

1 ENGROSSED SENATE
2 BILL NO. 1098

By: Treat of the Senate

3 and

4 Worthen of the House

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6 An Act relating to crimes and punishments; amending
7 21 O.S. 2011, Sections 1704 and 1713, as amended by
8 Sections 4 and 6, State Question No. 780, Petition
9 No. 404, which relate to grand larceny and receiving
10 stolen property; identifying larceny of firearms as
11 grand larceny; updating language; specifying penalty
for receiving stolen firearms; and providing an
effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1704, as
14 amended by Section 4, State Question No. 780, Petition No. 404, is
15 amended to read as follows:

16 Section 1704. Grand larceny is larceny committed in ~~either~~ any
17 of the following cases:

18 1. When the property taken is of value exceeding One Thousand
19 Dollars (\$1,000.00) ~~;~~ ;

20 2. When the property taken is a firearm, without regard to the
21 value of the firearm; or

22 3. When such property, although not of value exceeding One
23 Thousand Dollars (\$1,000.00), is taken from the person of another.

24 Larceny in other cases is petit larceny.

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1713, as
2 amended by Section 6, State Question No. 780, Petition No. 404, is
3 amended to read as follows:

4 Section 1713. A. Every person who buys or receives, in any
5 manner, upon any consideration, any personal property of any value
6 whatsoever that has been stolen, embezzled, obtained by false
7 pretense or robbery, knowing or having reasonable cause to believe
8 the same to have been stolen, embezzled, obtained by false pretense,
9 or robbery, or who conceals, withholds, or aids in concealing or
10 withholding such property from the owner, shall, if the value of the
11 property is One Thousand Dollars (\$1,000.00) or more be guilty of a
12 felony punishable by imprisonment in the ~~State Penitentiary~~ custody
13 of the Department of Corrections not to exceed five (5) years, or in
14 the county jail not to exceed one (1) year, or by a fine not to
15 exceed Five Hundred Dollars (\$500.00) or by both such fine and
16 imprisonment. If the value of the property received is less than
17 One Thousand Dollars (\$1,000.00), the person shall be guilty of a
18 misdemeanor and shall be punished by a fine of not more than Five
19 Hundred Dollars (\$500.00) or by imprisonment in the county jail for
20 a term not to exceed six (6) months, or by both such fine and
21 imprisonment; provided, if the property, regardless of value, is one
22 or more firearms, the person shall be guilty of a felony.

23 B. Every person who, without making reasonable inquiry, buys,
24 receives, conceals, withholds, or aids in concealing or withholding

1 any property which has been stolen, embezzled, obtained by false
2 pretense or robbery, or otherwise feloniously obtained, under such
3 circumstances as should cause such person to make reasonable inquiry
4 to ascertain that the person from whom such property was bought or
5 received had the legal right to sell or deliver it shall be presumed
6 to have bought or received such property knowing it to have been so
7 stolen or wrongfully obtained. This presumption may, however, be
8 rebutted by proof.

9 SECTION 3. This act shall become effective November 1, 2018.

10 Passed the Senate the 13th day of March, 2018.

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Presiding Officer of the Senate

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14 Passed the House of Representatives the ____ day of _____,
15 2018.

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Presiding Officer of the House
of Representatives

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