

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas  
2 81st General Assembly  
3 Regular Session, 1997  
4

As Engrossed: H1/17/97 S2/6/97

## A Bill

HOUSE BILL 1187

5 *By: Representatives Lancaster, Simmons and Hall*  
6 *By: Senator Scott*  
7  
8

### For An Act To Be Entitled

9  
10 "AN ACT TO AMEND ARKANSAS CODE § 5-38-203 TO ADD  
11 THE INTENTIONAL MISREPRESENTATION OF THE OWNERSHIP OR  
12 ORIGIN OF TIMBER TO THE DEFINITION OF CRIMINAL MISCHIEF IN  
13 THE FIRST DEGREE; AND FOR OTHER PURPOSES."  
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### Subtitle

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16 "TO ADD INTENTIONAL MISREPRESENTATION OF  
17 THE OWNERSHIP OR ORIGIN OF TIMBER TO THE  
18 DEFINITION OF CRIMINAL MISCHIEF IN THE  
19 FIRST DEGREE"  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 5-38-203 is amended to read as  
24 follows:

25 "5-38-203. Criminal mischief in the first degree.

26 (a) A person commits the offense of criminal mischief in the first  
27 degree if he purposely and without legal justification destroys or causes  
28 damage to:

29 (1) Any property of another; or

30 (2) Any property, whether his own or that of another, for the  
31 purpose of collecting any insurance therefor.

32 (b) In actions under this section involving cutting and removing  
33 timber from the property of another, the failure to obtain the survey as  
34 required by § 15-32-101 or the purposeful misrepresentation of the ownership  
35 or origin of the timber shall create a presumption of willful intent to commit  
36 the offense of criminal mischief in the first degree.

1 (c) Criminal mischief in the first degree is a Class C felony if the  
2 amount of actual damage is five hundred dollars (\$500) or more. Otherwise, it  
3 is a Class A Misdemeanor.

4 (d) In actions under this section involving cutting and removing  
5 timber from the property of another, there shall be imposed in addition to the  
6 penalty in subsection (c) of this section, a fine of not more than two (2)  
7 times the value of the timber destroyed or damaged; provided, however, that in  
8 addition to the above, the court can require the defendant to make restitution  
9 to the owner of the timber."

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

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15 SECTION 3. If any provision of this act or the application thereof to  
16 any person or circumstance is held invalid, such invalidity shall not affect  
17 other provisions or applications of the act which can be given effect without  
18 the invalid provision or application, and to this end the provisions of this  
19 act are declared to be severable.

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21 SECTION 4. All laws and part of laws in conflict with this act are  
22 hereby repealed.

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25 /s/Rep. Lancaster, et al

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