

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

A Bill

HOUSE BILL 2073

4
5 By: Representative Booker

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 5-36-203 TO CORRECT THE
10 PENALTY PROVISIONS FOR THEFT OF PUBLIC BENEFITS TO MAKE
11 THE SAME COMPATIBLE WITH THE PENALTIES FOR THEFT OF
12 PROPERTY; AND FOR OTHER PURPOSES."

Subtitle

15 "TO AMEND ARKANSAS CODE 5-36-203 TO
16 CORRECT THE PENALTY PROVISIONS FOR THEFT
17 OF PUBLIC BENEFITS TO MAKE THE SAME
18 COMPATIBLE WITH THE PENALTIES FOR THEFT
19 OF PROPERTY."

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

23 SECTION 1. Arkansas Code 5-36-203 is amended to read as follows:

24 "§ 5-36-203. Penalties.

25 (a) Theft of public benefits is a Class B felony if the value of the
26 public benefit is two thousand five hundred dollars (\$2,500) or more.

27 (b) Theft of public benefits is a Class C felony if the value of the
28 public benefit is less than two thousand five hundred dollars (\$2,500) but
29 more than ~~two hundred dollars (\$200)~~ five hundred dollars (\$500).

30 (c) Theft of public benefits is a Class A misdemeanor if the value of
31 the public benefit is ~~two hundred dollars (\$200)~~ five hundred dollars (\$500)
32 or less."

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

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

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 All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY. It is found and determined by the General Assembly of the State of Arkansas that in 1995 the General Assembly increased from two hundred dollars (\$200) to five hundred dollars (\$500) the felony theft of property threshold but inadvertently left the felony theft of public benefits threshold at two hundred dollars (\$200); that this act increases the felony theft of public benefits threshold from two hundred dollars (\$200) to five hundred dollars (\$500) and thereby makes it compatible with the theft of property statute; that the two hundred dollar (\$200) felony theft of public benefits threshold is unreasonably low and should be increased as soon as possible to avoid unintended felony convictions. Therefore an emergency is declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall become effective on the date of its approval by the Governor. If the bill is neither approved nor vetoed by the Governor, it shall become effective on the expiration of the period of time during which the Governor may veto the bill. If the bill is vetoed by the Governor and the veto is overridden, it shall become effective on the date the last house overrides the veto.