, the value of
17 the property is five thousand dollars (\$5,000) or less but more than one
18 thousand dollars (\$1,000), and the person:

19 (i) Caused more than two hundred fifty dollars
20 (\$250) in incidental damage to the owner of the oil and gas equipment during
21 the commission of the offense; or

22 (ii) Transported the oil and gas equipment across
23 state lines to sell or dispose of the oil and gas equipment;

24 (3) Class D felony if:

25 (A) The value of the property is five thousand dollars
26 (\$5,000) or less but more than one thousand dollars (\$1,000);

27 (B) The property is a firearm valued at less than two
28 thousand five hundred dollars (\$2,500);

29 (C) The property is a:

30 (i) Credit card or credit card account number; or

31 (ii) Debit card or debit card account number;

32 (D) The value of the property is at least one hundred
33 dollars (\$100) or more but less than five hundred dollars (\$500) and the
34 theft occurred in an area declared to be under a state of emergency pursuant
35 to proclamation by the President of the United States, the Governor, or the
36 executive officer of a city or county;

1 (E) The property is livestock and the value of the
2 livestock is in excess of two hundred dollars (\$200); ~~or~~

3 (F) The property is an electric power line, gas line,
4 water line, wire or fiber insulator, electric motor, or other similar
5 apparatus connected to a farm shop, on-farm grain drying and storage complex,
6 heating and cooling system, environmental control system, animal production
7 facility, irrigation system, or dwelling; or

8 (G) The property is oil and gas equipment, the value of
9 the property is one thousand dollars (\$1,000) or less, and the person:

10 (i) Caused more than two hundred fifty dollars
11 (\$250) in incidental damage to the owner of the oil and gas equipment during
12 the commission of the offense; or

13 (ii) Transported the oil and gas equipment across
14 state lines to sell or dispose of the oil and gas equipment; or

15 (4) Class A misdemeanor if:

16 (A) The value of the property is one thousand dollars
17 (\$1,000) or less; or

18 (B) The property has inherent, subjective, or
19 idiosyncratic value to its owner or possessor even if the property has no
20 market value or replacement cost.

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22 /s/Jean

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25 **APPROVED: 3/29/19**
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