

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
4

A Bill

HOUSE BILL 2361

5 By: Representative Reynolds
6
7

For An Act To Be Entitled

9 AN ACT TO CLASSIFY THEFT OF BUILDING MATERIAL
10 FROM A PERMITTED CONSTRUCTION SITE AS A CLASS B
11 FELONY; AND FOR OTHER PURPOSES.
12

Subtitle

14 TO CLASSIFY THEFT OF BUILDING MATERIAL
15 FROM A PERMITTED CONSTRUCTION SITE AS A
16 CLASS B FELONY.
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 5-36-103(b), concerning the classifications
22 of the offense of theft of property, is amended to read as follows:

23 (b) Theft of property is a:

24 (1) Class B felony if:

25 (A) The value of the property is two thousand five hundred
26 dollars (\$2,500) or more;

27 (B) The property is obtained by the threat of serious
28 physical injury to any person or destruction of the occupiable structure of
29 another person;

30 (C) The property is obtained by threat, and the actor
31 stands in a confidential or fiduciary relationship to the person threatened;

32 ~~or~~

33 (D) The property is:

34 (i) Anhydrous ammonia in any form; or

35 (ii) A product containing any percentage of
36 anhydrous ammonia in any form; or



1 (E)(i) The property is building material obtained from a
2 permitted construction site and the value of the building material is five
3 hundred dollars (\$500) or more.

4 (ii) As used in subdivision (b)(E)(i) of this
5 section:

6 (a) "Building material" means lumber, a
7 construction tool, a window, a door, copper tubing or wire, or any other
8 material or good used in the construction or rebuilding of a building or a
9 structure; and

10 (b) "Permitted construction site" means the
11 site of construction, alteration, painting, or repair of a building or a
12 structure for which a building permit has been issued by a city of the first
13 class, a city of the second class, an incorporated town, or a county;

14 (2) Class C felony if:

15 (A) The value of the property is less than two thousand
16 five hundred dollars (\$2,500) but more than five hundred dollars (\$500);

17 (B) The property is obtained by threat;

18 (C) The property is a firearm valued at less than two
19 thousand five hundred dollars (\$2,500);

20 (D) The property is a:

21 (i) Credit card or credit card account number; or

22 (ii) Debit card or debit card account number; or

23 (E) The property is livestock and the value of the
24 livestock is in excess of two hundred dollars (\$200);

25 (3)(A) Class D felony if:

26 (i) The value of the property is five hundred
27 dollars (\$500) or less; and

28 (ii) The property was unlawfully obtained during a
29 criminal episode.

30 (B) As used in subdivision (b)(3)(A)(ii) of this section,
31 "criminal episode" means a series of thefts committed by the same person on
32 three (3) or more occasions within three (3) days; or

33 (4) Class A misdemeanor if:

34 (A) The value of the property is five hundred dollars
35 (\$500) or less; or

36 (B) The property has inherent, subjective, or

1 idiosyncratic value to its owner or possessor even if the property has no
2 market value or replacement cost.

3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36