

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

State of Arkansas  
93rd General Assembly  
Regular Session, 2021

As Engrossed: H2/10/21  
**A Bill**

HOUSE BILL 1317

By: Representatives L. Johnson, Richmond, M. Davis, Maddox, Vaught, Lundstrum, C. Fite, Wardlaw,  
*Boyd, Crawford, Richardson*

By: Senator Hester

### **For An Act To Be Entitled**

AN ACT CONCERNING THE THEFT OF A POSTAL PACKAGE  
DELIVERED TO A PERSON'S RESIDENCE AND LEFT WITHIN THE  
CURTILAGE OF THE RESIDENCE; TO MAKE TECHNICAL  
CORRECTIONS; TO DECLARE AN EMERGENCY; AND FOR OTHER  
PURPOSES.

### **Subtitle**

CONCERNING THE THEFT OF A POSTAL PACKAGE  
DELIVERED TO A PERSON'S RESIDENCE AND  
LEFT WITHIN THE CURTILAGE OF THE  
RESIDENCE; TO MAKE TECHNICAL CORRECTIONS;  
AND TO DECLARE AN EMERGENCY.

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

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

(22)(A) "Curtilage" means the land adjoining a residential occupiable structure that is habitually used for residential purposes but is not necessarily enclosed.

(B) "Curtilage" includes an outbuilding that is directly connected with and in close proximity to the residential occupiable structure;

(23) "Postal package" means a letter, package, parcel, bag, or



container used to ship goods or a sealed article that:

(A) Is addressed to a person and has been left for the person by a common carrier or delivery service; or

(B) Has been left by a consumer at his or her residence to be collected by a common carrier or delivery service; and

(24) "Residential occupiable structure" means a vehicle, building, or other structure in which a person lives or that is customarily used for overnight accommodation of a person whether or not a person is actually present.

SECTION 2. Arkansas Code § 5-36-103(b)(3), concerning the types of theft of property that constitute a Class D felony, is amended to read as follows:

(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);

(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;

(G) The property is a decorative or memorial item from a cemetery, graveyard, or a person's grave site and the offense is the actor's second or subsequent offense of theft of a decorative or memorial item from a

cemetery, graveyard, or a person's grave site under this section; ~~or~~

(H) The property is oil and gas equipment, and the value of the ~~property~~ oil and gas equipment 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

(I) The property is a postal package removed from the curtilage of a residential occupiable structure or from a delivery vehicle at any point throughout the delivery route; or

SECTION 3. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that due to the coronavirus 2019 (COVID-19) pandemic and public health restrictions and advisories, more people are ordering household items and goods to be delivered to their residences; that instead of just luxury items and mail order items, vital household items such as disinfectants, masks, cleaners, food, and other vital and necessary supplies are being shipped directly to people's houses; and that this act is immediately necessary because the vital and necessary items are being stolen instead of just luxury items and mail order items are depended on by Arkansas families trying to stay safe from the pandemic. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

*/s/L. Johnson*