

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  
4

As Engrossed: H2/21/97 H2/26/97

## A Bill

ACT 829 OF 1997  
HOUSE BILL 1636

5 By: Representative Malone  
6  
7

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-36-101(11) TO  
10 CLARIFY THAT PERSONS COMMITTING THEFT BY RECEIVING CANNOT  
11 DEDUCT THE AMOUNT OF CONSIDERATION GIVEN FOR THE PROPERTY  
12 IN DETERMINING THE VALUE OF THE PROPERTY; AND FOR OTHER  
13 PURPOSES."

### Subtitle

14  
15 "TO CLARIFY THAT PERSONS COMMITTING  
16 THEFT BY RECEIVING CANNOT DEDUCT THE  
17 AMOUNT OF CONSIDERATION GIVEN FOR THE  
18 PROPERTY IN DETERMINING THE VALUE OF THE  
19 PROPERTY"  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. Arkansas Code Annotated § 5-36-101(11) is amended to read as  
25 follows:

26 "(11)(A) Value means:

27 (i) The market value of the property or services at the  
28 time and place of the offense; or

29 (ii) If the market value of the property cannot be  
30 ascertained, the cost of replacing the property within a reasonable time after  
31 the offense; or

32 (iii) In the case of written instruments, other than those  
33 having a readily ascertainable market value, the amount due and collectible at  
34 maturity less any part that has been satisfied if the written instrument  
35 constitutes evidence of a debt, or the greatest amount of economic loss that  
36 the owner might reasonably suffer by virtue of the loss of the written

1 instrument if the written instrument is other than evidence of a debt; or

2 (iv) Any inherent, subjective, or idiosyncratic worth the  
3 owner or possessor of property attaches to the property even if the property  
4 has no market value or replacement cost;

5 (B) If the actor gave consideration for or had a legal interest  
6 in the property or service, the amount of the consideration or the value of  
7 the interest shall be deducted from the value of the property or service to  
8 determine value;

9 (C) Except that in cases of theft by receiving under § 5-36-106,  
10 the consideration the actor gave for the property shall not be deducted to  
11 determine value."

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13 SECTION 2. All provisions of this act of a general and permanent nature  
14 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
15 Revision Commission shall incorporate the same in the Code.

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17 SECTION 3. If any provision of this act or the application thereof to  
18 any person or circumstance is held invalid, such invalidity shall not affect  
19 other provisions or applications of the act which can be given effect without  
20 the invalid provision or application, and to this end the provisions of this  
21 act are declared to be severable.

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

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26 /s/Rep. Malone

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28 APPROVED: 3-26-97

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