

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997

# A Bill

ACT 303 OF 1997  
HOUSE BILL 1461

4  
5 By: Representative Booker  
6  
7

## For An Act To Be Entitled

8  
9 "AN ACT TO AMEND ARKANSAS CODE 5-36-106 TO CORRECT THE  
10 PENALTY PROVISIONS FOR THEFT BY RECEIVING TO MAKE THE SAME  
11 COMPATIBLE WITH THE PENALTIES FOR THEFT OF PROPERTY; AND  
12 FOR OTHER PURPOSES."  
13

## Subtitle

14  
15 "TO CORRECT THE PENALTY PROVISIONS FOR  
16 THEFT BY RECEIVING TO MAKE THE SAME  
17 COMPATIBLE WITH THE PENALTIES FOR THEFT  
18 OF PROPERTY."  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code 5-36-106(e)(2) is amended to read as follows:

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

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

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

28 (C) The property is a firearm valued at less than two thousand  
29 five hundred dollars (\$2,500)."  
30

31 SECTION 2. All provisions of this act of a general and permanent nature  
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
33 Revision Commission shall incorporate the same in the Code.  
34

35 SECTION 3. If any provision of this act or the application thereof to  
36 any person or circumstance is held invalid, such invalidity shall not affect

1 other provisions or applications of the act which can be given effect without  
 2 the invalid provision or application, and to this end the provisions of this  
 3 act are declared to be severable.

4

5 SECTION 4. All laws and parts of laws in conflict with this act are  
 6 hereby repealed.

7

8 SECTION 5. EMERGENCY. It is hereby found and determined by the General  
 9 Assembly that in 1995 the General Assembly increased from \$200 to \$500 the  
 10 felony theft of property threshold but inadvertently left the felony theft by  
 11 receiving threshold at \$200; that this act increases the felony theft by  
 12 receiving threshold from \$200 to \$500 and thereby makes it compatible with the  
 13 theft of property statute; that the \$200 felony theft by receiving threshold  
 14 is unreasonably low and should be increased as soon as possible to avoid  
 15 unintended felony convictions. Therefore, an emergency is declared to exist  
 16 and this act being immediately necessary for the preservation of the public  
 17 peace, health and safety shall become effective on the date of its approval by  
 18 the Governor. If the bill is neither approved nor vetoed by the Governor, it  
 19 shall become effective on the expiration of the period of time during which  
 20 the Governor may veto the bill. If the bill is vetoed by the Governor and the  
 21 veto is overridden, it shall become effective on the date the last house  
 22 overrides the veto.

23

24

25

26

APPROVED: 2-28-97

27

28

29

30

31

32

33

34

35