

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 83rd General Assembly  
3 Regular Session, 2001  
4

As Engrossed: S1/11/01 S1/25/01

# A Bill

SENATE BILL 89

5 By: Senators Faris, Gwatney, J. Jeffress, B. Johnson, Horn, Gullett, Wilkins, T. Smith, Hill  
6 By: Representatives Adams, Mack, Prater, R. Smith, Rodgers  
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## For An Act To Be Entitled

10 AN ACT TO AMEND ARKANSAS CODE 5-36-103 CONCERNING  
11 THEFT OF CERTAIN PROPERTY DURING PERIODS OF EMERGENCY;  
12 AND FOR OTHER PURPOSES.  
13

### Subtitle

14 AN ACT CONCERNING THEFT OF CERTAIN  
15 PROPERTY DURING PERIODS OF EMERGENCY.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code 5-36-103, concerning theft of property, is  
22 amended to add an additional subsection to read as follows:

23 (c)(1) Upon the proclamation of a state of emergency by the President  
24 of the United States or the Governor, or upon the declaration of a local  
25 emergency by the executive officer of any city or county and for a period of  
26 thirty (30) days following that declaration, the penalty for theft of property  
27 shall be enhanced if the property is:

28 (A) A generator intended for use by:

29 (i) A public facility;

30 (ii) A nursing home or hospital;

31 (iii) An airport;

32 (iv) A public safety device;

33 (v) A communication tower or facility;

34 (vi) A public utility;

35 (vii) A water system or sewer system;

36 (viii) A public safety agency; or

1                                    (ix) Other facilities or uses providing a vital  
2                                    service; or  
3                                    (B) Any other equipment used in the transmission of electric  
4 power or telephone service.  
5                                    (2) For the purpose of this subsection (c):  
6                                    (A) "Public safety agency" means an agency of the State of  
7 Arkansas or a functional division of a political subdivision which provides  
8 fire fighting and rescue, natural or man-caused disaster or major emergency  
9 response, law enforcement, and ambulance or emergency medical services; and  
10                                   (B) "Public safety device" includes but shall not be limited  
11 to a traffic signaling device or railroad crossing device.  
12                                   (3) The penalty shall be enhanced as follows:  
13                                   (A) The fine for the offense shall be at least five thousand  
14 dollars (\$5,000) and not more than fifty thousand dollars (\$50,000). The fine  
15 shall be mandatory; and  
16                                   (B) The offense is a Class D felony if it would have been a  
17 Class A misdemeanor.

18                                    /s/ Fari s  
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