

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 2281

By: O'Donnell

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1416, 1532, 1550.22, 1550.23, 1592, as last amended by Section 14, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2016, Section 1592), 1702 and 1720, which relate to unlawful delivery of goods, false personation, credit or debit card crimes, forged instruments or coins, larceny of lost property and theft of aircraft, automobile or construction equipment; updating reference; modifying penalties and fines; amending 47 O.S. 2011, Sections 4-102, 4-103 and 17-102, which relate to unauthorized use, receipt or sale of implement of husbandry and felony violations; modifying fines and penalties; making certain exception; amending 63 O.S. 2011, Sections 2-403 and 2-503.1, which relate to prohibited acts and penalties and transactions derived from illegal drug activity; modifying fines and penalties; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1416, is amended to read as follows:

Section 1416. Any person mentioned in Section 1412 of this title, who delivers to another any merchandise for which any bill of lading, receipt or voucher has been issued, unless such receipt or

1 voucher bore upon its face the words "Not negotiable," plainly
2 written or stamped, or unless such receipt is surrendered to be
3 canceled at the time of delivery or unless, in the case of partial
4 delivery, a memorandum thereof is endorsed upon such receipt or
5 voucher, shall be ~~guilty of a felony punishable by imprisonment in~~
6 ~~the State Penitentiary not exceeding five (5) years or by a fine not~~
7 ~~exceeding One Thousand Dollars (\$1,000.00), or both~~ as follows:

8 1. If the value of the property is less than One Thousand
9 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor
10 punishable by imprisonment in the county jail not to exceed one (1)
11 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
12 or by both such imprisonment and fine;

13 2. If the value of the property is One Thousand Dollars
14 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
15 (\$2,500.00), the person shall be guilty of a felony punishable by
16 imprisonment in the custody of the Department of Corrections not to
17 exceed two (2) years, or in the county jail not to exceed one (1)
18 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
19 or by both such imprisonment and fine;

20 3. If the value of the property is Two Thousand Five Hundred
21 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
22 (\$15,000.00), the person shall be guilty of a felony punishable by
23 imprisonment in the custody of the Department of Corrections not to
24 exceed five (5) years, or in the county jail not to exceed one (1)

1 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
2 or by both such imprisonment and fine; and

3 4. If the value of the property is Fifteen Thousand Dollars
4 (\$15,000.00) or more, the person shall be guilty of a felony
5 punishable by imprisonment in the custody of the Department of
6 Corrections not to exceed eight (8) years, or by a fine not to
7 exceed One Thousand Dollars (\$1,000.00), or by both such
8 imprisonment and fine.

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1532, is
10 amended to read as follows:

11 Section 1532. Any person who falsely personates another, and in
12 such assumed character receives any money or property, that knowing
13 it is intended to be delivered to the individual so personated, with
14 intent to convert the same to his own use, or to that of another
15 person who is not entitled thereto, shall be ~~guilty of a felony~~
16 ~~punishable in the same manner and to the same extent as for larceny~~
17 ~~of the money or property so received~~ punishable as follows:

18 1. If the value of the money or property is less than One
19 Thousand Dollars (\$1,000.00), the person shall be guilty of a
20 misdemeanor punishable by imprisonment in the county jail not to
21 exceed one (1) year, or by a fine not to exceed Five Hundred Dollars
22 (\$500.00), or by both such imprisonment and fine;

23 2. If the value of the money or property is One Thousand
24 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred

Dollars (\$2,500.00), the person shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed two (2) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine;

3. If the value of the money or property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; and

4. If the value of the money or property is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed eight (8) years, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

SECTION 3. AMENDATORY 21 O.S. 2011, Section 1550.22, is amended to read as follows:

Section 1550.22 ~~(a)~~ A. A person who takes a credit card or debit card from the person, possession, custody or control of another without the cardholder's consent, or who, with knowledge that it has been so taken, receives the credit card or debit card

1 with intent to use it or to sell it, or to transfer it to a person
2 other than the issuer or the cardholder, is guilty of card theft and
3 is subject to the penalties set forth in Section ~~1550.33(a)~~ 1550.3A
4 of this title.

5 ~~(b)~~ B. Taking a credit card or a debit card without consent
6 includes obtaining it by the crime of larceny, larceny by trick,
7 larceny by the bailee, embezzlement or obtaining property by false
8 pretense, false promise, extortion or in any manner taking without
9 the consent of the cardholder or issuer.

10 ~~(c)~~ C. A person who has in his possession or under his control
11 any credit card or debit card obtained under subsection (b) of this
12 section is presumed to have violated this section.

13 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1550.23, is
14 amended to read as follows:

15 Section 1550.23. A person who receives, holds or conceals a
16 credit card or a debit card which has been lost or mislaid under
17 circumstances which give him knowledge or cause to inquire as to the
18 true owner and appropriates it to his use or the use of another not
19 entitled thereto is subject to the penalties set forth in subsection
20 A of Section ~~1550.33(a)~~ 1550.33 of Title 21 of the Oklahoma
21 Statutes.

22 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1592, as
23 amended by Section 14, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2016,
24 Section 1592), is amended to read as follows:

1 Section 1592. A. Every person who, with intent to defraud,
2 utters or publishes as true any forged, altered or counterfeited
3 instrument or any counterfeit gold or silver coin, the forging,
4 altering or counterfeiting of which has previously been declared to
5 be punishable, knowing such instrument or coin to be forged, altered
6 or counterfeited, ~~is guilty of forgery in the second degree if the~~
7 ~~value of the instrument is One Thousand Dollars (\$1,000.00) or more~~
8 ~~and forgery in the third degree if the value of the instrument is~~
9 ~~less than One Thousand Dollars (\$1,000.00)~~ punishable as follows:

10 1. If the value of the instrument is less than One Thousand
11 Dollars (\$1,000.00), the person shall be guilty of forgery as a
12 misdemeanor punishable by imprisonment in the county jail not to
13 exceed one (1) year, or by a fine not to exceed One Thousand Dollars
14 (\$1,000.00), or by both such imprisonment and fine;

15 2. If the value of the instrument is One Thousand Dollars
16 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
17 (\$2,500.00), the person shall be guilty of forgery as a felony
18 punishable by imprisonment in the custody of the Department of
19 Corrections not to exceed two (2) years, or in the county jail not
20 to exceed one (1) year, or by a fine not to exceed One Thousand
21 Dollars (\$1,000.00), or by both such imprisonment and fine;

22 3. If the value of the instrument is Two Thousand Five Hundred
23 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
24 (\$15,000.00), the person shall be guilty of forgery as a felony

punishable by imprisonment in the custody of the Department of
Corrections not to exceed five (5) years, or in the county jail not
to exceed one (1) year, or by a fine not to exceed One Thousand
Dollars (\$1,000.00), or by both such imprisonment and fine; and

4. If the value of the instrument is Fifteen Thousand Dollars
(\$15,000.00) or more, the person shall be guilty of forgery as a
felony punishable by imprisonment in the custody of the Department
of Corrections not to exceed eight (8) years, or by a fine not to
exceed One Thousand Dollars (\$1,000.00), or by both such
imprisonment and fine.

B. For purposes of this section, a series of offenses may be
aggregated into one offense when they are the result of the
formulation of a plan or scheme or the setting up of a mechanism
which, when put into operation, results in the taking or diversion
of money or property on a recurring basis. When all acts result
from a continuing course of conduct, they may be aggregated into one
crime. Acts forming an integral part of the first taking which
facilitate subsequent takings, or acts taken in preparation of
several takings which facilitate subsequent takings, are relevant to
determine the intent of the party to commit a continuing crime.

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1702, is
amended to read as follows:

Section 1702. One who finds lost property under circumstances
which gives him knowledge or means of inquiry as to the true owner,

1 and who appropriates such property to his own use, or to the use of
2 another person who is not entitled thereto, without having first
3 made such effort to find the owner and restore the property to him
4 as the circumstances render reasonable and just, is guilty of
5 larceny punishable as follows:

6 1. If the value of the property is less than One Thousand
7 Dollars (\$ 1,000.00), the person shall be guilty of a misdemeanor
8 punishable by imprisonment in the county jail not to exceed one (1)
9 year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or
10 by both such imprisonment and fine;

11 2. If the value of the property is One Thousand Dollars
12 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
13 (\$2,500.00), the person shall be guilty of a felony punishable by
14 imprisonment in the custody of the Department of Corrections not to
15 exceed two (2) years, or in the county jail not to exceed one (1)
16 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
17 or by both such imprisonment and fine;

18 3. If the value of the property is Two Thousand Five Hundred
19 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
20 (\$15,000.00), the person shall be guilty of a felony punishable by
21 imprisonment in the custody of the Department of Corrections not to
22 exceed five (5) years, or in the county jail not to exceed one (1)
23 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
24 or by both such imprisonment and fine; and

1 4. If the value of the property is Fifteen Thousand Dollars
2 (\$15,000.00) or more, the person shall be guilty of a felony
3 punishable by imprisonment in the custody of the Department of
4 Corrections not to exceed eight (8) years, or by a fine not to
5 exceed One Thousand Dollars (\$1,000.00), or by both such
6 imprisonment and fine.

7 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1720, is
8 amended to read as follows:

9 Section 1720. Any person in this state who shall steal an
10 aircraft, automobile or other automotive driven vehicle,
11 construction equipment or farm equipment, shall be guilty of a
12 felony, and upon conviction shall be punished by ~~confinement~~
13 imprisonment in the ~~State Penitentiary~~ custody of the Department of
14 Corrections for a term ~~of not less than three (3) years, nor more~~
15 ~~than twenty (20) years~~ not exceeding five (5) years if the value of
16 the vehicle is less than Fifty Thousand Dollars (\$50,000.00) or for
17 a term of not less than three (3) years, nor more than ten (10)
18 years if the value of the vehicle is Fifty Thousand Dollars
19 (\$50,000.00) or greater or by a fine in an amount that is equal to
20 three times the value of the property that was stolen but not more
21 than Five Hundred Thousand Dollars (\$500,000.00) or by both such
22 fine and imprisonment and shall be ordered to pay restitution
23 pursuant to Section 991f of Title 22 of the Oklahoma Statutes.

1 SECTION 8. AMENDATORY 47 O.S. 2011, Section 4-102, is
2 amended to read as follows:

3 Section 4-102. A person not entitled to possession of a vehicle
4 or implement of husbandry who, without the consent of the owner and
5 with intent to deprive the owner, temporarily or otherwise, of the
6 vehicle or implement of husbandry or its possession, takes, uses or
7 drives the vehicle or implement of husbandry shall be guilty of a
8 felony punishable for a term of imprisonment in the custody of the
9 Department of Corrections not exceeding two (2) years.

10 SECTION 9. AMENDATORY 47 O.S. 2011, Section 4-103, is
11 amended to read as follows:

12 Section 4-103. A person not entitled to the possession of a
13 vehicle or implement of husbandry who receives, possesses, conceals,
14 sells, or disposes of it, knowing the vehicle or implement of
15 husbandry to be stolen or converted under circumstances constituting
16 a crime, shall be guilty of a felony punishable for a term of
17 imprisonment in the custody of the Department of Corrections not
18 exceeding two (2) years.

19 SECTION 10. AMENDATORY 47 O.S. 2011, Section 17-102, is
20 amended to read as follows:

21 Section 17-102. A. Any person who is convicted of a violation
22 of any of the provisions of the Uniform Vehicle Code declared by the
23 Code or by other laws of this state to constitute a felony except
24 those offenses specified in Sections 4-102 and 4-103 of this title,

1 relating to unauthorized use of and receiving or disposing of a
2 vehicle or implement of husbandry, shall be guilty of a felony and
3 shall be punished by imprisonment in the custody of the Department
4 of Corrections for not less than one (1) year nor more than five (5)
5 years, or by a fine of not less than Five Hundred Dollars (\$500.00)
6 nor more than Five Thousand Dollars (\$5,000.00), or by both such
7 fine and imprisonment.

8 B. The conviction of any person, as prescribed in this section,
9 when the offense occurred during a period when the driving
10 privileges of the person were under suspension, revocation,
11 cancellation, denial, or disqualification or the person had not been
12 granted driving privileges by Oklahoma or any other state, shall
13 result in the doubling of the appropriate fine, as provided for in
14 subsection A of this section, and the doubling of all court costs
15 and all fees collected by the court on behalf of any other entity,
16 unless waived by the court.

17 C. One-half (1/2) of any fine collected pursuant to the
18 provisions of subsection B of this section, shall be deposited to
19 the Trauma Care Assistance Revolving Fund created in Section 1-2522
20 of Title 63 of the Oklahoma Statutes.

21 SECTION 11. AMENDATORY 63 O.S. 2011, Section 2-403, is
22 amended to read as follows:

23 Section 2-403. A. Any person found guilty of larceny, burglary
24 or theft of controlled dangerous substances is ~~guilty of a felony~~

~~punishable by imprisonment for a period not to exceed ten (10) years. A second or subsequent offense under this subsection is a felony punishable by imprisonment for not less than ten (10) years. Convictions for second or subsequent violations of this subsection shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation~~ punishable as follows:

1. If the value of the controlled dangerous substances is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year;

2. If the value of the controlled dangerous substances is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed two (2) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine;

3. If the value of the controlled dangerous substances is Two Thousand Five Hundred Dollars (\$ 2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$ 1,000.00), or by both such imprisonment and fine; and

1 4. If the value of the controlled dangerous substances is
2 Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be
3 guilty of a felony punishable by imprisonment in the custody of the
4 Department of Corrections not to exceed eight (8) years, or by a
5 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
6 imprisonment and fine.

7 B. Any person found guilty of robbery or attempted robbery of
8 controlled dangerous substances from a practitioner, manufacturer,
9 distributor or agent thereof as defined in Section 2-101 of this
10 title is guilty of a felony punishable by imprisonment for a period
11 of not less than five (5) years, and such sentence shall not be
12 subject to statutory provisions for suspended sentences, deferred
13 sentences or probation. A second or subsequent offense under this
14 subsection is a felony punishable by life imprisonment. Convictions
15 for second or subsequent offenses of this subsection shall not be
16 subject to statutory provisions for suspended sentences, deferred
17 sentences or probation.

18 SECTION 12. AMENDATORY 63 O.S. 2011, Section 2-503.1, is
19 amended to read as follows:

20 Section 2-503.1 A. It is unlawful for any person knowingly or
21 intentionally to receive or acquire proceeds and to conceal such
22 proceeds, or engage in transactions involving proceeds, known to be
23 derived from any violation of the Uniform Controlled Dangerous
24 Substances Act, ~~Section 2-101 et seq. of this title,~~ or of any

1 statute of the United States relating to controlled dangerous
2 substances as defined by the Uniform Controlled Dangerous Substances
3 Act, ~~Section 2-101 et seq. of this title.~~ This subsection does not
4 apply to any transaction between an individual and the counsel of
5 the individual necessary to preserve the right to representation of
6 the individual, as guaranteed by the Oklahoma Constitution and by
7 the Sixth Amendment of the United States Constitution. However,
8 this exception does not create any presumption against or
9 prohibition of the right of the state to seek and obtain forfeiture
10 of any proceeds derived from a violation of the Uniform Controlled
11 Dangerous Substances Act, ~~Section 2-101 et seq. of this title,~~ or of
12 any statute of the United States relating to controlled dangerous
13 substances as defined by the Uniform Controlled Dangerous Substances
14 Act, ~~Section 2-101 et seq. of this title.~~

15 B. It is unlawful for any person knowingly or intentionally to
16 give, sell, transfer, trade, invest, conceal, transport, or maintain
17 an interest in or otherwise make available anything of value which
18 that person knows is intended to be used for the purpose of
19 committing or furthering the commission of any violation of the
20 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.~~
21 ~~of this title,~~ or of any statute of the United States relating to
22 controlled dangerous substances as defined by the Uniform Controlled
23 Dangerous Substances Act, ~~Section 2-101 et seq. of this title.~~

1 C. It is unlawful for any person knowingly or intentionally to
2 direct, plan, organize, initiate, finance, manage, supervise, or
3 facilitate the transportation or transfer of proceeds known to be
4 derived from any violation of the Uniform Controlled Dangerous
5 Substances Act, ~~Section 2-101 et seq. of this title,~~ or of any
6 statute of the United States relating to controlled dangerous
7 substances as defined by the Uniform Controlled Dangerous Substances
8 Act, ~~Section 2-101 et seq. of this title.~~

9 D. It is unlawful for any person knowingly or intentionally to
10 conduct a financial transaction involving proceeds derived from a
11 violation of the Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq. of this title,~~ or of any statute of the United
12 States relating to controlled dangerous substances as defined by the
13 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.~~
14 ~~of this title,~~ when the transaction is designed in whole or in part
15 to conceal or disguise the nature, location, source, ownership, or
16 control of the proceeds known to be derived from a violation of the
17 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.~~
18 ~~of this title,~~ or of any statute of the United States relating to
19 controlled dangerous substances as defined by the Uniform Controlled
20 Dangerous Substances Act, ~~Section 2-101 et seq. of this title,~~ or to
21 avoid a transaction reporting requirement under state or federal
22 law.
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1 E. Any person convicted of violating any of the provisions of
2 this section is guilty of a felony and may be punished by
3 imprisonment ~~for not less than two (2) years nor more than ten (10)~~
4 ~~years~~ in the custody of the Department of Corrections for a term not
5 exceeding five (5) years or by a fine of not more than Fifty
6 Thousand Dollars (\$50,000.00) or by both said imprisonment and fine.

7 SECTION 13. This act shall become effective November 1, 2017.
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