

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 789

By: Treat

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5  
6 AS INTRODUCED

7 An Act relating to property crimes; amending 21 O.S.  
8 2011, Sections 1416, 1532, 1550.22, 1550.23, 1592, as  
9 last amended by Section 14, Chapter 221, O.S.L. 2016,  
10 1702 and 1720 (21 O.S. Supp. 2016, Section 1592),  
11 which relate to unlawful delivery of goods, receiving  
12 money or property intended for individual personated,  
13 credit or debit card theft, receiving or concealing  
14 lost credit card, forged instruments or coins,  
15 larceny of lost property and theft of aircraft,  
16 automobile or construction equipment; updating  
17 reference; modifying penalties and fines; amending 47  
18 O.S. 2011, Sections 4-102, 4-103 and 17-102, which  
19 relate to unauthorized use of implement of husbandry,  
20 unauthorized receipt or sale of an implement of  
21 husbandry and felony violations; modifying fines and  
22 penalties; making certain exception; amending 63 O.S.  
23 2011, Sections 2-403 and 2-503.1, which relate to  
24 prohibited acts and penalties and transactions  
derived from illegal drug activity; modifying  
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  
lading, receipt or voucher has been issued, unless such receipt or

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

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

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

20 3. If the value of the property is Two Thousand Five Hundred  
21 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars  
22 (\$15,000.00), the person shall be guilty of a felony punishable by  
23 imprisonment in the custody of the Department of Corrections not to  
24 exceed five (5) years, or in the county jail not to exceed one (1)

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

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

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

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

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

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

1 Dollars (\$2,500.00), the person shall be guilty of a felony  
2 punishable by imprisonment in the custody of the Department of  
3 Corrections not to exceed two (2) years, or in the county jail not  
4 to exceed one (1) year, or by a fine not to exceed Five Hundred  
5 Dollars (\$500.00), or by both such imprisonment and fine;

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

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

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

21 Section 1550.22. (a) A person who takes a credit card or debit  
22 card from the person, possession, custody or control of another  
23 without the cardholder's consent, or who, with knowledge that it has  
24 been so taken, receives the credit card or debit card with intent to

1 use it or to sell it, or to transfer it to a person other than the  
2 issuer or the cardholder, is guilty of card theft and is subject to  
3 the penalties set forth in Section ~~1550.33(a)~~ 1550.33 of this title.

4 (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) A person who has in his possession or under his control any  
10 credit card or debit card obtained under subsection (b) of this  
11 section is presumed to have violated this section.

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

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

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

23 Section 1592. A. Every person who, with intent to defraud,  
24 utters or publishes as true any forged, altered or counterfeited

1 instrument or any counterfeit gold or silver coin, the forging,  
2 altering or counterfeiting of which has previously been declared to  
3 be punishable, knowing such instrument or coin to be forged, altered  
4 or counterfeited, is ~~guilty of forgery in the second degree if the~~  
5 ~~value of the instrument is One Thousand Dollars (\$1,000.00) or more~~  
6 ~~and forgery in the third degree if the value of the instrument is~~  
7 ~~less than One Thousand Dollars (\$1,000.00)~~ punishable as follows:

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

13 2. If the value of the instrument is One Thousand Dollars  
14 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars  
15 (\$2,500.00), the person shall be guilty of forgery as a felony  
16 punishable by imprisonment in the custody of the Department of  
17 Corrections not to exceed two (2) years, or in the county jail 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 3. If the value of the instrument is Two Thousand Five Hundred  
21 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars  
22 (\$15,000.00), the person shall be guilty of forgery as a felony  
23 punishable by imprisonment in the custody of the Department of  
24 Corrections not to exceed five (5) years, or in the county jail not

1 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; and

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

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

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

21 Section 1702. One who finds lost property under circumstances  
22 which gives him knowledge or means of inquiry as to the true owner,  
23 and who appropriates such property to his own use, or to the use of  
24 another person who is not entitled thereto, without having first

1 made such effort to find the owner and restore the property to him  
2 as the circumstances render reasonable and just, is guilty of  
3 larceny punishable as follows:

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

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

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

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

1 punishable by imprisonment in the custody of the Department of  
2 Corrections not to exceed eight (8) years, or by a fine not to  
3 exceed One Thousand Dollars (\$1,000.00), or by both such  
4 imprisonment and fine.

5 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1720, is  
6 amended to read as follows:

7 Section 1720. Any person in this state who shall steal an  
8 aircraft, automobile or other automotive driven vehicle,  
9 construction equipment or farm equipment, shall be guilty of a  
10 felony, and upon conviction shall be punished by confinement in the  
11 State Penitentiary for a term ~~of not less than three (3) years, nor~~  
12 ~~more than twenty (20) years~~ not exceeding five (5) years if the  
13 value of the vehicle is less than Fifty Thousand Dollars  
14 (\$50,000.00) or for a term of not less than three (3) years, nor  
15 more than ten (10) years if the value of the vehicle is Fifty  
16 Thousand Dollars (\$50,000.00) or greater or by a fine in an amount  
17 that is equal to three times the value of the property that was  
18 stolen but not more than Five Hundred Thousand Dollars (\$500,000.00)  
19 or by both such fine and imprisonment and shall be ordered to pay  
20 restitution pursuant to Section 991f of Title 22 of the Oklahoma  
21 Statutes.

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

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

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

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

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

19 Section 17-102. A. Any person who is convicted of a violation  
20 of any of the provisions of the Uniform Vehicle Code declared by the  
21 Code or by other laws of this state to constitute a felony except  
22 those offenses specified in Sections 4-102 and 4-103 of this title,  
23 relating to Unauthorized Use of and Receiving or Disposing of a  
24 Vehicle or Implement of Husbandry, shall be guilty of a felony and

1 shall be punished by imprisonment for not less than one (1) year nor  
2 more than five (5) years, or by a fine of not less than Five Hundred  
3 Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00),  
4 or by both such fine and imprisonment.

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

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

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

20 Section 2-403. A. Any person found guilty of larceny, burglary  
21 or theft of controlled dangerous substances is guilty of a felony  
22 punishable by imprisonment for a period not to exceed ~~ten (10)~~ seven  
23 (7) years. A second or subsequent offense under this subsection is  
24 a felony punishable by imprisonment for not less ~~than ten (10)~~ seven

1 (7) years. Convictions for second or subsequent violations of this  
2 subsection shall not be subject to statutory provisions for  
3 suspended sentences, deferred sentences or probation.

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

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

17 Section 2-503.1. A. It is unlawful for any person knowingly or  
18 intentionally to receive or acquire proceeds and to conceal such  
19 proceeds, or engage in transactions involving proceeds, known to be  
20 derived from any violation of the Uniform Controlled Dangerous  
21 Substances Act, Section 2-101 et seq. of this title, or of any  
22 statute of the United States relating to controlled dangerous  
23 substances as defined by the Uniform Controlled Dangerous Substances  
24 Act, Section 2-101 et seq. of this title. This subsection does not

1 apply to any transaction between an individual and the counsel of  
2 the individual necessary to preserve the right to representation of  
3 the individual, as guaranteed by the Oklahoma Constitution and by  
4 the Sixth Amendment of the United States Constitution. However,  
5 this exception does not create any presumption against or  
6 prohibition of the right of the state to seek and obtain forfeiture  
7 of any proceeds derived from a violation of the Uniform Controlled  
8 Dangerous Substances Act, Section 2-101 et seq. of this title, or of  
9 any statute of the United States relating to controlled dangerous  
10 substances as defined by the Uniform Controlled Dangerous Substances  
11 Act, Section 2-101 et seq. of this title.

12 B. It is unlawful for any person knowingly or intentionally to  
13 give, sell, transfer, trade, invest, conceal, transport, or maintain  
14 an interest in or otherwise make available anything of value which  
15 that person knows is intended to be used for the purpose of  
16 committing or furthering the commission of any violation of the  
17 Uniform Controlled Dangerous Substances Act, Section 2-101 et seq.  
18 of this title, or of any statute of the United States relating to  
19 controlled dangerous substances as defined by the Uniform Controlled  
20 Dangerous Substances Act, Section 2-101 et seq. of this title.

21 C. It is unlawful for any person knowingly or intentionally to  
22 direct, plan, organize, initiate, finance, manage, supervise, or  
23 facilitate the transportation or transfer of proceeds known to be  
24 derived from any violation of the Uniform Controlled Dangerous

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

5 D. It is unlawful for any person knowingly or intentionally to  
6 conduct a financial transaction involving proceeds derived from a  
7 violation of the Uniform Controlled Dangerous Substances Act,  
8 Section 2-101 et seq. of this title, or of any statute of the United  
9 States relating to controlled dangerous substances as defined by the  
10 Uniform Controlled Dangerous Substances Act, Section 2-101 et seq.  
11 of this title, when the transaction is designed in whole or in part  
12 to conceal or disguise the nature, location, source, ownership, or  
13 control of the proceeds known to be derived from a violation of the  
14 Uniform Controlled Dangerous Substances Act, Section 2-101 et seq.  
15 of this title, or of any statute of the United States relating to  
16 controlled dangerous substances as defined by the Uniform Controlled  
17 Dangerous Substances Act, Section 2-101 et seq. of this title, or to  
18 avoid a transaction reporting requirement under state or federal  
19 law.

20 E. Any person convicted of violating any of the provisions of  
21 this section is guilty of a felony and may be punished by  
22 imprisonment ~~for not less than two (2) years nor more than ten (10)~~  
23 years in the custody of the Department of Corrections for a term not  
24

1 exceeding seven (7) years or by a fine of not more than Fifty  
2 Thousand Dollars (\$50,000.00) or by both said imprisonment and fine.

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