

SHORT TITLE: Theft; increasing penalty; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1008

By: Wright

AS INTRODUCED

An Act relating to theft; amending 21 O.S. 1991, Section 1731, as amended by Section 9, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1995, Section 1731), which relates to larceny of merchandise; increasing penalty; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1731, as amended by Section 9, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1995, 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~~ six (6) months, and by a fine not less than Fifty Dollars (\$50.00) nor more than ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00).

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~~ the defendant shall, ~~on his~~ upon a 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) nor~~ more than five (5) years.

4. In the event the value of the goods, edible meat or other corporeal property is Fifty Dollars (\$50.00) or more, but is less than Five Hundred Dollars (\$500.00), the defendant 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.

5. In the event the value of the goods, edible meat or other corporeal property is Five Hundred Dollars (\$500.00) or more, 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.

45-2-1515

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