

1 STATE OF OKLAHOMA

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

3 SENATE BILL 928

By: David

7 AS INTRODUCED

8 An Act relating to crimes and punishment; amending 21
9 O.S. 2011, Section 1731, which relates to larceny of
10 merchandise; modifying offenses; modifying
11 punishments; stating certain penalties for aggregated
12 offenses; stating certain liability; and providing an
effective date.

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

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

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

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

1 one item of goods, edible meat or other corporeal property has been
2 taken, punishment shall be by imprisonment in the county jail for a
3 term not to exceed thirty (30) days, and by a fine not less than
4 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00).

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

14 3. In the event the value of the goods, edible meat or other
15 corporeal property is One Thousand Dollars (\$1,000.00) or more but
16 less than Two Thousand Five Hundred Dollars (\$2,500.00), ~~punishment~~
17 ~~shall be~~ the person shall be guilty of a felony and shall be
18 punished by imprisonment in the ~~State Penitentiary~~ custody of the
19 Department of Corrections for a term of not more than ~~five (5)~~ two
20 (2) years, and by a fine not to exceed One Thousand Dollars
21 (\$1,000.00).

22 4. In the event the value of the goods, edible meat or other
23 corporeal property is Two Thousand Five Hundred Dollars (\$2,500.00)
24 or more but less than Fifteen Thousand Dollars (\$15,000.00), the

1 person shall be guilty of a felony and shall be punished by
2 imprisonment in the custody of the Department of Corrections for a
3 term not to exceed five (5) years, and by a fine not to exceed One
4 Thousand Dollars (\$1,000.00).

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

11 B. When three or more separate offenses under this section are
12 committed within a thirty-day (30) period, the value of the goods,
13 edible meat or other corporeal property involved in each larceny
14 offense may be aggregated to determine the total value for purposes
15 of determining the appropriate punishment under this section.

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

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

SECTION 2. This act shall become effective November 1, 2018.

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