

2nd

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2281

By: ODonnell of the House and Treat of the Senate

Title: Crimes and punishments; modifying penalties and fines; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Treat	_____
Fry	_____
Shaw	_____
Thompson	_____
Jech	_____
Floyd	_____
Matthews	_____

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

2ND CONFERENCE COMMITTEE

SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2281

By: O'Donnell of the House

and

Treat and Pittman of the
Senate

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1416, which relates to the unlawful delivery of goods; modifying penalty to include threshold amounts; amending 21 O.S. 2011, Section 1451, as last amended by Section 10, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1451), which relates to embezzlement penalties; modifying threshold amounts; adding new threshold amount and penalty; amending 21 O.S. 2011, Section 1532, which relates to false personation; modifying penalty to include threshold amounts; amending 21 O.S. 2011, Sections 1541.2 and 1541.3, as amended by Sections 14 and 15, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Sections 1541.2 and 1541.3), which relate to penalties for false or bogus checks; modifying penalties to include threshold amounts; amending 21 O.S. 2011, Sections 1577, 1578 and 1579, as amended by Sections 17, 18 and 19, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Sections 1577, 1578 and 1579), which relate to penalties for forgery and counterfeiting crimes; modifying penalties to include threshold amounts; allowing series of offenses to be aggregated into one offense; amending 21 O.S. 2011, Section 1592, as amended by Section 14, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2017, Section 1592), which relates to forged instruments or coins; modifying

1 penalty to include threshold amounts; amending 21
2 O.S. 2011, Sections 1702, 1704 and 1705, as amended
3 by Sections 4 and 5, State Question No. 780, Petition
4 No. 404 (21 O.S. Supp. 2017, Sections 1704 and 1705),
5 which relate to penalties for larceny crimes;
6 modifying penalty to include threshold amounts;
7 clarifying scope of certain crime; amending 21 O.S.
8 2011, Section 1713, as amended by Section 6, State
9 Question No. 780, Petition No. 404 (21 O.S. Supp.
10 2017, Section 1713), which relates to penalties for
11 receiving stolen property; modifying penalty to
12 include threshold amounts; amending 21 O.S. 2011,
13 Section 1720, which relates to theft of aircraft,
14 automobiles, construction equipment and farm
15 equipment; modifying penalty to include threshold
16 amounts; amending 21 O.S. 2011, Section 1731, as
17 amended by Section 9, State Question No. 780,
18 Petition No. 404 (21 O.S. Supp. 2017, Section 1731),
19 which relates to larceny of merchandise from a
20 retailer; modifying penalty to include threshold
21 amounts; allowing series of offenses to be
22 aggregated; amending 47 O.S. 2011, Sections 4-102 and
23 4-103, which relate to unauthorized use of motor
24 vehicles or implements of husbandry; providing
separate penalties for unauthorized use of implements
of husbandry; amending 47 O.S. 2011, Section 17-102,
which relates to penalties for various offenses of
the Uniform Vehicle Code; providing exception to
certain penalty provision; amending 59 O.S. 2011,
Section 1512, as amended by Section 16, State
Question No. 780, Petition No. 404 (59 O.S. Supp.
2017, Section 1512), which relates to the Oklahoma
Pawnshop Act; modifying penalty to include threshold
amounts; 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 1451, as
11 last amended by Section 10, State Question No. 780, Petition No. 404
12 (21 O.S. Supp. 2017, Section 1451), is amended to read as follows:

13 Section 1451. A. Embezzlement is the fraudulent appropriation
14 of property of any person or legal entity, legally obtained, to any
15 use or purpose not intended or authorized by its owner, or the
16 secretion of the property with the fraudulent intent to appropriate
17 it to such use or purpose, under any of the following circumstances:

18 1. Where the property was obtained by being entrusted to that
19 person for a specific purpose, use, or disposition and shall
20 include, but not be limited to, any funds "held in trust" for any
21 purpose;

22 2. Where the property was obtained by virtue of a power of
23 attorney being granted for the sale or transfer of the property;

1 3. Where the property is possessed or controlled for the use of
2 another person;

3 4. Where the property is to be used for a public or benevolent
4 purpose;

5 5. Where any person diverts any money appropriated by law from
6 the purpose and object of the appropriation;

7 6. Where any person fails or refuses to pay over to the state,
8 or appropriate authority, any tax or other monies collected in
9 accordance with state law, and who appropriates the tax or monies to
10 the use of that person, or to the use of any other person not
11 entitled to the tax or monies;

12 7. Where the property is possessed for the purpose of
13 transportation, without regard to whether packages containing the
14 property have been broken;

15 8. Where any person removes crops from any leased or rented
16 premises with the intent to deprive the owner or landlord interested
17 in the land of any of the rent due from that land, or who
18 fraudulently appropriates the rent to that person or any other
19 person; or

20 9. Where the property is possessed or controlled by virtue of a
21 lease or rental agreement, and the property is willfully or
22 intentionally not returned within ten (10) days after the expiration
23 of the agreement.

24

1 Embezzlement does not require a distinct act of taking, but only
2 a fraudulent appropriation, conversion or use of property.

3 B. Except as provided in subsection C of this section,
4 embezzlement shall be punished as follows:

5 1. If the value of the property embezzled is less than One
6 Thousand Dollars (\$1,000.00), any person convicted shall be ~~punished~~
7 guilty of a misdemeanor punishable by a fine not exceeding One
8 Thousand Dollars (\$1,000.00), ~~or~~ by imprisonment in the county jail
9 for a term not ~~more than~~ to exceed one (1) year or, at the
10 discretion of the court, by imprisonment in the county jail for one
11 or more nights or weekends pursuant to Section 991a-2 of Title 22 of
12 the Oklahoma Statutes, or by both such fine and imprisonment;

13 2. If the value of the property embezzled is One Thousand
14 Dollars (\$1,000.00) or more but less than ~~Twenty-five Thousand~~
15 ~~Dollars (\$25,000.00)~~ Two Thousand Five Hundred Dollars (\$2,500.00),
16 any person convicted shall be guilty of a felony ~~and shall be~~
17 ~~punished~~ punishable by imprisonment in the custody of the Department
18 of Corrections for a term ~~of not more than five (5)~~ to exceed two
19 (2) years or in the county jail for a term not to exceed one (1)
20 year, and shall be subject to a fine ~~of~~ not exceeding Five Thousand
21 Dollars (\$5,000.00), and ordered to pay restitution to the victim as
22 provided in Section 991f of Title 22 of the Oklahoma Statutes; ~~or~~

23 3. If the value of the property embezzled is ~~Twenty-five~~
24 ~~Thousand Dollars (\$25,000.00)~~ Two Thousand Five Hundred Dollars

1 (\$2,500.00) or more but less than Fifteen Thousand Dollars
2 (\$15,000.00), any person convicted shall be guilty of a felony and
3 ~~shall be punished~~ punishable by imprisonment in the custody of the
4 Department of Corrections for a term ~~of not more than ten (10)~~ to
5 exceed five (5) years, and shall be subject to a fine not exceeding
6 ~~Ten Thousand Dollars (\$10,000.00)~~ Five Thousand Dollars (\$5,000.00),
7 and ordered to pay restitution to the victim as provided in Section
8 991f of Title 22 of the Oklahoma Statutes; or

9 4. If the value of the property embezzled is Fifteen Thousand
10 Dollars (\$15,000.00) or more, any person convicted shall be guilty
11 of a felony punishable by imprisonment in the custody of the
12 Department of Corrections for a term not to exceed eight (8) years,
13 subject to a fine not exceeding Ten Thousand Dollars (\$10,000.00),
14 and ordered to pay restitution to the victim as provided in Section
15 991f of Title 22 of the Oklahoma Statutes.

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

1 determine the ~~party's~~ intent of the party to commit a continuing
2 crime.

3 C. Any county or state officer, deputy or employee of such
4 officer, who shall divert any money appropriated by law from the
5 purpose and object of the appropriation, shall, upon conviction, be
6 guilty of a felony punishable by imprisonment in the custody of the
7 Department of Corrections for a term not less than one (1) year nor
8 more than ten (10) years, and a fine equal to triple the amount of
9 money so embezzled and ordered to pay restitution to the victim as
10 provided in Section 991f of Title 22 of the Oklahoma Statutes. The
11 fine shall operate as a judgment lien at law on all estate of the
12 party so convicted and sentenced, and shall be enforced by execution
13 or other process for the use of the person whose money or other
14 funds or property were embezzled. In all cases the fine, so
15 operating as a judgment lien, shall be released or entered as
16 satisfied only by the person in interest.

17 D. Any executor, administrator, trustee, beneficiary or other
18 person benefiting from, acting in a fiduciary capacity for, or
19 otherwise administering a probate, intestate, or trust estate,
20 whether the trust is inter vivos or testamentary, upon conviction of
21 embezzlement from the estate shall not receive any portion, share,
22 gift or otherwise benefit from the estate.

23 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1532, is
24 amended to read as follows:

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

8 1. If the value of the money or property is less than One
9 Thousand Dollars (\$1,000.00), the person shall be guilty of 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 money or property is One Thousand
14 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
15 Dollars (\$2,500.00), the person shall be guilty of 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 Five Thousand
19 Dollars (\$5,000.00), or by both such imprisonment and fine;

20 3. If the value of the money or property is Two Thousand Five
21 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand
22 Dollars (\$15,000.00), the person shall be guilty of 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 Five Thousand
2 Dollars (\$5,000.00), or by both such imprisonment and fine; and

3 4. If the value of the money or property is Fifteen Thousand
4 Dollars (\$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 Ten Thousand Dollars (\$10,000.00), or by both such
8 imprisonment and fine.

9 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1541.2, as
10 amended by Section 14, State Question No. 780, Petition No. 404 (21
11 O.S. Supp. 2017, Section 1541.2), is amended to read as follows:

12 Section 1541.2 A. If the value of the money, property or
13 valuable thing referred to in Section 1541.1 of this title is:

14 1. One Thousand Dollars (\$1,000.00) or more but less than Two
15 Thousand Five Hundred Dollars (\$2,500.00), ~~any the person convicted~~
16 ~~hereunder~~ shall be ~~deemed~~ guilty of a felony ~~and shall be punished~~
17 ~~punishable~~ by imprisonment in the ~~State Penitentiary~~ custody of the
18 ~~Department of Corrections~~ for a term not ~~more than ten (10)~~ to
19 ~~exceed two (2) years or in the county jail for a term not to exceed~~
20 ~~one (1) year~~, or by a fine not to exceed Five Thousand Dollars
21 ~~(\$5,000.00), or by both such fine and imprisonment;~~

22 2. Two Thousand Five Hundred Dollars (\$2,500.00) or more but
23 less than Fifteen Thousand Dollars (\$15,000.00), the person shall be
24 guilty of a felony punishable by imprisonment in the custody of the

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

5 3. Fifteen Thousand Dollars (\$15,000.00) or more, the person
6 shall be guilty of a felony punishable by imprisonment in the
7 custody of the Department of Corrections for a term not to exceed
8 eight (8) years, or by a fine not to exceed Five Thousand Dollars
9 (\$5,000.00), or by both such imprisonment and fine.

10 B. Any person convicted pursuant to this section shall also be
11 ordered to pay restitution to the victim as provided in Section 991f
12 of Title 22 of the Oklahoma Statutes.

13 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1541.3, as
14 amended by Section 15, State Question No. 780, Petition No. 404 (21
15 O.S. Supp. 2017, Section 1541.3), is amended to read as follows:

16 Section 1541.3 A. Any person making, drawing, uttering or
17 delivering two or more false or bogus checks, drafts or orders, as
18 defined by Section 1541.4 of this title, the total sum of which is
19 ~~One Thousand Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00) or
20 more, even though each separate instrument is written for less than
21 One Thousand Dollars (\$1,000.00), all in pursuance of a common
22 scheme or plan to cheat and defraud, shall be deemed guilty of a
23 felony and shall be punished as follows:

1 1. If the total sum of two or more false or bogus checks,
2 drafts or orders is Two Thousand Dollars (\$2,000.00) or more but
3 less than Two Thousand Five Hundred Dollars (\$2,500.00), the person
4 shall be punished by imprisonment in the ~~State Penitentiary~~ custody
5 of the Department of Corrections for a term not ~~more than ten (10)~~
6 to exceed two (2) years or in the county jail for a term not to
7 exceed one (1) year, or by a fine not to exceed Five Thousand
8 Dollars (\$5,000.00), or by both such fine and imprisonment;

9 2. If the total sum of two or more false or bogus checks,
10 drafts or orders is Two Thousand Five Hundred Dollars (\$2,500.00) or
11 more but less than Fifteen Thousand Dollars (\$15,000.00), the person
12 shall be punished by imprisonment in the custody of the Department
13 of Corrections for a term not to exceed five (5) years or in the
14 county jail for a term not to exceed one (1) year, or by a fine not
15 to exceed Five Thousand Dollars (\$5,000.00), or by both such fine
16 and imprisonment; or

17 3. If the total sum of two or more false or bogus checks,
18 drafts or orders is Fifteen Thousand Dollars (\$15,000.00) or more,
19 the person shall be punished by imprisonment in the custody of the
20 Department of Corrections for a term not to exceed eight (8) years,
21 or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by
22 both such fine and imprisonment.

23 B. If the total sum of two or more false or bogus checks,
24 drafts or orders is Five Hundred Dollars (\$500.00) or more but less

1 than Two Thousand Dollars (\$2,000.00), the person shall, upon
2 conviction, be guilty of a misdemeanor punishable by imprisonment in
3 the county jail for a term not to exceed one (1) year or, at the
4 discretion of the court, by imprisonment in the county jail for one
5 or more nights or weekends pursuant to Section 991a-2 of Title 22 of
6 the Oklahoma Statutes, shall be subject to a fine of not more than
7 Five Thousand Dollars (\$5,000.00), and ordered to pay restitution to
8 the victim as provided in Section 991f of Title 22 of the Oklahoma
9 Statutes.

10 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1577, as
11 amended by Section 17, State Question No. 780, Petition No. 404 (21
12 O.S. Supp. 2017, Section 1577), is amended to read as follows:

13 Section 1577. A. Every person who sells, exchanges or delivers
14 for any consideration any forged or counterfeited promissory note,
15 check, bill, draft, or other evidence of debt, or engagement for the
16 payment of money absolutely, or upon any contingency, knowing the
17 same to be forged or counterfeited, with intent to have the same
18 uttered or passed, or who offers any such note or other instrument
19 for sale, exchange or delivery for any consideration, with the like
20 knowledge and intent, or who receives any such note or other
21 instrument upon a sale, exchange or delivery for any consideration
22 with the like knowledge and intent, is ~~guilty of forgery in the~~
23 ~~third degree~~ punishable as follows:
24

1 1. If the value of the instrument is less than One Thousand
2 Dollars (\$1,000.00), the person shall be guilty of misdemeanor
3 forgery punishable by imprisonment in the county jail for a term not
4 to exceed one (1) year, or by a fine not to exceed One Thousand
5 Dollars (\$1,000.00), or by both such imprisonment and fine;

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

21 4. If the value of the instrument is Fifteen Thousand Dollars
22 (\$15,000.00) or more, the person shall be guilty of felony forgery
23 punishable by imprisonment in the custody of the Department of
24 Corrections for a term not to exceed eight (8) years, or by a fine

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

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

13 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1578, as
14 amended by Section 18, State Question No. 780, Petition No. 404 (21
15 O.S. Supp. 2017, Section 1578), is amended to read as follows:

16 Section 1578. A. Every person who, with intent to defraud, has
17 in his or her possession any forged, altered or counterfeit
18 negotiable note, bill, draft or other evidence of debt issued or
19 purporting to have been issued by any corporation or company duly
20 authorized for that purpose by the laws of this state or of any
21 other state, government or country, the forgery of which is
22 hereinbefore declared to be punishable, knowing the same to be
23 forged, altered or counterfeited, with intent to utter the same as
24

1 true or as false, or to cause the same to be so uttered, is ~~guilty~~
2 ~~of forgery in the third degree~~ punishable as follows:

3 1. If the value of the instrument is less than One Thousand
4 Dollars (\$1,000.00), the person shall be guilty of misdemeanor
5 forgery punishable by imprisonment in the county jail for a term 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;

8 2. If the value of the instrument is One Thousand Dollars
9 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
10 (\$2,500.00), the person shall be guilty of felony forgery punishable
11 by imprisonment in the custody of the Department of Corrections for
12 a term not to exceed two (2) years or in the county jail for a term
13 not 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;

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

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

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

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

15 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1579, as
16 amended by Section 19, State Question No. 780, Petition No. 404 (21
17 O.S. Supp. 2017, Section 1579), is amended to read as follows:

18 Section 1579. A. Every person who has in his or her possession
19 any forged or counterfeited instrument, the forgery of which is
20 hereinbefore declared to be punishable, other than such as are
21 enumerated in the last section, knowing the same to be forged,
22 counterfeited or falsely altered with intent to injure or defraud by
23 uttering the same to be true, or as false, or by causing the same to
24

1 be uttered, is ~~guilty of forgery in the third degree~~ punishable as
2 follows:

3 1. If the value of the instrument is less than One Thousand
4 Dollars (\$1,000.00), the person shall be guilty of misdemeanor
5 forgery punishable by imprisonment in the county jail for a term 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;

8 2. If the value of the instrument is One Thousand Dollars
9 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
10 (\$2,500.00), the person shall be guilty of felony forgery punishable
11 by imprisonment in the custody of the Department of Corrections for
12 a term not to exceed two (2) years or in the county jail for a term
13 not 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;

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

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

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

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

15 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1592, as
16 amended by Section 14, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2017,
17 Section 1592), is amended to read as follows:

18 Section 1592. A. Every person who, with intent to defraud,
19 utters or publishes as true any forged, altered or counterfeited
20 instrument or any counterfeit gold or silver coin, the forging,
21 altering or counterfeiting of which has previously been declared to
22 be punishable, knowing such instrument or coin to be forged, altered
23 or counterfeited, is ~~guilty of forgery in the second degree if the~~
24 ~~value of the instrument is One Thousand Dollars (\$1,000.00) or more~~

1 ~~and forgery in the third degree if the value of the instrument is~~
2 ~~less than One Thousand Dollars (\$1,000.00) punishable as follows:~~

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

8 2. If the value of the instrument is One Thousand Dollars
9 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
10 (\$2,500.00), the person shall be guilty of forgery as a felony
11 punishable by imprisonment in the custody of the Department of
12 Corrections not to exceed two (2) 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;

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

22 4. If the value of the instrument is Fifteen Thousand Dollars
23 (\$15,000.00) or more, the person shall be guilty of forgery as a
24 felony punishable by imprisonment in the custody of the Department

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

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

14 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1702, is
15 amended to read as follows:

16 Section 1702. One who finds lost property under circumstances
17 which gives him knowledge or means of inquiry as to the true owner,
18 and who appropriates such property to his own use, or to the use of
19 another person who is not entitled thereto, without having first
20 made such effort to find the owner and restore the property to him
21 as the circumstances render reasonable and just, is guilty of
22 larceny punishable as follows:

23 1. If the value of the property is less than One Thousand
24 Dollars (\$ 1,000.00), the person shall be guilty of a misdemeanor

1 punishable by imprisonment in the county jail not to exceed one (1)
2 year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or
3 by both such imprisonment and fine;

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

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

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

SECTION 11. AMENDATORY 21 O.S. 2011, Section 1704, as amended by Section 4, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1704), is amended to read as follows:

Section 1704. Grand larceny is larceny committed in either of the following cases:

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

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

Larceny in other cases is petit larceny.

SECTION 12. AMENDATORY 21 O.S. 2011, Section 1705, as amended by Section 5, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1705), is amended to read as follows:

Section 1705. A. Grand larceny is a felony punishable ~~by imprisonment in the State Penitentiary not exceeding five (5) years if~~ as follows:

1. If the value of the property is ~~One Thousand Dollars (\$1,000.00) or more and if the value of the property is less than One Thousand Dollars (\$1,000.00) punishable,~~ the person shall be punished by incarceration imprisonment in the county jail for a term not more than to exceed one (1) year or by incarceration in the county jail for one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the

1 court, ~~and shall be subject to or by~~ a fine ~~of not more than Five~~
2 ~~Thousand Dollars (\$5,000.00) and ordered to provide restitution to~~
3 ~~the victim as provided in Section 991a of Title 22 of the Oklahoma~~
4 ~~Statutes to exceed One Thousand Dollars (\$1,000.00), or by both such~~
5 imprisonment and fine;

6 2. If the property is one or more firearms, the property is
7 taken from the person of another, or the value of the property is
8 One Thousand Dollars (\$1,000.00) or more but less than Two Thousand
9 Five Hundred Dollars (\$2,500.00), the person shall be punished by
10 imprisonment in the custody of the Department of Corrections for a
11 term not to exceed two (2) years or in the county jail for a term
12 not to exceed one (1) year, or by a fine not to exceed One Thousand
13 Dollars (\$1,000.00), or by both such imprisonment and fine;

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

21 4. If the value of the property is Fifteen Thousand Dollars
22 (\$15,000.00) or more, the person shall be punished by imprisonment
23 in the custody of the Department of Corrections for a term not to
24

1 exceed eight (8) years, or by a fine not to exceed One Thousand
2 Dollars (\$1,000.00), or by both such imprisonment and fine.

3 B. The person shall also be ordered to pay restitution to the
4 victim as provided in Section 991f of Title 22 of the Oklahoma
5 Statutes.

6 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1713, as
7 amended by Section 6, State Question No. 780, Petition No. 404 (21
8 O.S. Supp. 2017, Section 1713), is amended to read as follows:

9 Section 1713. A. Every person who buys or receives, in any
10 manner, upon any consideration, ~~any~~ personal property of ~~any~~ a value
11 ~~whatsoever~~ of One Thousand Dollars (\$1,000.00) or more that has been
12 stolen, embezzled, obtained by false pretense or robbery, knowing or
13 having reasonable cause to believe the same to have been stolen,
14 embezzled, obtained by false pretense, or robbery, or who conceals,
15 withholds, or aids in concealing or withholding such property from
16 the owner, shall, ~~if the value of the property is One Thousand~~
17 ~~Dollars (\$1,000.00) or more~~ upon conviction, be guilty of a felony
18 punishable as follows:

19 1. If the value of the personal property is One Thousand
20 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
21 Dollars (\$2,500.00), the person shall be punished by imprisonment in
22 the State Penitentiary custody of the Department of Corrections for
23 a term not to exceed ~~five (5)~~ two (2) ~~years,~~ or in the county jail
24 for a term not to exceed one (1) year, or by a fine not to exceed

1 Five Hundred Dollars (\$500.00), or by both such fine and
2 imprisonment;

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

13 3. If the value of the personal property is Fifteen Thousand
14 Dollars (\$15,000.00) or more, the person may be punished by
15 imprisonment in the custody of the Department of Corrections for a
16 term not to exceed eight (8) years, or by a fine not to exceed Five
17 Hundred Dollars (\$500.00), or by both such imprisonment and fine.

18 B. If the personal property that has been stolen, embezzled,
19 obtained by false pretense or robbery has a value of less than One
20 Thousand Dollars (\$1,000.00), the person shall, upon conviction, be
21 guilty of a misdemeanor punishable by imprisonment in the county
22 jail for a term not to exceed six (6) months.

23 C. Every person who, without making reasonable inquiry, buys,
24 receives, conceals, withholds, or aids in concealing or withholding

1 any property which has been stolen, embezzled, obtained by false
2 pretense or robbery, or otherwise feloniously obtained, under such
3 circumstances as should cause such person to make reasonable inquiry
4 to ascertain that the person from whom such property was bought or
5 received had the legal right to sell or deliver it shall be presumed
6 to have bought or received such property knowing it to have been so
7 stolen or wrongfully obtained. This presumption may, however, be
8 rebutted by proof.

9 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1720, is
10 amended to read as follows:

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

24

1 fine and imprisonment and shall be ordered to pay restitution
2 pursuant to Section 991f of Title 22 of the Oklahoma Statutes.

3 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1731, as
4 amended by Section 9, State Question No. 780, Petition No. 404 (21
5 O.S. Supp. 2017, Section 1731), is amended to read as follows:

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

8 1. For the first or second conviction, in the event the value
9 of the goods, edible meat or other corporeal property which has been
10 taken is less than One Thousand Dollars (\$1,000.00), the ~~violate~~
11 person shall be guilty of a misdemeanor punishable by imprisonment
12 in the county jail for a term not exceeding thirty (30) days, and by
13 a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred
14 Dollars (\$500.00); provided, for the first or second conviction, in
15 the event more than one item of goods, edible meat or other
16 corporeal property has been taken, punishment shall be by
17 imprisonment in the county jail for a term not to exceed thirty (30)
18 days, and by a fine not less than Fifty Dollars (\$50.00) nor more
19 than Five Hundred Dollars (\$500.00).;

20 2. ~~If it be shown, in the trial of a case in which~~ For a third
21 or subsequent conviction, in the event the value of the goods,
22 edible meat or other corporeal property which has been taken is less
23 than One Thousand Dollars (\$1,000.00), ~~that the defendant has been~~
24 ~~two or more times before convicted of the same offense, the~~

1 ~~defendant~~ the person shall, ~~on a third or subsequent conviction,~~ be
2 guilty of a misdemeanor and shall be punished by confinement
3 imprisonment in the county jail for a term of not more than to
4 exceed one (1) year, and by a fine not exceeding One Thousand
5 Dollars (\$1,000.00);

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

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

20 5. In the event the value of the goods, edible meat or other
21 corporeal property is Fifteen Thousand Dollars (\$15,000.00) or more,
22 the person shall be guilty of a felony and shall be punished by
23 imprisonment in the custody of the Department of Corrections for a
24

1 term not to exceed eight (8) years, and by a fine not to exceed One
2 Thousand Dollars (\$ 1,000.00).

3 B. When three or more separate offenses under this section are
4 committed within a ninety-day period, the value of the goods, edible
5 meat or other corporeal property involved in each larceny offense
6 may be aggregated to determine the total value for purposes of
7 determining the appropriate punishment under this section.

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

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

17 SECTION 16. AMENDATORY 47 O.S. 2011, Section 4-102, is
18 amended to read as follows:

19 Section 4-102. A. A person not entitled to possession of a
20 vehicle ~~or implement of husbandry~~ who, without the consent of the
21 owner and with intent to deprive the owner, temporarily or
22 otherwise, of the vehicle ~~or implement of husbandry~~ or its
23 possession, takes, uses or drives the vehicle ~~or implement of~~
24 ~~husbandry~~ shall, upon conviction, be guilty of a felony punishable

1 by imprisonment in the custody of the Department of Corrections for
2 a term not to exceed two (2) years.

3 B. A person not entitled to possession of an implement of
4 husbandry who, without the consent of the owner and with intent to
5 deprive the owner, temporarily or otherwise, of the implement of
6 husbandry or its possession, takes, uses or drives the implement of
7 husbandry shall, upon conviction, be guilty of a felony punishable
8 in accordance with the provisions of Section 17-102 of this title.

9 SECTION 17. AMENDATORY 47 O.S. 2011, Section 4-103, is
10 amended to read as follows:

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

18 B. A person not entitled to the possession of an implement of
19 husbandry who receives, possesses, conceals, sells or disposes of
20 it, knowing the implement of husbandry to be stolen or converted
21 under circumstances constituting a crime shall, upon conviction, be
22 guilty of a felony punishable in accordance with the provisions of
23 Section 17-102 of this title.

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

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

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

23 C. One-half (1/2) of any fine collected pursuant to the
24 provisions of subsection B of this section, shall be deposited to

1 the Trauma Care Assistance Revolving Fund created in Section 1-2522
2 of Title 63 of the Oklahoma Statutes.

3 SECTION 19. AMENDATORY 59 O.S. 2011, Section 1512, as
4 amended by Section 16, State Question No. 780, Petition No. 404 (59
5 O.S. Supp. 2017, Section 1512), is amended to read as follows:

6 Section 1512. A. Rule Making Power. The Administrator shall
7 have the same authority to adopt, amend and repeal rules as is
8 conferred upon him by paragraph (e) of subsection (1), and
9 subsections (2) and (3) of Section 6-104 of Title 14A of the
10 Oklahoma Statutes, as applicable, and such rules shall have the same
11 effect as provided in subsection (4) of Section 6-104 thereunder.
12 In addition, the Administrator may adopt, amend and repeal such
13 other rules as are necessary for the enforcement of the provisions
14 of Section 1501 et seq. of this title and consistent with all its
15 provisions.

16 B. Administrative Enforcement. Compliance with the provisions
17 of this act may be enforced by the Administrator who may exercise,
18 for such purpose, all the powers enumerated in Part 1 of Article 6,
19 Title 14A of the Oklahoma Statutes, in the same manner as in
20 relation to consumer credit transactions under that act, as well as
21 those powers conferred in this act.

22 C. Criminal Penalties. 1. Any person who engages in the
23 business of operating a pawn shop without first securing the license
24 prescribed by this act shall be guilty of a misdemeanor and upon

conviction thereof shall be punished by a fine not in excess of One Thousand Dollars (\$1,000.00), by confinement in the county jail for not more than six (6) months or by both.

2. Any person selling or pledging property to a pawnbroker who uses false or altered identification or a false declaration of ownership as related to the provisions of Section 1515 of this title shall, ~~if~~ be punished as follows:

- a. if the value of the property is less than One Thousand Dollars (\$1,000.00) or more, the person shall, upon conviction, be guilty of a ~~felony, and upon conviction shall be punished~~ misdemeanor punishable by imprisonment in the ~~State Penitentiary not to exceed five (5) years or in the county jail for a term~~ 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. ~~However, if the property was acquired by means of robbery or burglary, the person,~~
- b. if the value of the property is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall, upon conviction, be ~~punished~~ guilty of a felony punishable by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a term not to exceed ~~five (5)~~ two (2) years or in the county jail for a

1 term not to exceed one (1) year, or by a fine not to
2 exceed Five Hundred Dollars (\$500.00), or by both such
3 imprisonment and fine, ~~without regard to the value of~~
4 the property

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

15 d. if the value of the personal property is Fifteen
16 Thousand Dollars (\$15,000.00) or more, the person
17 shall, upon conviction, be guilty of a felony
18 punishable by imprisonment in the custody of the
19 Department of Corrections for a term not to exceed
20 eight (8) years, or by a fine not to exceed Five
21 Hundred Dollars (\$500.00), or by both such
22 imprisonment and fine.

23 3. Any person who fails to repay a pawnbroker the full amount
24 received from a pawn or buy transaction after being officially

1 notified by a peace officer that the goods he or she pledged or sold
2 in that transaction were stolen or embezzled shall, upon conviction,
3 be guilty of a misdemeanor ~~and upon conviction shall be punished~~
4 punishable by imprisonment in the county jail for a term not to
5 exceed six (6) months, or a fine not to exceed Five Hundred Dollars
6 (\$500.00), or by both such fine and imprisonment.

7 D. Private Enforcement. 1. If any person engages in the
8 business of operating a pawnshop without first securing the license
9 prescribed by this act, or if any pawnbroker contracts for, charges
10 or receives a pawn finance charge in excess of that authorized by
11 this act, the pawn transaction shall be void and the customer is not
12 obligated to pay either the amount financed or the pawn finance
13 charge in connection with the transaction, and upon the customer's
14 demand, the pawnbroker shall be obligated to return to the customer,
15 as a refund, all amounts paid in connection with the transaction by
16 the customer and the pledged goods delivered to the pawnbroker in
17 connection with the pawn transaction or their value if the goods
18 cannot be returned. If a customer is entitled to a refund under
19 this section and a pawnbroker liable to the customer refuses to make
20 the refund within a reasonable time after demand, the customer shall
21 have an action against the pawnbroker and in the case of a
22 successful action to enforce such liability, the costs of the action
23 together with ~~attorney's~~ attorney fees as determined by the court
24 shall be awarded to the customer.

1 2. A pawnbroker who fails to disclose information to a customer
2 entitled to the information under this act is liable to that person
3 in an amount equal to the sum of:

4 a. twice the amount of the pawn finance charge in
5 connection with the transaction, or One Hundred
6 Dollars (\$100.00), whichever is greater~~7,~~ and

7 b. in the case of a successful action to enforce the
8 liability under paragraph 1 of this subsection, the
9 costs of the action together with reasonable
10 ~~attorney's~~ attorney fees as determined by the court.

11 SECTION 20. This act shall become effective November 1, 2018.

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