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February 24, 2020

By: Shaw

An Act relating to larceny; amending 21 O.S. 2011, Section 1731, as amended by Section 15, Chapter 116, O.S.L. 2018 (21 O.S. Supp. 2019, Section 1731), which relates to punishment for recidivists; modifying certain time element; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1731, as amended by Section 15, Chapter 116, O.S.L. 2018 (21 O.S. Supp. 2019, Section 1731), is amended to read as follows:

Section 1731. A. 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 person shall be guilty of a misdemeanor 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

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

6 2. For a third or subsequent conviction, in the event the value
7 of the goods, edible meat or other corporeal property which has been
8 taken is less than One Thousand Dollars (\$1,000.00), the person
9 shall be guilty of a misdemeanor and shall be punished by
10 imprisonment in the county jail for a term not to exceed one (1)
11 year, and by a fine 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), the person
15 shall be guilty of a felony and shall be punished by imprisonment in
16 the custody of the Department of Corrections for a term not to
17 exceed two (2) years, and by a fine not to exceed One Thousand
18 Dollars (\$1,000.00);

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

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~~ one-year period, the value of the
11 goods, edible meat or other corporeal property involved in each
12 larceny offense may be aggregated to determine the total value for
13 purposes of determining the appropriate punishment under this
14 section.

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

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

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SECTION 2. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
February 24, 2020 - DO PASS