

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 3071

By: Worthen and Montgomery

7 AS INTRODUCED

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

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

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

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

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

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

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

3 Larceny in other cases is petit larceny.

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

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

3 B. Every person who, without making reasonable inquiry, buys,
4 receives, conceals, withholds, or aids in concealing or withholding
5 any property which has been stolen, embezzled, obtained by false
6 pretense or robbery, or otherwise feloniously obtained, under such
7 circumstances as should cause such person to make reasonable inquiry
8 to ascertain that the person from whom such property was bought or
9 received had the legal right to sell or deliver it shall be presumed
10 to have bought or received such property knowing it to have been so
11 stolen or wrongfully obtained. This presumption may, however, be
12 rebutted by proof.

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

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15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/07/2018 - DO
16 PASS, As Coauthored.

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