

ENROLLED SENATE
BILL NO. 266

By: Helton of the Senate

and

Maddox (Jim), Kirby, Davis
and Apple of the House

An Act relating to crimes and punishments;
amending 21 O.S. 1991, Section 1706, which
relates to petit larceny; increasing penalties;
amending 21 O.S. 1991, Sections 1541.3, 1719.1
and 1722, as amended by Sections 5, 7 and 8 of
Enrolled House Bill No. 1823 of the 1st Session
of the 44th Oklahoma Legislature, which relate to
crimes against property; clarifying penalty
provisions; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1706, is
amended to read as follows:

Section 1706. Petit larceny shall be punishable by a fine of
not less than Ten Dollars (\$10.00) or more than ~~One Hundred Dollars~~
~~(\$100.00)~~ Five Hundred Dollars (\$500.00), or imprisonment in the
county jail not to ~~exceed thirty (30) days~~ six (6) months, or by
both such fine and imprisonment, at the discretion of the court.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1541.3, as
amended by Section 5 of Enrolled House Bill No. 1823 of the 1st
Session of the 44th Oklahoma Legislature, is amended to read as
follows:

Section 1541.3 Any person making, drawing, uttering or
delivering two or more false or bogus checks, drafts or orders, as
defined by Section 1541.4 of this title, the total sum of which is
~~Fifty Dollars (\$50.00)~~ Five Hundred Dollars (\$500.00) or more, even
though each separate instrument is written for less than ~~Fifty~~
~~Dollars (\$50.00)~~ Five Hundred Dollars (\$500.00), all in pursuance of
a common scheme or plan to cheat and defraud, shall be deemed guilty
of a felony and shall be punished by imprisonment in the State
Penitentiary, for a term not more than ten (10) years, or by a fine
not to exceed Five Thousand Dollars (\$5,000.00), or by both such
fine and imprisonment ~~if the total sum is Five Hundred Dollars~~
~~(\$500.00) or more.~~ If the total sum of two or more false or bogus
checks, drafts or orders is Fifty Dollars (\$50.00) or more, but less
than Five Hundred Dollars (\$500.00), the person shall be guilty of a
felony and shall be punished by incarceration in the county jail for
not more than one (1) year or by incarceration in the county jail
one or more nights or weekends pursuant to Section 991a-2 of Title
22 of the Oklahoma Statutes, at the option of the court, and shall
be subject to a fine of not more than Five Thousand Dollars
(\$5,000.00) and ordered to provide restitution to the victim as
provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 1719.1, as
amended by Section 7 of Enrolled House Bill No. 1823 of the 1st

Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 1719.1 A. For the purpose of this section:

1. "Domesticated fish or game" means all birds, mammals, fish and other aquatic forms and all other animals, regardless of classifications, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include every part of any individual species when such domesticated fish or game are not in the wild and are in the possession of a person currently licensed to possess such fish or game; and

2. "Taking" means the pursuing, killing, capturing, trapping, snaring and netting of domesticated fish or game or placing, setting, drawing or using any net, trap or other device for taking domesticated fish or game and includes specifically every attempt to take such domesticated fish or game.

B. Any domesticated fish or game shall be considered the personal property of the owner.

C. Any person who shall take any domesticated fish or game, with the intent to deprive the owner of said fish or game, and any person purchasing or receiving such domesticated fish or game knowing them to have been stolen, shall:

1. Upon conviction, if the current market value of said domesticated fish or game is less than Fifty Dollars (\$50.00), be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment; or

2. Upon conviction, if the current market value of said domesticated fish or game is ~~more than Fifty Dollars (\$50.00)~~ Five Hundred Dollars (\$500.00) or more, be guilty of a felony and shall be punished by a fine of not less than One Thousand Dollars (\$1,000.00) or imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment ~~if the current market value is Five Hundred Dollars (\$500.00) or more~~. If the current market value is Fifty Dollars (\$50.00) or more but less than Five Hundred Dollars (\$500.00), the person shall be guilty of a felony and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 4. AMENDATORY 21 O.S. 1991, Section 1722, as amended by Section 8 of Enrolled House Bill No. 1823 of the 1st Session of the 44th Oklahoma Legislature, is amended to read as follows:

Section 1722. Any person who shall unlawfully take any crude oil or gasoline, or any product thereof, from any pipe, pipeline, tank, tank car, or other receptacle or container and any person who shall unlawfully take or cause to be taken any machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells, with intent to deprive the owner or lessee thereof of said crude oil, gas, gasoline, or any product thereof, machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells shall:

1. Be guilty of a misdemeanor if the value of said product so taken does not exceed the sum of Fifty Dollars (\$50.00), and upon conviction thereof, shall be punished by a fine of not more than One

Hundred Dollars (\$100.00), or imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment;

2. Be guilty of a felony if the value of such product so taken ~~exceeds the sum of Fifty Dollars (\$50.00)~~ is Five Hundred Dollars (\$500.00) or more and upon conviction thereof, shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars (\$100.00), and not more than Fifty Thousand Dollars (\$50,000.00), or confinement in the State Penitentiary for a term of not less than one (1) year, and not more than ten (10) years, or by both such fine and imprisonment, ~~if the value is Five Hundred Dollars (\$500.00) or more~~. If the value exceeds Fifty Dollars (\$50.00) but is less than Five Hundred Dollars (\$500.00), the person shall be guilty of a felony and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 5. This act shall become effective September 1, 1993.

Passed the Senate the 18th day of May, 1993.

President of the Senate

Passed the House of Representatives the 25th day of May, 1993.

Speaker of the House of Representatives