

Hall of the House of Representatives

87th General Assembly - Regular Session, 2009

Amendment Form

Subtitle of House Bill No. 2145

"REGARDING THEFT OF CATTLE OR LIVESTOCK A PERSON HAS WON AT AN
AUCTION BUT WHO FAILS TO PAY FOR THE CATTLE OR LIVESTOCK."

Amendment No. 1 to House Bill No. 2145.

Amend House Bill No. 2145 as originally introduced:

Page 1, delete everything following the enacting clause and substitute:

"SECTION 1. Arkansas Code § 5-36-102 is amended to read as follows:
5-36-102. Consolidation of offenses – Shoplifting presumption – Theft
by deception at auction of livestock presumption – Amount of theft.

(a) Conduct denominated theft in this chapter constitutes a single offense embracing the separate offenses known before January 1, 1976, as:

- (1) Larceny;
- (2) Embezzlement;
- (3) False pretense;
- (4) Extortion;
- (5) Blackmail;
- (6) Fraudulent conversion;
- (7) Receiving stolen property; and
- (8) Other similar offenses.

(b) Notwithstanding the specification of a different manner in the indictment or information, a criminal charge of theft may be supported by evidence that it was committed in any manner that would be theft under this chapter subject only to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief if the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

(c) The knowing concealment, upon an actor's person or the person of another, of an unpurchased good or merchandise offered for sale by any store or other business establishment, gives rise to a presumption that the actor took the good or merchandise with the purpose of depriving the owner or another person having an interest in the good or merchandise.

(d)~~(1)~~ A person who is subject to 7 U.S.C. § 181 et seq. that obtains livestock from a commission merchant by representing that the person will make prompt payment is presumed to have obtained the livestock by deception if the person fails to make payment in accordance with 7 U.S.C. § 228b.

~~(d)~~(e)(1) The amount involved in a theft is deemed to be the highest value, by any reasonable standard, of the property or service that the actor obtained or attempted to obtain.



(2) An amount involved in a theft committed pursuant to one (1) scheme or course of conduct, whether from one (1) or more persons, may be aggregated in determining the grade of the offense.”

The Amendment was read _____
By: Representative Ragland
BPG/BCS - 03-18-2009 14:10 _____
BPG291 Chief Clerk