

1 ENGROSSED SENATE
2 BILL NO. 928

By: David of the Senate

3 and

4 O'Donnell of the House
5

6 An Act relating to crimes and punishment; amending 21
7 O.S. 2011, Section 1731, as amended by Section 9,
8 State Question No. 780, Initiative Petition No. 404,
9 adopted at election held on November 8, 2016, which
10 relates to larceny of merchandise; modifying
11 offenses; modifying punishments; stating certain
12 penalties for aggregated offenses; stating certain
13 liability; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1731, as
16 amended by Section 9, State Question No. 780, Initiative Petition
17 No. 404, adopted at election held on November 8, 2016, is amended to
18 read as follows:

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

21 1. For the first or second conviction, in the event the value
22 of the goods, edible meat or other corporeal property which has been
23 taken is less than One Thousand Dollars (\$1,000.00), the violator
24 shall be punishable by imprisonment in the county jail for a term
not exceeding thirty (30) days, and by a fine not less than Ten
Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00);

1 provided for the first or second conviction, in the event more than
2 one item of goods, edible meat or other corporeal property has been
3 taken, punishment shall be by imprisonment in the county jail for a
4 term not to exceed thirty (30) days, and by a fine not less than
5 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

6 2. ~~If it be shown, in the trial of a case in which~~ For a third
7 or subsequent conviction, in the event the value of the goods,
8 edible meat or other corporeal property is less than One Thousand
9 Dollars (\$1,000.00), ~~that the defendant has been two or more times~~
10 ~~before convicted of the same offense, the defendant shall, on a~~
11 ~~third or subsequent conviction,~~ the person shall be guilty of a
12 misdemeanor and shall be punished by ~~confinement~~ imprisonment in the
13 county jail for a term of not more than one (1) year, and by a fine
14 not exceeding One Thousand Dollars (\$1,000.00).

15 3. In the event the value of the goods, edible meat or other
16 corporeal property is One Thousand Dollars (\$1,000.00) or more but
17 less than Two Thousand Five Hundred Dollars (\$2,500.00), ~~punishment~~
18 ~~shall be~~ the person shall be guilty of a felony and shall be
19 punished by imprisonment in the ~~State Penitentiary~~ custody of the
20 Department of Corrections for a term of not more than ~~five (5)~~ two
21 (2) years, and by a fine not to exceed One Thousand Dollars
22 (\$1,000.00).

23 4. In the event the value of the goods, edible meat or other
24 corporeal property is Two Thousand Five Hundred Dollars (\$2,500.00)

1 or more but less than Fifteen Thousand Dollars (\$15,000.00), the
2 person shall be guilty of a felony and shall be punished by
3 imprisonment in the custody of the Department of Corrections for a
4 term not to exceed five (5) years, and by a fine not to exceed One
5 Thousand Dollars (\$1,000.00).

6 5. In the event the value of the goods, edible meat or other
7 corporeal property is Fifteen Thousand Dollars (\$15,000.00) or more,
8 the person shall be guilty of a felony and shall be punished by
9 imprisonment in the custody of the Department of Corrections for a
10 term not to exceed eight (8) years, and by a fine not to exceed One
11 Thousand Dollars (\$1,000.00).

12 B. When three or more separate offenses under this section are
13 committed within a ninety-day period, the value of the goods, edible
14 meat or other corporeal property involved in each larceny offense
15 may be aggregated to determine the total value for purposes of
16 determining the appropriate punishment under this section.

17 C. In the event any person engages in conduct that is a
18 violation of this section in concert with at least one other
19 individual, such person shall be liable for the aggregate value of
20 all items taken by all individuals. Such person may also be subject
21 to the penalties set forth in Section 421 of this title, which shall
22 be in addition to any other penalties provided for by law.

1 D. Any person convicted pursuant to the provisions of this
2 section shall also be ordered to pay restitution to the victim as
3 provided in Section 991f of Title 22 of the Oklahoma Statutes.

4 SECTION 2. This act shall become effective November 1, 2018.

5 Passed the Senate the 14th day of March, 2018.

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 Presiding Officer of the Senate

9 Passed the House of Representatives the ____ day of _____,
10 2018.

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12 _____
 Presiding Officer of the House
13 of Representatives