

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 2118

5 By: Representative Hammer
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For An Act To Be Entitled

8 AN ACT REGARDING THE THEFT OF UTILITY PROPERTY; AND
9 FOR OTHER PURPOSES.
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Subtitle

11 REGARDING THE THEFT OF UTILITY PROPERTY.
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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18 SECTION 1. Arkansas Code § 5-36-103(b)(1), regarding the penalties for
19 theft of property, is amended as follows:

20 (1) Class B felony if:

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

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

26 (C) The property is obtained by threat, and the actor
27 stands in a confidential or fiduciary relationship to the person threatened;

28 (D) The property is:

29 (i) Anhydrous ammonia in any form; or

30 (ii) A product containing any percentage of
31 anhydrous ammonia in any form;

32 (E)(i) The property is building material obtained from a
33 permitted construction site and the value of the building material is five
34 hundred dollars (\$500) or more.

35 (ii) As used in subdivision (b)(1)(E)(i) of this
36 section:



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

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

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

13 (G)(i) The property is utility property and the value of
 14 the property is five hundred dollars (\$500) or more.

15 (ii) As used in subdivision (b)(1)(G)(i) of this
 16 section:

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

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

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 32 **APPROVED: 04/06/2011**