

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Dawson

A Bill

HOUSE BILL 1619

For An Act To Be Entitled

"AN ACT TO AMEND ARK. CODE § 5-36-103 TO PROVIDE THAT A
THIRD OR SUBSEQUENT OFFENSE OF THEFT OF PROPERTY VALUED AT
\$200 OR LESS AND OCCURRING WITHIN FIVE (5) YEARS OF THE
FIRST OFFENSE IS A CLASS D FELONY; AND FOR OTHER
PURPOSES."

Subtitle

"TO PROVIDE THAT A THIRD OR SUBSEQUENT
OFFENSE OF THEFT OF PROPERTY VALUED AT
\$200 OR LESS AND OCCURRING WITHIN 5
YEARS OF THE FIRST OFFENSE IS A FELONY."

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

SECTION 1. Arkansas Code Annotated § 5-36-103(b) is hereby amended to
read as follows:

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

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

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

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

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

(A) The value of the property is less than two thousand
five hundred dollars (\$2,500) but more than two hundred dollars (\$200); or

(B) The property is obtained by threat; or

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

3 (D) The property is a credit card.

4 (3) Theft of property is a Class C felony if the property is
5 livestock, and the value of the livestock is in excess of two hundred dollars
6 (\$200).

7 (4) Theft of property is a Class A misdemeanor if:

8 (A) The value of the property is two hundred dollars
9 (\$200) or less, or the property has inherent, subjective, or idiosyncratic
10 value to its owner or possessor even if the property has no market value or
11 replacement cost; and

12 (B) The person has not pleaded guilty, nolo contendere, or
13 been found guilty of more than two (2) prior offenses of theft of property
14 valued at two hundred dollars (\$200) or less as set forth in this section and
15 occurring within five (5) years of the current offense.

16 (5) Theft of property is a Class D felony if:

17 (A) The value of the property is two hundred dollars
18 (\$200) or less, or the property has inherent, subjective, or idiosyncratic
19 value to its owner or possessor even if the property has no market value or
20 replacement cost; and

21 (B) The person has pleaded guilty, nolo contendere, or
22 been found guilty of at least two (2) prior offenses of theft of property
23 valued at two hundred dollars (\$200) or less as set forth in this section and
24 occurring within five (5) years of the current offense."

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26 SECTION 2. All provisions of this act of a general and permanent
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
28 Code Revision Commission shall incorporate the same in the Code.

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30 SECTION 3. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

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