

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: H2/10/21

# A Bill

HOUSE BILL 1317

5 By: Representatives L. Johnson, Richmond, M. Davis, Maddox, Vaught, Lundstrum, C. Fite, Wardlaw,  
6 *Boyd, Crawford, Richardson*

7 By: Senator Hester  
8

## For An Act To Be Entitled

9  
10 AN ACT CONCERNING THE THEFT OF A POSTAL PACKAGE  
11 DELIVERED TO A PERSON'S RESIDENCE AND LEFT WITHIN THE  
12 CURTILAGE OF THE RESIDENCE; TO MAKE TECHNICAL  
13 CORRECTIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER  
14 PURPOSES.  
15

## Subtitle

16  
17  
18 CONCERNING THE THEFT OF A POSTAL PACKAGE  
19 DELIVERED TO A PERSON'S RESIDENCE AND  
20 LEFT WITHIN THE CURTILAGE OF THE  
21 RESIDENCE; TO MAKE TECHNICAL CORRECTIONS;  
22 AND TO DECLARE AN EMERGENCY.  
23

24  
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
26

27 SECTION 1. Arkansas Code § 5-36-101, concerning definitions used in  
28 regard to theft offenses, is amended to add additional subdivisions to read  
29 as follows:

30 (22)(A) "Curtilage" means the land adjoining a residential  
31 occupiable structure that is habitually used for residential purposes but is  
32 not necessarily enclosed.

33 (B) "Curtilage" includes an outbuilding that is directly  
34 connected with and in close proximity to the residential occupiable  
35 structure;

36 (23) "Postal package" means a letter, package, parcel, bag, or



1 container used to ship goods or a sealed article that:

2 (A) Is addressed to a person and has been left for the  
3 person by a common carrier or delivery service; or

4 (B) Has been left by a consumer at his or her residence to  
5 be collected by a common carrier or delivery service; and

6 (24) "Residential occupiable structure" means a vehicle,  
7 building, or other structure in which a person lives or that is customarily  
8 used for overnight accommodation of a person whether or not a person is  
9 actually present.

10  
11 SECTION 2. Arkansas Code § 5-36-103(b)(3), concerning the types of  
12 theft of property that constitute a Class D felony, is amended to read as  
13 follows:

14 (3) Class D felony if:

15 (A) The value of the property is five thousand dollars  
16 (\$5,000) or less but more than one thousand dollars (\$1,000);

17 (B) The property is a firearm valued at less than two  
18 thousand five hundred dollars (\$2,500);

19 (C) The property is a:

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

21 (ii) Debit card or debit card account number;

22 (D) The value of the property is at least one hundred  
23 dollars (\$100) or more but less than five hundred dollars (\$500) and the  
24 theft occurred in an area declared to be under a state of emergency pursuant  
25 to proclamation by the President of the United States, the Governor, or the  
26 executive officer of a city or county;

27 (E) The property is livestock and the value of the  
28 livestock is in excess of two hundred dollars (\$200);

29 (F) The property is an electric power line, gas line,  
30 water line, wire or fiber insulator, electric motor, or other similar  
31 apparatus connected to a farm shop, on-farm grain drying and storage complex,  
32 heating and cooling system, environmental control system, animal production  
33 facility, irrigation system, or dwelling;

34 (G) The property is a decorative or memorial item from a  
35 cemetery, graveyard, or a person's grave site and the offense is the actor's  
36 second or subsequent offense of theft of a decorative or memorial item from a

1 cemetery, graveyard, or a person's grave site under this section; ~~or~~

2 (H) The property is oil and gas equipment, and the value  
3 of the ~~property~~ oil and gas equipment is one thousand dollars (\$1,000) or  
4 less, and the person:

5 (i) Caused more than two hundred fifty dollars  
6 (\$250) in incidental damage to the owner of the oil and gas equipment during  
7 the commission of the offense; or

8 (ii) Transported the oil and gas equipment across  
9 state lines to sell or dispose of the oil and gas equipment; or

10 (I) The property is a postal package removed from the  
11 curtilage of a residential occupiable structure or from a delivery vehicle at  
12 any point throughout the delivery route; or  
13

14 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
15 General Assembly of the State of Arkansas that due to the coronavirus 2019  
16 (COVID-19) pandemic and public health restrictions and advisories, more  
17 people are ordering household items and goods to be delivered to their  
18 residences; that instead of just luxury items and mail order items, vital  
19 household items such as disinfectants, masks, cleaners, food, and other vital  
20 and necessary supplies are being shipped directly to people's houses; and  
21 that this act is immediately necessary because the vital and necessary items  
22 are being stolen instead of just luxury items and mail order items are  
23 depended on by Arkansas families trying to stay safe from the pandemic.  
24 Therefore, an emergency is declared to exist, and this act being immediately  
25 necessary for the preservation of the public peace, health, and safety shall  
26 become effective on:

27 (1) The date of its approval by the Governor;

28 (2) If the bill is neither approved nor vetoed by the Governor,  
29 the expiration of the period of time during which the Governor may veto the  
30 bill; or

31 (3) If the bill is vetoed by the Governor and the veto is  
32 overridden, the date the last house overrides the veto.  
33

34 /s/L. Johnson  
35  
36