

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
92nd General Assembly
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As Engrossed: H3/18/19
A Bill

HOUSE BILL 1720

By: Representatives Jean, Dalby, Magie, Berry, Barker, Miller, Fielding, S. Meeks, Beck
By: Senators T. Garner, Maloch, M. Johnson, Rice, Hickey, Irvin, Hill, Rapert

For An Act To Be Entitled

AN ACT CONCERNING CRIMINAL LIABILITY FOR THEFT OF OIL
AND GAS EQUIPMENT AND PETROLEUM-RELATED PROPERTY; TO
MAKE ORGANIZATIONAL CHANGES AND TECHNICAL
CORRECTIONS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING CRIMINAL LIABILITY FOR THEFT
OF OIL AND GAS EQUIPMENT AND PETROLEUM-
RELATED PROPERTY; AND TO MAKE
ORGANIZATIONAL CHANGES AND TECHNICAL
CORRECTIONS.

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

SECTION 1. Arkansas Code § 5-36-101, concerning definitions used in theft offenses, is amended to add additional subdivisions to read as follows:

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

(16) "Cost of incidental damage" means the total amount of money damages suffered by an owner of oil and gas equipment as a direct result of the theft of the oil and gas equipment, including without limitation lost income, lost profits, and cost of repair or replacement of property damage;

(17) "Incidental damage" means loss of income, loss of profit, or property damage;

(18) "Oil and gas equipment" means machinery, drilling mud,



welding equipment, pipes, fittings, generators, pumps, batteries, or other equipment or tools used in connection with the drilling, production, operation, or maintenance of oil or gas wells, or in connection with the storage or transportation of oil or gas;

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

(20) "Utility" means a person or entity providing to the public gas, electricity, water, sewer, telephone, telegraph, radio, radio common carrier, railway, railroad, cable and broadcast television, video, or internet services; and

(21) "Utility property" means any component that is reasonably necessary to provide utility services, including without limitation any wire, pole, facility, machinery, tool, equipment, cable, insulator, switch, signal, duct, fiber optic cable, conduit, plant, work, system, backup deep cycle battery or other power supply, substation, transmission or distribution structure, line, street lighting fixture, generating plant, equipment, pipe, main, transformer, underground line, gas compressor, meter, or any other building or structure or part of a building or structure that a utility uses in the production or use of its services.

SECTION 2. Arkansas Code § 5-36-103(b), as amended by Acts 2019, No. 311 and concerning the penalties for theft of property, is amended to read as follows:

(b) Theft of property is a:

(1) Class B felony if:

(A) The value of the property is twenty-five thousand dollars (\$25,000) or more;

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

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

(D) The property is:

(i) Anhydrous ammonia in any form; ~~or~~

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

~~(E)(i) The property is utility~~

(iii) Utility property and the value of the property is five hundred dollars (\$500) or more; or

(iv) Oil and gas equipment, the value of the property is less than twenty five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000), and the person:

(a) Caused more than two hundred fifty dollars (\$250) in incidental damage to the owner of the oil and gas equipment during the commission of the offense; or

(b) Transported the oil and gas equipment across state lines to sell or dispose of the oil and gas equipment;

~~(ii) As used in subdivision (b)(1)(E)(i) of this section:~~

~~(a) "Utility" means any person or entity providing to the public gas, electricity, water, sewer, telephone, telegraph, radio, radio common carrier, railway, railroad, cable and broadcast television, video, or Internet services; and~~

~~(b) "Utility property" means any component that is reasonably necessary to provide utility services, including without limitation any wire, pole, facility, machinery, tool, equipment, cable, insulator, switch, signal, duct, fiber optic cable, conduit, plant, work, system, backup deep cycle battery or other power supply, substation, transmission or distribution structure, line, street lighting fixture, generating plant, equipment, pipe, main, transformer, underground line, gas compressor, meter, or any other building or structure or part of a building or structure that a utility uses in the production or use of its services;~~

(2) Class C felony if:

(A) The value of the property is less than twenty-five thousand dollars (\$25,000) but more than five thousand dollars (\$5,000);

(B) The property is obtained by threat;

(C) The property is a firearm valued at two thousand five hundred dollars (\$2,500) or more;

(D)~~(i)~~ The property is building material obtained from a permitted construction site and the value of the building material is five

hundred dollars (\$500) or more;

~~(ii) As used in subdivision (b)(2)(D)(i) of this section;~~

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

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

(E) The value of the property is five hundred dollars (\$500) or more and the theft occurred in an area declared to be under a state of emergency pursuant to proclamation by the President of the United States, the Governor, or the executive officer of a city or county; or

(F) The property is oil and gas equipment, the value of the property is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000), and the person:

(i) Caused more than two hundred fifty dollars (\$250) in incidental damage to the owner of the oil and gas equipment during the commission of the offense; or

(ii) Transported the oil and gas equipment across state lines to sell or dispose of the oil and gas equipment;

(3) Class D felony if:

(A) The value of the property is five thousand dollars (\$5,000) or less but more than one thousand dollars (\$1,000);

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

(C) The property is a:

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

(ii) Debit card or debit card account number;

(D) The value of the property is at least one hundred dollars (\$100) or more but less than five hundred dollars (\$500) and the theft occurred in an area declared to be under a state of emergency pursuant to proclamation by the President of the United States, the Governor, or the executive officer of a city or county;

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

(F) The property is an electric power line, gas line, water line, wire or fiber insulator, electric motor, or other similar apparatus connected to a farm shop, on-farm grain drying and storage complex, heating and cooling system, environmental control system, animal production facility, irrigation system, or dwelling; or

(G) The property is oil and gas equipment, the value of the property is one thousand dollars (\$1,000) or less, and the person:

(i) Caused more than two hundred fifty dollars (\$250) in incidental damage to the owner of the oil and gas equipment during the commission of the offense; or

(ii) Transported the oil and gas equipment across state lines to sell or dispose of the oil and gas equipment; or

(4) Class A misdemeanor if:

(A) The value of the property is one thousand dollars (\$1,000) or less; or

(B) The property has inherent, subjective, or idiosyncratic value to its owner or possessor even if the property has no market value or replacement cost.

/s/Jean