

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2281

By: O'Donnell

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to crimes and punishments; amending
10 21 O.S. 2011, Sections 1416, 1532, 1550.22, 1550.23,
11 1592, as last amended by Section 14, Chapter 221,
12 O.S.L. 2016 (21 O.S. Supp. 2016, Section 1592), 1702
13 and 1720, which relate to unlawful delivery of goods,
14 false personation, credit or debit card crimes,
15 forged instruments or coins, larceny of lost property
16 and theft of aircraft, automobile or construction
17 equipment; updating reference; modifying penalties
18 and fines; amending 47 O.S. 2011, Sections 4-102, 4-
19 103 and 17-102, which relate to unauthorized use,
20 receipt or sale of implement of husbandry and felony
21 violations; modifying fines and penalties; making
22 certain exception; amending 63 O.S. 2011, Sections 2-
23 403 and 2-503.1, which relate to prohibited acts and
24 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

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

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

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

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

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

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

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

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

19 1. If the value of the money or property is less than One
20 Thousand Dollars (\$1,000.00), the person shall be guilty of a
21 misdemeanor punishable by imprisonment in the county jail not to
22 exceed one (1) year, or by a fine not to exceed Five Hundred Dollars
23 (\$500.00), or by both such imprisonment and fine;
24

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

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

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

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

23 Section 1550.22 ~~(a)~~ A. A person who takes a credit card or
24 debit card from the person, possession, custody or control of

1 another without the cardholder's consent, or who, with knowledge
2 that it has been so taken, receives the credit card or debit card
3 with intent to use it or to sell it, or to transfer it to a person
4 other than the issuer or the cardholder, is guilty of card theft and
5 is subject to the penalties set forth in Section ~~1550.33(a)~~ 1550.3A
6 of this title.

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

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

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

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

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

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

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

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

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

8 4. If the value of the instrument is Fifteen Thousand Dollars
9 (\$15,000.00) or more, the person shall be guilty of forgery as a
10 felony punishable by imprisonment in the custody of the Department
11 of Corrections not to exceed eight (8) years, or by a fine not to
12 exceed One Thousand Dollars (\$1,000.00), or by both such
13 imprisonment and fine.

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

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

3 Section 1702. One who finds lost property under circumstances
4 which gives him knowledge or means of inquiry as to the true owner,
5 and who appropriates such property to his own use, or to the use of
6 another person who is not entitled thereto, without having first
7 made such effort to find the owner and restore the property to him
8 as the circumstances render reasonable and just, is guilty of
9 larceny punishable as follows:

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

15 2. If the value of the property 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 a felony punishable by
18 imprisonment in the custody of the Department of Corrections not to
19 exceed two (2) years, or in the county jail not to exceed one (1)
20 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
21 or by both such imprisonment and fine;

22 3. If the value of the property 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 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 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 7. AMENDATORY 21 O.S. 2011, 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~~ imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a term ~~of not less than three (3) years, nor more than twenty (20) years~~ not exceeding five (5) years if the value of the vehicle is less than Fifty Thousand Dollars (\$50,000.00) or for a term of not less than three (3) years, nor more than ten (10) years if the value of the vehicle is Fifty Thousand Dollars (\$50,000.00) or greater or by a fine in an amount that is equal to three times the value of the property that was stolen but not more

1 than Five Hundred Thousand Dollars (\$500,000.00) or by both such
2 fine and imprisonment and shall be ordered to pay restitution
3 pursuant to Section 991f of Title 22 of the Oklahoma Statutes.

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

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

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

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

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

1 Section 17-102. A. Any person who is convicted of a violation
2 of any of the provisions of the Uniform Vehicle Code declared by the
3 Code or by other laws of this state to constitute a felony except
4 those offenses specified in Sections 4-102 and 4-103 of this title,
5 relating to unauthorized use of and receiving or disposing of a
6 vehicle or implement of husbandry, shall be guilty of a felony and
7 shall be punished by imprisonment in the custody of the Department
8 of Corrections for not less than one (1) year nor more than five (5)
9 years, or by a fine of not less than Five Hundred Dollars (\$500.00)
10 nor more than Five Thousand Dollars (\$5,000.00), or by both such
11 fine and imprisonment.

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

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

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

Section 2-403. A. Any person found guilty of larceny, burglary 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

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

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

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

22 SECTION 12. AMENDATORY 63 O.S. 2011, Section 2-503.1, is
23 amended to read as follows:
24

1 Section 2-503.1 A. It is unlawful for any person knowingly or
2 intentionally to receive or acquire proceeds and to conceal such
3 proceeds, or engage in transactions involving 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.~~ This subsection does not
9 apply to any transaction between an individual and the counsel of
10 the individual necessary to preserve the right to representation of
11 the individual, as guaranteed by the Oklahoma Constitution and by
12 the Sixth Amendment of the United States Constitution. However,
13 this exception does not create any presumption against or
14 prohibition of the right of the state to seek and obtain forfeiture
15 of any proceeds derived from a violation of the Uniform Controlled
16 Dangerous Substances Act, ~~Section 2-101 et seq. of this title,~~ or of
17 any statute of the United States relating to controlled dangerous
18 substances as defined by the Uniform Controlled Dangerous Substances
19 Act, ~~Section 2-101 et seq. of this title.~~

20 B. It is unlawful for any person knowingly or intentionally to
21 give, sell, transfer, trade, invest, conceal, transport, or maintain
22 an interest in or otherwise make available anything of value which
23 that person knows is intended to be used for the purpose of
24 committing or furthering the commission of any violation of the

1 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.~~
2 ~~of this title,~~ or of any statute of the United States relating to
3 controlled dangerous substances as defined by the Uniform Controlled
4 Dangerous Substances Act, ~~Section 2-101 et seq. of this title.~~

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

13 D. It is unlawful for any person knowingly or intentionally to
14 conduct a financial transaction involving proceeds derived from a
15 violation of the Uniform Controlled Dangerous Substances Act,
16 ~~Section 2-101 et seq. of this title,~~ or of any statute of the United
17 States relating to controlled dangerous substances as defined by the
18 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.~~
19 ~~of this title,~~ when the transaction is designed in whole or in part
20 to conceal or disguise the nature, location, source, ownership, or
21 control of the proceeds known to be derived from a violation of the
22 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.~~
23 ~~of this title,~~ or of any statute of the United States relating to
24 controlled dangerous substances as defined by the Uniform Controlled

1 Dangerous Substances Act, ~~Section 2-101 et seq. of this title,~~ or to
2 avoid a transaction reporting requirement under state or federal
3 law.

4 E. Any person convicted of violating any of the provisions of
5 this section is guilty of a felony and may be punished by
6 imprisonment ~~for not less than two (2) years nor more than ten (10)~~
7 years in the custody of the Department of Corrections for a term not
8 exceeding five (5) years or by a fine of not more than Fifty
9 Thousand Dollars (\$50,000.00) or by both said imprisonment and fine.

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

11
12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND
13 CORRECTIONS, dated 03/01/2017 - DO PASS, As Amended.

14
15
16
17
18
19
20
21
22
23
24