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February 28, 2018

AS AMENDED

SENATE BILL NO. 928

By: David of the Senate

and

O'Donnell of the House

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[ crimes and punishment - larceny of merchandise -
offenses - punishments - liability - effective date ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1731, is amended to read as follows:

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

1. For the first or second conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken is less than One Thousand Dollars (\$1,000.00), the violator 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); provided for the first or second conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in the county jail for a

1 term not to exceed thirty (30) days, and by a fine not less than
2 Fifty Dollars (\$50.00) nor more 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 is less than One Thousand
6 Dollars (\$1,000.00), ~~that the defendant has been two or more times~~
7 ~~before convicted of the same offense, the defendant shall, on a~~
8 ~~third or subsequent conviction,~~ the person shall be guilty of a
9 misdemeanor and shall be punished by ~~confinement~~ imprisonment in the
10 county jail for a term of not more than one (1) year, and by a fine
11 not exceeding One Thousand Dollars (\$1,000.00).

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

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 **ninety-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 pay restitution to the victim as
22 provided in Section 991f of Title 22 of the Oklahoma Statutes.

23 SECTION 2. This act shall become effective November 1, 2018.
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1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
February 28, 2018 - DO PASS AS AMENDED
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