

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 86th General Assembly
3 Regular Session, 2007

A Bill

HOUSE BILL 2337

4
5 By: Representative Lowery
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For An Act To Be Entitled

9 AN ACT TO CREATE THE OFFENSE OF THEFT OF SCRAP
10 METAL; TO REQUIRE SCRAP METAL DEALERS TO MAINTAIN
11 RECORDS AT BUSINESS LOCATIONS IN ARKANSAS; AND
12 FOR OTHER PURPOSES.

Subtitle

13
14 TO CREATE THE OFFENSE OF THEFT OF SCRAP
15 METAL AND TO REQUIRE SCRAP METAL DEALERS
16 TO MAINTAIN RECORDS AT BUSINESS
17 LOCATIONS IN ARKANSAS.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 5, Chapter 36, Subchapter 1 is amended
24 to add an additional section to read as follows:

25 5-36-123. Theft of scrap metal.

26 (a) A person commits theft of scrap metal if he or she commits theft
27 of property under § 5-36-103(a) and the property is scrap metal.

28 (b) Except as provided in subsection (c) of this section, the
29 classification and penalty range for theft of scrap metal is the same as
30 theft of property under § 5-36-103(b).

31 (c) Upon conviction of a person for theft of scrap metal, the
32 classification and penalty range in § 5-36-103(b) shall be increased one (1)
33 classification if:

34 (1) The person caused incidental damage to the owner of the
35 scrap metal or the property of the owner of the scrap metal while committing
36 the theft of scrap metal and the costs of incidental damage was more than two



1 hundred fifty dollars (\$250); or

2 (2) The person transported the scrap metal across state lines to
3 sell or dispose of the scrap metal.

4 (d) As used in this section:

5 (1) "Costs of incidental damage" means the total amount of money
6 damages suffered by an owner of scrap metal as a direct result of the theft
7 of the scrap metal, including lost income, lost profits, and costs of repair
8 or replacement of property damage;

9 (2) "Incidental damage" means loss of income, loss of profit, or
10 property damage; or

11 (3) "Scrap metal" means copper, copper alloy, copper utility
12 wire, any bronze, or any aluminum as described in § 17-44-101 et seq.

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14 SECTION 2. Arkansas Code § 17-44-101 is amended to read as follows:

15 17-44-101. Records generally.

16 (a) All dealers or purchasers of junk and scrap metals and materials
17 doing business in the State of Arkansas shall prepare and keep records
18 showing:

19 (1) The seller's full name, address, driver's license number,
20 and social security number;

21 (2) The type of scrap metals and material so purchased;

22 (3) The weights of the materials; and

23 (4) The license number of the vehicle used in transporting the
24 materials to the place of business.

25 (b) These records shall be:

26 (1) Kept for a period of three (3) years at any business
27 location in the State of Arkansas;

28 (2) Made available to any law enforcement officer of the State
29 of Arkansas or of any municipality; and

30 (3) Available for use in any court, should that be necessary.

31 (c) Any person, firm, or corporation failing to comply with the
32 provisions of this section shall be guilty of a Class A misdemeanor.

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