

**Criminal Law
Lecture 28 Study Guide**

A person commits *theft of services* if, with _____ to defraud he or she does any of the following:

1. _____

2. _____

What is the presumption under the Arkansas theft statute about *absconding without payment*?

Theft of services is a Class _____ felony if any of the following conditions are met:

- The value of the services is \$2,500 or more
- The services are obtained by the threat of serious physical injury to any person or destruction of the occupiable structure of another
- The services are obtained by threat, and the actor stands in a confidential or fiduciary relationship to the person threatened
- The services involve theft of utility services which results in
 - Any contamination of the lines, pipes, waterlines, meters, or other utility property
 - Results in a spill, dumping, or release of any hazardous materials into the environment

Theft of services is a Class _____ felony if any of the following conditions are met:

- The value of the services is less than \$2,500 but more than \$500
- The services are obtained by threat

Theft of services is a Class _____ misdemeanor if it involves a theft of utility services which results in the destruction or damage to the lines, pipes, waterlines, meters, or any other property of the utility of less than \$500 in value.

In addition, all other theft of services is a Class A misdemeanor.

For offenses involving the theft of utility services (such as gas, electricity, water, telephone, or cable television), the statute stipulates that, in addition to the fines, the guilty party must

make _____ to the utility company from which the services were obtained.

A person commits *theft of property lost, mislaid, or delivered by mistake* if he or she does the following:

1. _____

2. _____

3. _____

Theft of property lost, mislaid, or delivered by mistake is a Class _____ felony if the value of the property is \$1,000 or more.

Theft of property lost, mislaid, or delivered by mistake is a Class _____ misdemeanor if any of the following conditions are met:

- The value of the property is less than \$1,000 but more than \$500
- The property is a:
 - Credit card or credit card account number
 - Debit card or debit card account number

Otherwise, theft of property lost, mislaid, or delivered by mistake is a Class _____ misdemeanor.

A person commits the offense of *theft by receiving* if he or she

1. _____,
2. _____, or

3. _____

of stolen property of another person,

1. _____

Or

2. _____

it was stolen.

Receiving means _____

What is the Arkansas presumption about knowing something to be stolen?

Theft by receiving is a Class _____ felony if the value of the property is \$2,500 or more.

Theft by receiving is a Class _____ felony if either of the following conditions is met:

- The value of the property is less than \$2,500 but more than \$500
- The property is a:
 - Credit card or credit card account number
 - Debit card or debit card account number
- The property is a firearm valued at less than \$2,500

Otherwise, theft by receiving is a Class _____ misdemeanor.

Describe the statutory defense is made available specifically for a charge of *receiving*.

The *Theft of Rented or Entrusted Personal Property* (§5-36-115) statute prohibits the following acts:

1. _____,
2. _____, or by
3. _____

take, carry, lead, drive away, destroy, sell, secrete, convert, or appropriate in any wrongful manner any personal property which is leased, rented, or entrusted to the person, or reports falsely of his wealth or mercantile credit and thereby fraudulently obtains possession of that personal property.

Describe the punishment scheme for *Theft of Rented or Entrusted Personal Property*.

Shoplifting Statutes

A person engaging in conduct giving rise to a presumption under §5-36-102(b) (secretly removing merchandise from your person amounts to intent to shoplift) may be detained in a reasonable manner and for a reasonable length of time by a

1. _____ or a
2. _____

in order that recovery of such goods may be effected.

The detention by a peace officer, merchant, or merchant's employee shall not render the peace officer, merchant, or merchant's employee criminally or civilly liable for:

1. _____
2. _____
3. _____

The activation of an *antishoplifting or inventory control device* as a result of a person exiting the establishment or a protected area within the establishment shall constitute

_____ for the detention of the person so exiting by the owner or operator of the establishment or by an agent or employee of the owner or operator, provided sufficient notice has been posted to advise the patrons that such a device is being utilized.

Each such detention must be made only in a _____

manner and only for a _____ period of time sufficient for any inquiry into the circumstances surrounding the activation of the device or for the recovery of goods.

Antishoplifting or inventory control device means _____

A peace officer may arrest without a _____ upon _____
for believing the suspect has committed the offense of shoplifting.

The peace officer, merchant, or merchant's employee who has observed the person accused
of committing the offense of shoplifting must provide a _____
which serves as probable cause to justify the arrest.

The accused must be brought before a _____ as in other criminal cases.