

§ 5-36-106. Theft by receiving.

(a) A person commits the offense of theft by receiving if he or she receives, retains, or disposes of stolen property of another person:

(1) Knowing that the property was stolen; or

(2) Having good reason to believe the property was stolen.

(b) As used in this section, "receiving" means acquiring possession, control, or title or lending on the security of the property.

(c) The following give rise to a presumption that a person knows or believes that property was stolen:

(1) The unexplained possession or control by the person of recently stolen property; or

(2) The acquisition by the person of property for a consideration known to be far below the property's reasonable value.

(d) It is a defense to a prosecution for the offense of theft by receiving that the property is received, retained, or disposed of with the purpose of restoring the property to the owner or another person entitled to the property.

(e) Theft by receiving is a:

(1) Class B felony if the value of the property is two thousand five hundred dollars (\$2,500.00) or more;

(2) Class C felony if:

(A) The value of the property is less than two thousand five hundred dollars (\$2,500.00) but more than five hundred dollars (\$500);

(B) The property is a:

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

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

(C) The property is a firearm valued at less than two thousand five hundred dollars (\$2,500.00); or

(3) Class A misdemeanor if otherwise committed.

History. Acts 1975, No. 280, § 2206; 1977, No. 360, § 10; 1983, No. 719, § 3; A.S.A. 1947, § 41-2206; Acts 1997, No. 303, § 1; 1997, No. 516, § 3; 2003, No. 838, § 3.