

1 State of Arkansas  
2 80th General Assembly  
3 Regular Session, 1995  
4 By: Representative Hinshaw, K. Wood, and Lynn

# A Bill

HOUSE BILL 1484

## For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 5-36-103 TO INCREASE THE  
9 CRIMINAL PENALTIES FOR THEFT OF PROPERTY WHEREIN THE THEFT  
10 INVOLVES SHOPLIFTING OF PROPERTY FROM A STORE OR OTHER  
11 BUSINESS ESTABLISHMENT; AND FOR OTHER PURPOSES."

## Subtitle

14 "TO INCREASE THE CRIMINAL PENALTIES FOR  
15 THEFT OF PROPERTY WHEREIN THE THEFT  
16 INVOLVES SHOPLIFTING."

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20 SECTION 1. Arkansas Code § 5-36-103 is amended to read as follows:

21 "5-36-103. Theft of property.

22 (a) A person commits theft of property if he:

23 (1) Knowingly takes or exercises unauthorized control over, or  
24 makes an unauthorized transfer of an interest in, the property of another  
25 person, with the purpose of depriving the owner thereof; or

26 (2) Knowingly obtains the property of another person, by  
27 deception or by threat, with the purpose of depriving the owner thereof.

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

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

31 (B) The property is obtained by the threat of serious  
32 physical injury to any person or destruction of the occupiable structure of  
33 another; or

34 (C) The property is obtained by threat, and the actor  
35 stands in a confidential or fiduciary relationship to the person threatened.

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

2                   (A) The value of the property is less than two thousand  
3 five hundred dollars (\$2,500) but more than *five* hundred dollars (\$500); or

4                   (B) The property is obtained by threat; or

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

7                   (D) The property is a credit card; or

8                   (E)(i) The property was unpurchased goods or merchandise  
9 offered for sale by any store or other business establishment and the person  
10 took the goods or merchandise with the purpose of depriving the owner, or  
11 another person having an interest therein; and

12                           (ii) The person has two (2) times previously *within*  
13 *the last three (3) years* pled guilty, nolo contendere, or was found guilty of  
14 theft of property wherein the property involved was unpurchased goods or  
15 merchandise offered for sale by any store or other business establishment.

16           (3) Theft of property is a Class C felony if the property is  
17 livestock, and the value of the livestock is in excess of *five* hundred  
18 dollars (\$500).

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

20                   (A) The property was unpurchased goods or merchandise  
21 offered for sale by any store or other business establishment and the person  
22 took the goods or merchandise with the purpose of depriving the owner, or  
23 another person having an interest therein; and

24                   (B) The person has previously *within the last three (3)*  
25 *years* pled guilty, nolo contendere, or was found guilty of theft of property  
26 wherein the property involved was unpurchased goods or merchandise offered  
27 for sale by any store or other business establishment.

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

29                   (A) The value of the property is *five* hundred dollars (\$500) or  
30 less; or

31                   (B) The property has inherent, subjective, or idiosyncratic  
32 value to its owner or possessor even if the property has no market value or  
33 replacement cost."

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35           SECTION 2. All provisions of this act of general and permanent nature

1 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
2 Revision Commission shall incorporate the same in the Code.

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4 SECTION 3. If any provisions of this act or the application thereof to  
5 any person or circumstance is held invalid, the invalidity shall not affect  
6 other provisions or applications of the act which can be given effect without  
7 the invalid provisions or application, and to this end the provisions of this  
8 act are declared to be severable.

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10 SECTION 4. All laws and parts of laws in conflict with this act are  
11 hereby repealed.

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*/s/Hinshaw, et al*

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