

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1442 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/17/05

A Bill

HOUSE BILL 2100

5 By: Representative Rosenbaum
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8 **For An Act To Be Entitled**

9 AN ACT TO CLASSIFY THEFT OF ANHYDROUS AMMONIA AS
10 A CLASS B FELONY; AND FOR OTHER PURPOSES.
11

12 **Subtitle**

13 AN ACT TO CLASSIFY THEFT OF ANHYDROUS
14 AMMONIA AS A CLASS B FELONY.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-36-103(b), pertaining to classifications
20 of the offense of theft of property, is amended to read as follows:

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

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

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

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

30 (D) The property is:

31 (i) Anhydrous ammonia in any form; or

32 (ii) A product containing any percentage of
33 anhydrous ammonia in any form.

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

35 (A) The value of the property is less than two thousand



1 five hundred dollars (\$2,500) but more than five hundred dollars (\$500); ~~or~~

2 (B) The property is obtained by threat; ~~or~~

3 (C) The property is a firearm valued at less than two
4 thousand five hundred dollars (\$2,500); or

5 (D) The property is a:

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

7 (ii) Debit card or debit card account number.

8 (3) Theft of property is a Class C felony if the property is
9 livestock, and the value of the livestock is in excess of two hundred dollars
10 (\$200).

11 (4)(A) Theft of property is a Class D felony if:

12 (i) The value of the property is five hundred
13 dollars (\$500) or less; and

14 (ii) The property was unlawfully obtained during a
15 criminal episode.

16 (B) For purposes of subdivision (b)(4)(A)(ii) of this
17 section, "criminal episode" means a series of thefts committed by the same
18 person on three (3) or more occasions within three (3) days.

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

20 (A) The value of the property is five hundred dollars
21 (\$500) or less; or

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

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26 /s/ Rosenbaum

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29 APPROVED: 3/31/2005

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