

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2836

By: Perry

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1720, which relates to larceny of automobile, aircraft or other vehicle; adding construction and farm equipment to crime; adding fine; prohibiting receiving stolen construction and farm equipment; establishing penalty; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1720, is amended to read as follows:

Section 1720. Any person in this state who shall steal an aircraft, automobile or other automotive driven vehicle, construction equipment or farm equipment, shall be guilty of a felony, and upon conviction shall be punished by confinement in the State Penitentiary for a term of not less than three (3) years, nor more than twenty (20) years or by a fine in an amount that is equal to three times the value of the property that was stolen but not more than Five Hundred Thousand Dollars (\$500,000.00) or by both such fine and imprisonment and shall be ordered to pay restitution pursuant to Section 991f of Title 22 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1713.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Every person who buys or receives, in any manner, upon any consideration, any construction equipment or farm equipment of any value whatsoever that has been stolen, embezzled, obtained by false

pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such construction equipment or farm equipment from the owner, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years or by a fine in an amount that is equal to three times the value of the property that was stolen but not more than Five Hundred Thousand Dollars (\$500,000.00) or by both such fine and imprisonment and may be ordered to pay restitution pursuant to Section 991f of Title 22 of the Oklahoma Statutes.

B. Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding any construction equipment or farm equipment which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such construction equipment or farm equipment was bought or received had the legal right to sell or deliver it shall be presumed to have bought or received such construction equipment or farm equipment knowing it to have been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.

SECTION 3. This act shall become effective November 1, 2002.

48-2-8440 LAC 6/12/15