

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

A Bill

SENATE BILL 692

4
5 By: Senator Russ

For An Act To Be Entitled

9 "AN ACT TO PROVIDE THAT A PERSON WHO PUMPS FUEL OF ANOTHER
10 INTO THE TANK OF A MOTOR VEHICLE OR OTHER CONTAINER AND
11 DRIVES AWAY OR OTHERWISE LEAVES WITH SUCH FUEL WITHOUT
12 PURCHASING THE SAME IS GUILTY OF THEFT OF PROPERTY AND
13 PUNISHABLE AS PROVIDED IN 5-36-103; AND FOR OTHER
14 PURPOSES."

Subtitle

16 "TO PROVIDE THAT TAKING THE MOTOR FUEL
17 OF ANOTHER WITHOUT PAYING FOR THE SAME
18 CONSTITUTES THE CRIME OF THEFT OF
19 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. Any person who pumps gasoline or other motor fuel of another
25 person into the tank of a vehicle or other container and drives away or
26 otherwise leaves with such fuel without purchasing the same is guilty of theft
27 of property and upon conviction therefor shall be subject to the penalties
28 prescribed in 5-36-103.

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30 SECTION 2. (a) A person who pumps gasoline or other fuel of another
31 into the tank of a vehicle or other container and drives away or otherwise
32 leaves without purchasing the fuel is presumed to have done so with the
33 purpose of depriving the owner of the fuel of its use and benefit.

34 (b) A person engaging in conduct giving rise to a presumption under
35 subsection (a) may be detained in a reasonable manner and for a reasonable
36 time by a peace officer or a merchant or merchant's employee in order that

1 recovery of such fuel or payment therefor may be effected. The detention by a
2 peace officer, merchant or merchant's employee shall not render the peace
3 officer, merchant or employee criminally or civilly liable for false arrest,
4 false imprisonment, or unlawful detention.

5 (c) A peace officer may arrest without a warrant upon probable cause
6 for believing the actor has committed the offense of theft of property as
7 defined in Section 1. The peace officer, merchant or merchant's employee who
8 observed the person believed to have committed the offense of theft of
9 property shall provide a written statement which shall serve as probable cause
10 to justify the arrest. The person so arrested shall be brought before a
11 magistrate forthwith and afforded the opportunity to make bond or recognizance
12 as in other criminal cases.

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14 SECTION 3. All provisions of this act of a general and permanent nature
15 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
16 Revision Commission shall incorporate the same in the Code.

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18 SECTION 4. If any provision of this act or the application thereof to
19 any person or circumstance is held invalid, such invalidity shall not affect
20 other provisions or applications of the act which can be given effect without
21 the invalid provision or application, and to this end the provisions of this
22 act are declared to be severable.

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24 SECTION 5. All laws and parts of laws in conflict with this act are
25 hereby repealed.

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