

SHORT TITLE: Crimes and punishments; theft from retailer or wholesaler; increasing penalty; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 267

By: Helton

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1731, which relates to theft of goods from a retailer or wholesaler; increasing penalty; deleting certain first conviction provision; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1731, is amended to read as follows:

Section 1731. Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken does not exceed Fifty Dollars (\$50.00), punishment shall be by imprisonment in the county jail not exceeding ~~thirty (30) days~~ six (6) months, and by a fine not less than Ten Dollars (\$10.00) nor more than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00); ~~provided for the first conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in the county jail not to exceed thirty (30) days, and by a fine not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00).~~

2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property does not exceed

Fifty Dollars (\$50.00), that the defendant has been once before convicted of the same offense, he shall, on his second conviction, be punished by confinement in the county jail for not less than thirty (30) days nor more than one (1) year, and by a fine not exceeding One Thousand Dollars (\$1,000.00) ~~;~~

3. If it be shown, upon the trial of a case where the value of the goods, edible meat or other corporeal personal property does not exceed Fifty Dollars (\$50.00), that the defendant has two or more times before been convicted of the same offense, regardless of the value of the goods, edible meat or other corporeal personal property involved in the first two convictions, upon the third or any subsequent conviction, the punishment shall be by confinement in the State Penitentiary for not less than two (2) years nor more than five (5) years ~~;~~ and

4. In the event the value of the goods, edible meat or other corporeal property exceeds Fifty Dollars (\$50.00), punishment shall be by confinement in the State Penitentiary for not less than one (1) year nor more than five (5) years.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-0331

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