

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2281

			Of the printed Bill
Page	<u>3</u>	Section <u>1</u>	Lines <u>9 1/2</u>
			Of the Engrossed Bill

By inserting a new Section 2 to read as follows:
(see attached);

Page 3, Section 2, Lines 22-23: By deleting after the word "exceed" the words "Five Hundred Dollars (\$500.00)" and inserting in lieu thereof, the following language: "One Thousand Dollars (\$1,000.00)";

Page 4, Section 2, Lines 6-7: By deleting after the word "exceed" the words "Five Hundred Dollars (\$500.00)" and inserting in lieu thereof, the following language: "Five Thousand Dollars (\$5,000.00)";

Page 4, Section 2, Lines 13-14: By deleting after the word "exceed" the words "One Thousand Dollars (\$1,000.00)" and inserting in lieu thereof, the following language: "Five Thousand Dollars (\$5,000.00)";

Page 4, Section 2, Line 19: By deleting after the word "exceed" the words "One Thousand Dollars (\$1,000.00)" and inserting in lieu thereof, the following language: "Ten Thousand Dollars (\$10,000.00)";

Page 4, Section 3, Line 21: By removing from the bill Sections 3 and 4 in their entirety and inserting in lieu thereof, new Sections 4 through 10:
(see attached);

Page 9, Section 6, Line 10½: By inserting new Sections 13 through 15:
(see attached);

Page 10, Section 8, Line 4: By removing from the bill Sections 8 and 9 in their entirety and inserting in lieu thereof, new Sections 17 through 19:
(see attached);

Continued below:**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Terry ODonnell

Adopted: _____

Reading Clerk

Page 11, Section 10, Line 4: By deleting after the word "in" the word "Sections" and inserting in lieu thereof, the following language: "subsection A of Section";

Page 11, Section 10, Line 4: By inserting after the numbers "4-102" the following language: "of this title relating to unauthorized use of a vehicle";

Page 11, Section 10, Line 4: By inserting after the word "and" the following language: "subsection A of Section";

Page 11, Section 10, Line 5: By deleting after the word "to" the following language: "unauthorized use of and";

Page 11, Section 10, Line 6: By deleting after the word "vehicle" the following language: "or implement of husbandry";

Page 11, Section 10, Line 24½ : By inserting a new Section 21 to read as follows:
(see attached);

Page 12, Section 11, Line 14: By inserting after the word "year" the following language: ", or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine"; and

Page 12, Section 11, Lines 20-21: By deleting after the word "exceed" the words "Five Hundred Dollars (\$500.00)" and inserting in lieu thereof, the following language: "One Thousand Dollars (\$1,000.00).

1 "SECTION 2. AMENDATORY 21 O.S. 2011, Section 1451, as
2 last amended by Section 10, State Question No. 780, Petition No.
3 404, is amended to read as follows:

4 Section 1451. A. Embezzlement is the fraudulent appropriation
5 of property of any person or legal entity, legally obtained, to any
6 use or purpose not intended or authorized by its owner, or the
7 secretion of the property with the fraudulent intent to appropriate
8 it to such use or purpose, under any of the following circumstances:

9 1. Where the property was obtained by being entrusted to that
10 person for a specific purpose, use, or disposition and shall
11 include, but not be limited to, any funds "held in trust" for any
12 purpose;

13 2. Where the property was obtained by virtue of a power of
14 attorney being granted for the sale or transfer of the property;

15 3. Where the property is possessed or controlled for the use of
16 another person;

17 4. Where the property is to be used for a public or benevolent
18 purpose;

19 5. Where any person diverts any money appropriated by law from
20 the purpose and object of the appropriation;

21 6. Where any person fails or refuses to pay over to the state,
22 or appropriate authority, any tax or other monies collected in
23 accordance with state law, and who appropriates the tax or monies to
24

1 the use of that person, or to the use of any other person not
2 entitled to the tax or monies;

3 7. Where the property is possessed for the purpose of
4 transportation, without regard to whether packages containing the
5 property have been broken;

6 8. Where any person removes crops from any leased or rented
7 premises with the intent to deprive the owner or landlord interested
8 in the land of any of the rent due from that land, or who
9 fraudulently appropriates the rent to that person or any other
10 person; or

11 9. Where the property is possessed or controlled by virtue of a
12 lease or rental agreement, and the property is willfully or
13 intentionally not returned within ten (10) days after the expiration
14 of the agreement.

15 Embezzlement does not require a distinct act of taking, but only
16 a fraudulent appropriation, conversion or use of property.

17 B. Except as provided in subsection C of this section,
18 embezzlement shall be punished as follows:

19 1. If the value of the property embezzled is less than One
20 Thousand Dollars (\$1,000.00), any person convicted shall be ~~punished~~
21 guilty of a misdemeanor punishable by a fine not exceeding One
22 Thousand Dollars (\$1,000.00), ~~or~~ by imprisonment in the county jail
23 for a term not ~~more than~~ to exceed one (1) year or, at the
24 discretion of the court, by imprisonment in the county jail for one

1 or more nights or weekends pursuant to Section 991a-2 of Title 22 of
2 the Oklahoma Statutes, or by both such fine and imprisonment;

3 2. If the value of the property embezzled is One Thousand
4 Dollars (\$1,000.00) or more but less than ~~Twenty-five Thousand~~
5 ~~Dollars (\$25,000.00)~~ Two Thousand Five Hundred Dollars (\$2,500.00),
6 any person convicted shall be guilty of a felony ~~and shall be~~
7 ~~punished~~ punishable by imprisonment in the custody of the Department
8 of Corrections for a term ~~of not more than five (5)~~ to exceed two
9 (2) years or in the county jail for a term not to exceed one (1)
10 year, and shall be subject to a fine ~~of~~ not exceeding Five Thousand
11 Dollars (\$5,000.00), and ordered to pay restitution to the victim as
12 provided in Section 991f of Title 22 of the Oklahoma Statutes; ~~or~~

13 3. If the value of the property embezzled is ~~Twenty-five~~
14 ~~Thousand Dollars (\$25,000.00)~~ Two Thousand Five Hundred Dollars
15 (\$2,500.00) or more but less than Fifteen Thousand Dollars
16 (\$15,000.00), any person convicted shall be guilty of a felony ~~and~~
17 ~~shall be punished~~ punishable by imprisonment in the custody of the
18 Department of Corrections for a term ~~of not more than ten (10)~~ to
19 exceed five (5) years, and shall be subject to a fine not exceeding
20 ~~Ten Thousand Dollars (\$10,000.00)~~ Five Thousand Dollars (\$5,000.00),
21 and ordered to pay restitution to the victim as provided in Section
22 991f of Title 22 of the Oklahoma Statutes; or

23 4. If the value of the property embezzled is Fifteen Thousand
24 Dollars (\$15,000.00) or more, any person convicted shall be guilty

1 of a felony punishable by imprisonment in the custody of the
2 Department of Corrections for a term not to exceed eight (8) years,
3 subject to a fine not exceeding Ten Thousand Dollars (\$10,000.00),
4 and ordered to pay restitution to the victim as provided in Section
5 991f of Title 22 of the Oklahoma Statutes.

6 For purposes of this subsection, a series of offenses may be
7 aggregated into one offense when they are the result of the
8 formulation of a plan or scheme or the setting up of a mechanism
9 which, when put into operation, results in the taking or diversion
10 of money or property on a recurring basis. When all acts result
11 from a continuing course of conduct, they may be aggregated into one
12 crime. Acts forming an integral part of the first taking which
13 facilitate subsequent takings, or acts taken in preparation of
14 several takings which facilitate subsequent takings, are relevant to
15 determine the ~~party's~~ intent of the party to commit a continuing
16 crime.

17 C. Any county or state officer, deputy or employee of such
18 officer, who shall divert any money appropriated by law from the
19 purpose and object of the appropriation, shall, upon conviction, be
20 guilty of a felony punishable by imprisonment in the custody of the
21 Department of Corrections for a term not less than one (1) year nor
22 more than ten (10) years, and a fine equal to triple the amount of
23 money so embezzled and ordered to pay restitution to the victim as
24 provided in Section 991f of Title 22 of the Oklahoma Statutes. The

1 fine shall operate as a judgment lien at law on all estate of the
2 party so convicted and sentenced, and shall be enforced by execution
3 or other process for the use of the person whose money or other
4 funds or property were embezzled. In all cases the fine, so
5 operating as a judgment lien, shall be released or entered as
6 satisfied only by the person in interest.

7 D. Any executor, administrator, trustee, beneficiary or other
8 person benefiting from, acting in a fiduciary capacity for, or
9 otherwise administering a probate, intestate, or trust estate,
10 whether the trust is inter vivos or testamentary, upon conviction of
11 embezzlement from the estate shall not receive any portion, share,
12 gift or otherwise benefit from the estate.

13 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1541.2, as
14 amended by Section 14, State Question No. 780, Petition No. 404, is
15 amended to read as follows:

16 Section 1541.2 A. If the value of the money, property or
17 valuable thing referred to in Section 1541.1 of this title is:

18 1. One Thousand Dollars (\$1,000.00) or more but less than Two
19 Thousand Five Hundred Dollars (\$2,500.00), any the person convicted
20 hereunder shall be deemed guilty of a felony and shall be punished
21 punishable by imprisonment in the State Penitentiary custody of the
22 Department of Corrections for a term not more than ten (10) to
23 exceed two (2) years or in the county jail for a term not to exceed
24

1 one (1) year, or by a fine not to exceed Five Thousand Dollars
2 (\$5,000.00), or by both such fine and imprisonment;

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

10 3. Fifteen Thousand Dollars (\$15,000.00) or more, the person
11 shall be guilty of a felony punishable by imprisonment in the
12 custody of the Department of Corrections for a term not to exceed
13 eight (8) years, or by a fine not to exceed Five Thousand Dollars
14 (\$5,000.00), or by both such imprisonment and fine.

15 B. Any person convicted pursuant to this section shall also be
16 ordered to provide restitution to the victim as provided in Section
17 991f of Title 22 of the Oklahoma Statutes.

18 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1541.3, as
19 amended by Section 15, State Question No. 780, Petition No. 404, is
20 amended to read as follows:

21 Section 1541.3 A. Any person making, drawing, uttering or
22 delivering two or more false or bogus checks, drafts or orders, as
23 defined by Section 1541.4 of this title, the total sum of which is
24 ~~One Thousand Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00) or

1 more, even though each separate instrument is written for less than
2 One Thousand Dollars (\$1,000.00), all in pursuance of a common
3 scheme or plan to cheat and defraud, shall be deemed guilty of a
4 felony and shall be punished as follows:

5 1. If the total sum of two or more false or bogus checks,
6 drafts or orders is Two Thousand Dollars (\$2,000.00) or more but
7 less than Two Thousand Five Hundred Dollars (\$2,500.00), the person
8 shall be punished by imprisonment in the State Penitentiary custody
9 of the Department of Corrections for a term not more than ten (10)
10 to exceed two (2) years or in the county jail for a term not to
11 exceed one (1) year, or by a fine not to exceed Five Thousand
12 Dollars (\$5,000.00), or by both such fine and imprisonment;

13 2. If the total sum of two or more false or bogus checks,
14 drafts or orders is Two Thousand Five Hundred Dollars (\$2,500.00) or
15 more but less than Fifteen Thousand Dollars (\$15,000.00), the person
16 shall be punished by imprisonment in the custody of the Department
17 of Corrections for a term not to exceed five (5) years or in the
18 county jail for a term not to exceed one (1) year, or by a fine not
19 to exceed Five Thousand Dollars (\$5,000.00), or by both such fine
20 and imprisonment; or

21 3. If the total sum of two or more false or bogus checks,
22 drafts or orders is Fifteen Thousand Dollars (\$15,000.00) or more,
23 the person shall be punished by imprisonment in the custody of the
24 Department of Corrections for a term not to exceed eight (8) years,

1 or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by
2 both such fine and imprisonment.

3 B. If the total sum of two or more false or bogus checks,
4 drafts or orders is Five Hundred Dollars (\$500.00) or more but less
5 than Two Thousand Dollars (\$2,000.00), the person shall, upon
6 conviction, be guilty of a misdemeanor punishable by imprisonment in
7 the county jail for a term not to exceed one (1) year or, at the
8 discretion of the court, by imprisonment in the county jail for one
9 or more nights or weekends pursuant to Section 991a-2 of Title 22 of
10 the Oklahoma Statutes, shall be subject to a fine of not more than
11 Five Thousand Dollars (\$5,000.00), and ordered to provide
12 restitution to the victim as provided in Section 991f of Title 22 of
13 the Oklahoma Statutes.

14 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1550.22, is
15 amended to read as follows:

16 Section 1550.22 ~~(a)~~ A. A person who takes a credit card or
17 debit card from the person, possession, custody or control of
18 another without the cardholder's consent, or who, with knowledge
19 that it has been so taken, receives the credit card or debit card
20 with intent to use it or to sell it, or to transfer it to a person
21 other than the issuer or the cardholder, is guilty of card theft and
22 ~~is subject to the penalties set forth in Section 1550.33(a) of this~~
23 ~~title~~ punishable as follows:

1 1. If the value of the goods or services received is less than
2 One Thousand Dollars (\$1,000.00), the person shall be guilty of a
3 misdemeanor punishable by imprisonment in the county jail for a term
4 not to exceed one (1) year, or by a fine not to exceed One Thousand
5 Dollars (\$1,000.00), or by both such imprisonment and fine;

6 2. If the value of the goods or services received is One
7 Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five
8 Hundred Dollars (\$2,500.00), the person shall be guilty of a felony
9 punishable by imprisonment in the custody of the Department of
10 Corrections for a term not to exceed two (2) years or in the county
11 jail for a term not to exceed one (1) year, or by a fine not to
12 exceed One Thousand Dollars (\$1,000.00), or by both such
13 imprisonment and fine;

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

22 4. If the value of the goods or services received is Fifteen
23 Thousand Dollars (\$15,000.00) or more, the person shall be guilty of
24 a felony punishable by imprisonment in the custody of the Department

1 of Corrections for a term not to exceed eight (8) years, or by a
2 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
3 imprisonment and fine.

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

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

13 SECTION 7. 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 or her knowledge or cause to inquire as
18 to the true owner and appropriates it to his or her use or the use
19 of another not entitled thereto is ~~subject to the penalties set~~
20 ~~forth in Section 1550.33(a) of Title 21 of the Oklahoma Statutes~~
21 punishable as follows:

22 1. If the value of the goods or services received is less than
23 One Thousand Dollars (\$1,000.00), the person shall be guilty of a
24 misdemeanor punishable by imprisonment in the county jail for a term

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

3 2. If the value of the goods or services received is One
4 Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five
5 Hundred Dollars (\$2,500.00), the person shall be guilty of a felony
6 punishable by imprisonment in the custody of the Department of
7 Corrections for a term not to exceed two (2) years or in the county
8 jail for a term not to exceed one (1) year, or by a fine not to
9 exceed One Thousand Dollars (\$1,000.00), or by both such
10 imprisonment and fine;

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

19 4. If the value of the goods or services received is Fifteen
20 Thousand Dollars (\$15,000.00) or more, the person shall be guilty of
21 a felony punishable by imprisonment in the custody of the Department
22 of Corrections for a term not to exceed eight (8) years, or by a
23 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
24 imprisonment and fine.

1 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1577, as
2 amended by Section 17, State Question No. 780, Petition No. 404, is
3 amended to read as follows:

4 Section 1577. A. Every person who sells, exchanges or delivers
5 for any consideration any forged or counterfeited promissory note,
6 check, bill, draft, or other evidence of debt, or engagement for the
7 payment of money absolutely, or upon any contingency, knowing the
8 same to be forged or counterfeited, with intent to have the same
9 uttered or passed, or who offers any such note or other instrument
10 for sale, exchange or delivery for any consideration, with the like
11 knowledge and intent, or who receives any such note or other
12 instrument upon a sale, exchange or delivery for any consideration
13 with the like knowledge and intent, is ~~guilty of forgery in the~~
14 ~~third degree~~ punishable as follows:

15 1. If the value of the instrument is less than One Thousand
16 Dollars (\$1,000.00), the person shall be guilty of misdemeanor
17 forgery punishable by imprisonment in the county jail for a term not
18 to exceed one (1) year, or by a fine not to exceed One Thousand
19 Dollars (\$1,000.00), or by both such imprisonment and fine;

20 2. If the value of the instrument is One Thousand Dollars
21 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
22 (\$2,500.00), the person shall be guilty of felony forgery punishable
23 by imprisonment in the custody of the Department of Corrections for
24 a term not to exceed two (2) years or in the county jail not to

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

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

11 4. If the value of the instrument is Fifteen Thousand Dollars
12 (\$15,000.00) or more, the person shall be guilty of felony forgery
13 punishable by imprisonment in the custody of the Department of
14 Corrections for a term not to exceed eight (8) years, or by a fine
15 not to exceed One Thousand Dollars (\$1,000.00), or by both such
16 imprisonment and fine.

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

1 several takings which facilitate subsequent takings, are relevant to
2 determine the intent of the party to commit a continuing crime.

3 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1578, as
4 amended by Section 18, State Question No. 780, Petition No. 404, is
5 amended to read as follows:

6 Section 1578. A. Every person who, with intent to defraud, has
7 in his or her possession any forged, altered or counterfeit
8 negotiable note, bill, draft or other evidence of debt issued or
9 purporting to have been issued by any corporation or company duly
10 authorized for that purpose by the laws of this state or of any
11 other state, government or country, the forgery of which is
12 hereinbefore declared to be punishable, knowing the same to be
13 forged, altered or counterfeited, with intent to utter the same as
14 true or as false, or to cause the same to be so uttered, is ~~guilty~~
15 ~~of forgery in the third degree~~ punishable as follows:

16 1. If the value of the instrument is less than One Thousand
17 Dollars (\$1,000.00), the person shall be guilty of misdemeanor
18 forgery punishable by imprisonment in the county jail for a term not
19 to exceed one (1) year, or by a fine not to exceed One Thousand
20 Dollars (\$1,000.00), or by both such imprisonment and fine;

21 2. If the value of the instrument is One Thousand Dollars
22 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
23 (\$2,500.00), the person shall be guilty of felony forgery punishable
24 by imprisonment in the custody of the Department of Corrections for

1 a term not to exceed two (2) years or in the county jail for a term
2 not to exceed one (1) year, or by a fine not to exceed One Thousand
3 Dollars (\$1,000.00), or by both such imprisonment and fine;

4 3. If the value of the instrument is Two Thousand Five Hundred
5 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
6 (\$15,000.00), the person shall be guilty of felony forgery
7 punishable by imprisonment in the custody of the Department of
8 Corrections for a term not to exceed five (5) years or in the county
9 jail for a term not to exceed one (1) year, or by a fine not to
10 exceed One Thousand Dollars (\$1,000.00), or by both such
11 imprisonment and fine; or

12 4. If the value of the instrument is Fifteen Thousand Dollars
13 (\$15,000.00) or more, the person shall be guilty of felony forgery
14 punishable by imprisonment in the custody of the Department of
15 Corrections for a term not to exceed eight (8) years, or by a fine
16 not to exceed One Thousand Dollars (\$ 1,000.00), or by both such
17 imprisonment and fine.

18 B. For purposes of this section, a series of offenses may be
19 aggregated into one offense when they are the result of the
20 formulation of a plan or scheme or the setting up of a mechanism
21 which, when put into operation, results in the taking or diversion
22 of money or property on a recurring basis. When all acts result
23 from a continuing course of conduct, they may be aggregated into one
24 crime. Acts forming an integral part of the first taking which

1 facilitate subsequent takings, or acts taken in preparation of
2 several takings which facilitate subsequent takings, are relevant to
3 determine the intent of the party to commit a continuing crime.

4 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1579, as
5 amended by Section 19, State Question No. 780, Petition No. 404, is
6 amended to read as follows:

7 Section 1579. A. Every person who has in his or her possession
8 any forged or counterfeited instrument, the forgery of which is
9 hereinbefore declared to be punishable, other than such as are
10 enumerated in the last section, knowing the same to be forged,
11 counterfeited or falsely altered with intent to injure or defraud by
12 uttering the same to be true, or as false, or by causing the same to
13 be uttered, is ~~guilty of forgery in the third degree~~ punishable as
14 follows:

15 1. If the value of the instrument is less than One Thousand
16 Dollars (\$1,000.00), the person shall be guilty of misdemeanor
17 forgery punishable by imprisonment in the county jail for a term not
18 to exceed one (1) year, or by a fine not to exceed One Thousand
19 Dollars (\$1,000.00), or by both such imprisonment and fine;

20 2. If the value of the instrument is One Thousand Dollars
21 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
22 (\$2,500.00), the person shall be guilty of felony forgery punishable
23 by imprisonment in the custody of the Department of Corrections for
24 a term not to exceed two (2) years or in the county jail for a term

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

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

11 4. If the value of the instrument is Fifteen Thousand Dollars
12 (\$15,000.00) or more, the person shall be guilty of felony forgery
13 punishable by imprisonment in the custody of the Department of
14 Corrections for a term not to exceed eight (8) years, or by a fine
15 not to exceed One Thousand Dollars (\$1,000.00), or by both such
16 imprisonment and fine.

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

1 several takings which facilitate subsequent takings, are relevant to
2 determine the intent of the party to commit a continuing crime.

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

6 Section 1704. Grand larceny is larceny committed in either of
7 the following cases:

8 1. When the property taken is of a value exceeding of One
9 Thousand Dollars (\$1,000.00) or greater; or

10 2. When such property, although not of a value exceeding of One
11 Thousand Dollars (\$1,000.00) or greater, is taken from the person of
12 another.

13 Larceny in other cases is petit larceny.

14 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1705, as
15 amended by Section 5, State Question No. 780, Petition No. 404, is
16 amended to read as follows:

17 Section 1705. A. Grand larceny is a felony punishable ~~by~~
18 ~~imprisonment in the State Penitentiary not exceeding five (5) years~~
19 ~~if~~ as follows:

20 1. If the value of the property is ~~One Thousand Dollars~~
21 ~~(\$1,000.00) or more and if the value of the property is less than~~
22 One Thousand Dollars (\$1,000.00) ~~punishable~~, the person shall be
23 punished by incarceration imprisonment in the county jail for a term
24 ~~not more than~~ to exceed one (1) year or by incarceration in the

1 county jail for one or more nights or weekends pursuant to Section
2 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the
3 court, and shall be subject to or by a fine of not more than Five
4 Thousand Dollars (\$5,000.00) and ordered to provide restitution to
5 the victim as provided in Section 991a of Title 22 of the Oklahoma
6 Statutes to exceed One Thousand Dollars (\$1,000.00), or by both such
7 imprisonment and fine;

8 2. If the value of the property is One Thousand Dollars
9 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
10 (\$2,500.00), the person shall be punished by imprisonment in the
11 custody of the Department of Corrections for a term not to exceed
12 two (2) years or in the county jail for a term not to exceed one (1)
13 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
14 or by both such imprisonment and fine;

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

22 4. If the value of the property is Fifteen Thousand Dollars
23 (\$15,000.00) or more, the person shall be punished by imprisonment
24 in the custody of the Department of Corrections for a term not to

1 exceed eight (8) years, or by a fine not to exceed One Thousand
2 Dollars (\$1,000.00), or by both such imprisonment and fine.

3 B. The person shall also be ordered to provide restitution to
4 the victim as provided in Section 991f of Title 22 of the Oklahoma
5 Statutes.

6 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1713, as
7 amended by Section 6, State Question No. 780, Petition No. 404, is
8 amended to read as follows:

9 Section 1713. A. Every person who buys or receives, in any
10 manner, upon any consideration, ~~any~~ a personal property of ~~any~~ a value
11 ~~whatsoever~~ of One Thousand Dollars (\$1,000.00) or more that has been
12 stolen, embezzled, obtained by false pretense or robbery, knowing or
13 having reasonable cause to believe the same to have been stolen,
14 embezzled, obtained by false pretense, or robbery, or who conceals,
15 withholds, or aids in concealing or withholding such property from
16 the owner, shall, ~~if the value of the property is One Thousand~~
17 ~~Dollars (\$1,000.00) or more~~ upon conviction, be guilty of a felony
18 punishable as follows:

19 1. If the value of the personal property is One Thousand
20 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
21 Dollars (\$2,500.00), the person shall be punished by imprisonment in
22 the ~~State Penitentiary~~ custody of the Department of Corrections for
23 a term not to exceed ~~five (5)~~ two (2) years, or in the county jail
24 for a term not to exceed one (1) year, or by a fine not to exceed

1 Five Hundred Dollars (\$500.00), or by both such fine and
2 imprisonment;

3 2. If the value of the personal property received is less than
4 One Thousand Dollars (\$1,000.00) Two Thousand Five Hundred Dollars
5 (\$2,500.00) or more but less than Fifteen Thousand Dollars
6 (\$15,000.00), the person shall be guilty of a misdemeanor and shall
7 be punished by a fine of not more than Five Hundred Dollars
8 (\$500.00) or by imprisonment in the custody of the Department of
9 Corrections for a term not to exceed five (5) years or in the county
10 jail for a term not to exceed six (6) months one (1) year, or by a
11 fine not to exceed Five Hundred Dollars (\$500.00), or by both such
12 fine and imprisonment; or

13 3. If the value of the personal property is Fifteen Thousand
14 Dollars (\$15,000.00) or more, the person may be punished by
15 imprisonment in the custody of the Department of Corrections for a
16 term not to exceed eight (8) years, or by a fine not to exceed Five
17 Hundred Dollars (\$500.00), or by both such imprisonment and fine.

18 B. If the personal property that has been stolen, embezzled,
19 obtained by false pretense or robbery has a value of less than One
20 Thousand Dollars (\$1,000.00), the person shall, upon conviction, be
21 guilty of a misdemeanor punishable by imprisonment in the county
22 jail for a term not to exceed six (6) months.

23 C. 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 17. AMENDATORY 21 O.S. 2011, Section 1731, as
10 amended by Section 9, State Question No. 780, Petition No. 404, is
11 amended to read as follows:

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

14 1. For the first or second conviction, in the event the value
15 of the goods, edible meat or other corporeal property which has been
16 taken is less than One Thousand Dollars (\$1,000.00), the ~~violate~~
17 person shall be guilty of a misdemeanor punishable by imprisonment
18 in the county jail for a term not exceeding thirty (30) days, and by
19 a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred
20 Dollars (\$500.00); provided, for the first or second conviction, in
21 the event more than one item of goods, edible meat or other
22 corporeal property has been taken, punishment shall be by
23 imprisonment in the county jail for a term not to exceed thirty (30)
24

1 days, and by a fine not less than Fifty Dollars (\$50.00) nor more
2 than Five Hundred Dollars (\$500.00)÷;

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

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

20 4. In the event the value of the goods, edible meat or other
21 corporeal property is Two Thousand Five Hundred Dollars (\$2,500.00)
22 or more but less than Fifteen Thousand Dollars (\$15,000.00), the
23 person shall be guilty of a felony and shall be punished by
24 imprisonment in the custody of the Department of Corrections for a

1 term not to exceed five (5) years, and by a fine not to exceed One
2 Thousand Dollars (\$1,000.00); or

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

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

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

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

23 SECTION 18. AMENDATORY 47 O.S. 2011, Section 4-102, is
24 amended to read as follows:

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

9 B. A person not entitled to possession of an implement of
10 husbandry who, without the consent of the owner and with intent to
11 deprive the owner, temporarily or otherwise, of the implement of
12 husbandry or its possession, takes, uses or drives the implement of
13 husbandry shall, upon conviction, be guilty of a felony punishable
14 in accordance with the provisions of Section 17-102 of this title.

15 SECTION 19. AMENDATORY 47 O.S. 2011, Section 4-103, is
16 amended to read as follows:

17 Section 4-103. A. A person not entitled to the possession of a
18 vehicle ~~or implement of husbandry~~ who receives, possesses, conceals,
19 sells, or disposes of it, knowing the vehicle ~~or implement of~~
20 ~~husbandry~~ to be stolen or converted under circumstances constituting
21 a crime, shall, upon conviction, be guilty of a felony punishable by
22 imprisonment in the custody of the Department of Corrections for a
23 term not to exceed two (2) years.

1 B. A person not entitled to the possession of an implement of
2 husbandry who receives, possesses, conceals, sells or disposes of
3 it, knowing the implement of husbandry to be stolen or converted
4 under circumstances constituting a crime shall, upon conviction, be
5 guilty of a felony punishable in accordance with the provisions of
6 Section 17-102 of this title.

7 SECTION 21. AMENDATORY 59 O.S. 2011, Section 1512, as
8 amended by Section 16, State Question No. 780, Petition No. 404, is
9 amended to read as follows:

10 Section 1512. A. Rule Making Power. The Administrator shall
11 have the same authority to adopt, amend and repeal rules as is
12 conferred upon him by paragraph (e) of subsection (1), and
13 subsections (2) and (3) of Section 6-104 of Title 14A of the
14 Oklahoma Statutes, as applicable, and such rules shall have the same
15 effect as provided in subsection (4) of Section 6-104 thereunder.
16 In addition, the Administrator may adopt, amend and repeal such
17 other rules as are necessary for the enforcement of the provisions
18 of Section 1501 et seq. of this title and consistent with all its
19 provisions.

20 B. Administrative Enforcement. Compliance with the provisions
21 of this act may be enforced by the Administrator who may exercise,
22 for such purpose, all the powers enumerated in Part 1 of Article 6,
23 Title 14A of the Oklahoma Statutes, in the same manner as in
24

1 relation to consumer credit transactions under that act, as well as
2 those powers conferred in this act.

3 C. Criminal Penalties. 1. Any person who engages in the
4 business of operating a pawn shop without first securing the license
5 prescribed by this act shall be guilty of a misdemeanor and upon
6 conviction thereof shall be punished by a fine not in excess of One
7 Thousand Dollars (\$1,000.00), by confinement in the county jail for
8 not more than six (6) months or by both.

9 2. Any person selling or pledging property to a pawnbroker who
10 uses false or altered identification or a false declaration of
11 ownership as related to the provisions of Section 1515 of this title
12 shall, ~~if~~ be punished as follows:

13 a. if the value of the property is less than One Thousand
14 Dollars (\$1,000.00) ~~or more, the person shall, upon~~
15 conviction, be guilty of a felony, and upon conviction
16 shall be punished misdemeanor punishable by
17 imprisonment in the State Penitentiary not to exceed
18 five (5) years or in the county jail for a term not to
19 exceed one (1) year, or by a fine not to exceed Five
20 Hundred Dollars (\$500.00), or by both such
21 imprisonment and fine. However, if the property was
22 acquired by means of robbery or burglary, the person,

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

1 Hundred Dollars (\$2,500.00), the person shall, upon
2 conviction, be ~~punished~~ guilty of a felony punishable
3 by imprisonment in the ~~State Penitentiary~~ custody of
4 the Department of Corrections for a term not to exceed
5 ~~five (5)~~ two (2) years or in the county jail for a
6 term not to exceed one (1) year, or by a fine not to
7 exceed Five Hundred Dollars (\$500.00), or by both such
8 imprisonment and fine, ~~without regard to the value of~~
9 ~~the property,~~

10 c. if the value of the personal property is Two Thousand
11 Five Hundred Dollars (\$2,500.00) or more but less than
12 Fifteen Thousand Dollars (\$15,000.00), the person
13 shall, upon conviction, be guilty of a felony
14 punishable by imprisonment in the custody of the
15 Department of Corrections for a term not to exceed
16 five (5) years or in the county jail for a term not to
17 exceed one (1) year, or by a fine not to exceed Five
18 Hundred Dollars (\$500.00), or by both such
19 imprisonment and fine, or

20 d. if the value of the personal property is Fifteen
21 Thousand Dollars (\$15,000.00) or more, the person
22 shall, upon conviction, be guilty of a felony
23 punishable by imprisonment in the custody of the
24 Department of Corrections for a term not to exceed

1 eight (8) years, or by a fine not to exceed Five
2 Hundred Dollars (\$500.00), or by both such
3 imprisonment and fine.

4 3. Any person who fails to repay a pawnbroker the full amount
5 received from a pawn or buy transaction after being officially
6 notified by a peace officer that the goods he or she pledged or sold
7 in that transaction were stolen or embezzled shall, upon conviction,
8 be guilty of a misdemeanor ~~and upon conviction shall be punished~~
9 punishable by imprisonment in the county jail for a term not to
10 exceed six (6) months, or a fine not to exceed Five Hundred Dollars
11 (\$500.00), or by both such fine and imprisonment.

12 D. Private Enforcement. 1. If any person engages in the
13 business of operating a pawnshop without first securing the license
14 prescribed by this act, or if any pawnbroker contracts for, charges
15 or receives a pawn finance charge in excess of that authorized by
16 this act, the pawn transaction shall be void and the customer is not
17 obligated to pay either the amount financed or the pawn finance
18 charge in connection with the transaction, and upon the customer's
19 demand, the pawnbroker shall be obligated to return to the customer,
20 as a refund, all amounts paid in connection with the transaction by
21 the customer and the pledged goods delivered to the pawnbroker in
22 connection with the pawn transaction or their value if the goods
23 cannot be returned. If a customer is entitled to a refund under
24 this section and a pawnbroker liable to the customer refuses to make

1 the refund within a reasonable time after demand, the customer shall
2 have an action against the pawnbroker and in the case of a
3 successful action to enforce such liability, the costs of the action
4 together with ~~attorney's~~ attorney fees as determined by the court
5 shall be awarded to the customer.

6 2. A pawnbroker who fails to disclose information to a customer
7 entitled to the information under this act is liable to that person
8 in an amount equal to the sum of:

- 9 a. twice the amount of the pawn finance charge in
10 connection with the transaction, or One Hundred
11 Dollars (\$100.00), whichever is greater; and
12 b. in the case of a successful action to enforce the
13 liability under paragraph 1 of this subsection, the
14 costs of the action together with reasonable
15 ~~attorney's~~ attorney fees as determined by the court."

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