

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

As Engrossed: H2/21/97 H2/26/97

A Bill

HOUSE BILL 1636

4
5 By: Representative Malone

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE ANNOTATED § 5-36-101(11) TO
10 CLARIFY THAT PERSONS COMMITTING THEFT BY RECEIVING CANNOT
11 DEDUCT THE AMOUNT OF CONSIDERATION GIVEN FOR THE PROPERTY
12 IN DETERMINING THE VALUE OF THE PROPERTY; AND FOR OTHER
13 PURPOSES."

Subtitle

16 "TO CLARIFY THAT PERSONS COMMITTING
17 THEFT BY RECEIVING CANNOT DEDUCT THE
18 AMOUNT OF CONSIDERATION GIVEN FOR THE
19 PROPERTY IN DETERMINING THE VALUE OF THE
20 PROPERTY"

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

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24 SECTION 1. Arkansas Code Annotated § 5-36-101(11) is amended to read as
25 follows:

26 "(11)(A) Value means:

27 (i) The market value of the property or services at the
28 time and place of the offense; or

29 (ii) If the market value of the property cannot be
30 ascertained, the cost of replacing the property within a reasonable time after
31 the offense; or

32 (iii) In the case of written instruments, other than those
33 having a readily ascertainable market value, the amount due and collectible at
34 maturity less any part that has been satisfied if the written instrument
35 constitutes evidence of a debt, or the greatest amount of economic loss that
36 the owner might reasonably suffer by virtue of the loss of the written

1 instrument if the written instrument is other than evidence of a debt; or

2 (iv) Any inherent, subjective, or idiosyncratic worth the
3 owner or possessor of property attaches to the property even if the property
4 has no market value or replacement cost;

5 (B) If the actor gave consideration for or had a legal interest
6 in the property or service, the amount of the consideration or the value of
7 the interest shall be deducted from the value of the property or service to
8 determine value;

9 (C) Except that in cases of theft by receiving under § 5-36-106,
10 the consideration the actor gave for the property shall not be deducted to
11 determine value."

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

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

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

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26 /s/Rep. Malone

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