

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 301

5 By: Senator Gilmore
6 By: Representative J. Moore
7

For An Act To Be Entitled

8
9 AN ACT TO AMEND THE LAW CONCERNING THEFT OF PROPERTY;
10 TO CREATE AN ENHANCED PENALTY FOR THEFT OF CARGO; TO
11 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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Subtitle

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15 TO AMEND THE LAW CONCERNING THEFT OF
16 PROPERTY; TO CREATE AN ENHANCED PENALTY
17 FOR THEFT OF CARGO; AND TO DECLARE AN
18 EMERGENCY.
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code § 5-36-101, concerning definitions used in
23 regard to theft offenses, is amended to add additional subdivisions to read
24 as follows:

25 (25)(A) "Cargo" means goods, chattels, money, or baggage that
26 constitutes, in whole or in part, a commercial shipment of freight moving in
27 commerce, from any pipeline system, railroad car, motortruck, or other
28 vehicle, or from any tank or storage facility, station house, platform, or
29 depot, or from any vessel or wharf, or from any aircraft, air terminal,
30 airport, aircraft terminal or air navigation facility, or from any intermodal
31 container, intermodal chassis, trailer, container freight station, warehouse,
32 freight distribution facility, or freight consolidation facility.

33 (B) "Cargo" does not include direct-to-consumer goods.

34 (26) "Moving in commerce" means all points from the point of
35 origin to the final destination, regardless of any temporary stop while
36 awaiting transshipment or otherwise.



1 SECTION 2. Arkansas Code § 5-36-103, concerning theft of property, is
2 amended to add an additional subsection to read as follows:

3 (d)(1) A person who commits theft of property under subdivision
4 (b)(1), (b)(2), or (b)(3) of this section in which the property stolen is
5 cargo may be subject to an enhanced sentence of an additional term of
6 imprisonment not to exceed ten (10) years.

7 (2) To seek the enhanced sentence established in this subsection
8 (d), a prosecuting attorney shall notify the defendant in writing that the
9 defendant is subject to the enhanced sentence.

10 (3) If the defendant is charged by information or indictment,
11 the prosecuting attorney may include the written notice required under
12 subdivision (d)(2) of this section in the information or indictment.

13 (4) An enhanced sentence imposed under this subsection (d) is
14 consecutive to any other sentence imposed.

15 (5) A person convicted under this subsection (d) is ineligible
16 to receive earned release credits for the enhanced portion of the sentence.

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18 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly of the State of Arkansas that theft of goods moving in
20 commerce is a pervasive problem in the state; that businesses and consumers
21 suffer the economic consequences of such crimes; and that this act is
22 immediately necessary to provide a stronger deterrent against this type of
23 theft and protect the economy of the state. Therefore, an emergency is
24 declared to exist, and this act being immediately necessary for the
25 preservation of the public peace, health, and safety shall become effective
26 on:

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

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

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

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35 **APPROVED: 3/18/25**