

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.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H3/19/09

A Bill

HOUSE BILL 2145

5 By: Representative Ragland
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For An Act To Be Entitled

9 AN ACT REGARDING THEFT OF CATTLE OR LIVESTOCK A
10 PERSON HAS WON AT AN AUCTION BUT WHO FAILS TO PAY
11 FOR THE CATTLE OR LIVESTOCK; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 REGARDING THEFT OF CATTLE OR LIVESTOCK A
16 PERSON HAS WON AT AN AUCTION BUT WHO
17 FAILS TO PAY FOR THE CATTLE OR
18 LIVESTOCK.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code § 5-36-102 is amended to read as follows:*

24 *5-36-102. Consolidation of offenses – Shoplifting presumption – Theft*
25 *by deception at auction of livestock presumption – Amount of theft.*

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

- 28 *(1) Larceny;*
- 29 *(2) Embezzlement;*
- 30 *(3) False pretense;*
- 31 *(4) Extortion;*
- 32 *(5) Blackmail;*
- 33 *(6) Fraudulent conversion;*
- 34 *(7) Receiving stolen property; and*
- 35 *(8) Other similar offenses.*

36 *(b) Notwithstanding the specification of a different manner in the*



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

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

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

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

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

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22 /s/ Ragland
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