

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1441

By: David

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5
6 AS INTRODUCED

7 An Act relating to crime and punishment; amending 21
8 O.S. 2011, Section 1731, as amended by Section 15,
9 Chapter 116, O.S.L. 2018 (21 O.S. Supp. 2019, Section
10 1731), which relates to larceny; providing for
11 certain offense and punishment; and providing an
12 effective date.

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

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

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

19 1. For the first or second conviction, in the event the value
20 of the goods, edible meat or other corporeal property which has been
21 taken is less than One Thousand Dollars (\$1,000.00), the person
22 shall be guilty of a misdemeanor punishable by imprisonment in the
23 county jail for a term not exceeding thirty (30) days, and by a fine
24 not less than Ten Dollars (\$10.00) nor more than Five Hundred
25 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 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. When four or more separate offenses under paragraphs 1 and 2
15 of subsection A of this section are committed within a one-year
16 period, the violation shall constitute a pattern of criminal
17 offenses and shall be punished as provided in Section 425 of this
18 title.

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

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

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

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