

Toughened state law is no sticking point for native-plant thieves, 'cactus cop' says

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Larry Richards
Arizona's "cactus cop"

By Douglas Kreutz
The Arizona Daily Star

An amended state law that makes cactus theft a felony hasn't yet proved to be a major thorn in the side for thieves, Arizona's chief "cactus cop" said last week.

But a spokesman in the Arizona Attorney General's Office said cactus rustlers will get a rude awakening when prosecutors find the right case to "spotlight" under the toughened law.

"We haven't seen any kind of decrease in theft activity" since the law went into effect last September, said Larry Richards, native plant law investigator for the Arizona Department of Agriculture.

"We're getting the same number of calls from agencies and the public reporting thefts as we got

last year," said Richards, who is known to many Arizonans by the informal title of cactus cop. "I don't think the law has made much of a dent. But that could change when we get some cases tried at the felony level."

Under Arizona's former native plant law, the theft of saguaro and barrel cacti, ocotillos and other desert plants was a misdemeanor. First-time violators faced a maximum fine of only \$750.

State officials, including Attorney General Grant Woods, maintained that cactus thieves sometimes received \$1,000 to \$15,000 for a stolen saguaro — and therefore considered the misdemeanor fines merely a pesky cost of doing business.

The amended law treats cactus theft as a fel-

ony and provides for penalties of up to \$150,000 in fines and five years in prison, depending on the value of the stolen plant.

"Under the old misdemeanor law, it would be profitable for many of these people to risk stealing," Richards said. "It could be a lot more costly under the felony statutes."

Richards, who is the state's only full-time plant law investigator, said he doesn't have firm statistics on cactus thefts.

"There's just no way we can find out about all the thefts," he said. "But to give you an idea of how many times it happens, two men black-marketed over 400 plants that we know of out of Arizona inside of six months in 1991. That's just two men."

"The way we keep track of thefts is by reports

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Spokesman for Woods

Cactus

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from our 15 offices around the state and reports from the Arizona Game and Fish Department, U.S. Fish and Wildlife Service, sheriff's departments, park rangers and the public," Richards said. "Combining these reports all together, cactus theft isn't slowing down at all compared to last year."

Steve Tseffos, a spokesman for Woods, predicted that the amended law eventually "will have some real impact — a deterrent effect."

"It can't turn the situation around completely," Tseffos said. "But when the right case is prosecuted, when the word gets out that this is a felony and that people will pay dearly if prosecuted, then people will think twice about stealing these plants."

Tseffos said there hasn't been a felony prosecution so far under the amended law. But Richards said three theft cases currently under in-

vestigation could result in felony prosecutions this year.

Tseffos said prosecutors "hope that just one of those three cases comes to fruition, because we're chomping at the bit to get at this."

"The system is in place now," he said. "It's a matter of finding the right case to spotlight and get people aware that the new law is out there. And anybody who doesn't think we won't prosecute vigorously is mistaken. You can't have anybody steal the state treasure and get off with a slap on the wrist."