

1 ENGROSSED SENATE AMENDMENT

TO

2 ENGROSSED HOUSE

BILL NO. 2153

By: Ford of the House

3
4 and

Pederson of the Senate

5
6
7 [crimes and punishments - penalties for grand

8 larceny and petit larceny - threshold amount that

9 constitutes grand larceny -

10 emergency]

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13 AUTHOR: Remove as principal Senate author Pederson and substitute
14 as principal Senate author Bergstrom. Retain Pederson as
Senate coauthor

15 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
16 and entire bill and insert

17 "An Act relating to the Uniform Controlled Dangerous
18 Substances Act; amending 63 O.S. 2021, Section 2-402,
19 as amended by Section 3, State Question No. 780,
20 Initiative Petition No. 404, which relates to
21 prohibited acts and penalties; updating statutory
22 reference; providing for misdemeanor upon conviction;
23 authorizing the court to make certain orders under
24 certain circumstances; authorizing certain drug
testing requirement; authorizing the court to impose
certain punishment; requiring certain felony;
requiring certain felony change to a misdemeanor
under certain circumstances; prohibiting application
of certain provisions for possession of marijuana;
and providing an effective date.

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

3 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-402, as
4 amended by Section 3, State Question No. 780, Initiative Petition
5 No. 404, is amended to read as follows:

6 Section 2-402. A. 1. It shall be unlawful for any person
7 knowingly or intentionally to possess a controlled dangerous
8 substance unless such substance was obtained directly, or pursuant
9 to a valid prescription or order from a practitioner, while acting
10 in the course of his or her professional practice, or except as
11 otherwise authorized by ~~this act~~ Section 2-101 et seq. of this
12 title.

13 2. It shall be unlawful for any person to purchase any
14 preparation excepted from the provisions of the Uniform Controlled
15 Dangerous Substances Act pursuant to Section 2-313 of this title in
16 an amount or within a time interval other than that permitted by
17 Section 2-313 of this title.

18 3. It shall be unlawful for any person or business to sell,
19 market, advertise or label any product containing ephedrine, its
20 salts, optical isomers, or salts of optical isomers, for the
21 indication of stimulation, mental alertness, weight loss, appetite
22 control, muscle development, energy or other indication which is not
23 approved by the pertinent federal OTC Final Monograph, Tentative
24 Final Monograph, or FDA-approved new drug application or its legal

1 equivalent. In determining compliance with this requirement, the
2 following factors shall be considered:

- 3 a. the packaging of the product,
- 4 b. the name of the product, and
- 5 c. the distribution and promotion of the product,
6 including verbal representations made at the point of
7 sale.

8 B. 1. Any person who violates this section is guilty of a
9 misdemeanor punishable by confinement for not more than one (1) year
10 and by a fine not exceeding One Thousand Dollars (\$1,000.00).

11 2. Any person who violates this section a second time within
12 ten (10) years, upon conviction, shall be guilty of a misdemeanor.
13 The court may, with the consent of the defendant, order the
14 defendant to complete a substance abuse assessment and evaluation
15 and to complete a diversion program for up to one (1) year following
16 the date of conviction in lieu of other punishments. At the
17 discretion of the court, the diversion program may include drug
18 testing as a requirement. If the defendant refuses or fails to
19 complete the assessment and evaluation or diversion program, the
20 court may impose punishment as provided for in paragraph 1 of this
21 subsection. The provisions of this paragraph shall not apply to
22 violations related to the possession of marijuana.

23 3. Any person who violates this section a third time within ten
24 (10) years shall, upon conviction, be guilty of a misdemeanor

1 punishable by a fine not exceeding One Thousand Dollars (\$1,000.00),
2 imprisonment in the county jail for a minimum of thirty (30) days,
3 or by both such fine and imprisonment. The court may, with the
4 consent of the defendant, order the defendant to complete a
5 substance abuse assessment and evaluation and to complete a
6 diversion program for up to three (3) years following the date of
7 conviction. At the discretion of the court, the diversion program
8 may include drug testing as a requirement. If the defendant refuses
9 or fails to complete the assessment and evaluation or diversion
10 program, the court may impose punishment as provided for in
11 paragraph 1 of this subsection. The provisions of this paragraph
12 shall not apply to violations related to the possession of
13 marijuana.

14 4. a. Any person who violates this section a fourth time
15 within ten (10) years shall, upon conviction, be
16 guilty of a felony punishable by a fine not exceeding
17 Five Thousand Dollars (\$5,000.00), imprisonment in the
18 custody of the Department of Corrections for not less
19 than one (1) year nor more than five (5) years, or by
20 both such fine and imprisonment.

21 b. Upon a verdict or plea of guilty or upon a plea of
22 nolo contendere, but before a judgment of guilt of a
23 violation of this paragraph, the court may, without
24 entering a judgment of guilt and with the consent of

1 the defendant, defer further proceedings upon the
2 specific conditions prescribed by the court not to
3 exceed a three-year period. The court may, with the
4 consent of the defendant, order the defendant to
5 complete a substance abuse assessment and evaluation
6 and to complete a diversion program for up to three
7 (3) years.

8 c. Upon successful completion of the court-ordered
9 substance abuse assessment and evaluation and
10 diversion program ordered by the court within the time
11 prescribed, the felony charge shall be changed to a
12 misdemeanor. If the defendant refuses or fails to
13 complete the assessment and evaluation or diversion
14 program, the court may impose punishment as provided
15 for in subparagraph a of this paragraph.

16 d. The provisions of this paragraph shall not apply to
17 violations related to the possession of marijuana.

18 C. Any person convicted of any offense described in this
19 section shall, in addition to any fine imposed, pay a special
20 assessment trauma-care fee of One Hundred Dollars (\$100.00) to be
21 deposited into the Trauma Care Assistance Revolving Fund created in
22 Section 1-2530.9 of this title.

23 SECTION 2. This act shall become effective November 1, 2023.”
24

1 Passed the Senate the 27th day of April, 2023.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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8 _____
9 Presiding Officer of the House
10 of Representatives

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2 BILL NO. 2153

By: Ford of the House

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

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SECTION 3. AMENDATORY 21 O.S. 2021, Section 1704, is

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amended to read as follows:

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Section 1704. Grand larceny is larceny committed in either of

18

the following cases:

19

1. When the property taken is of a value of ~~One Thousand~~

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~~Dollars (\$1,000.00)~~ Seven Hundred Fifty Dollars (\$750.00) or

21

greater; or

22

2. When such property, although not of a value of ~~One Thousand~~

23

~~Dollars (\$1,000.00)~~ Seven Hundred Fifty Dollars (\$750.00) or

24

greater, is taken from the person of another.

1 Larceny in other cases is petit larceny.

2 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1705, is
3 amended to read as follows:

4 Section 1705. A. Grand larceny is a felony punishable as
5 follows:

6 1. If the value of the property is less than ~~One Thousand~~
7 ~~Dollars (\$1,000.00)~~ Seven Hundred Fifty Dollars (\$750.00), the
8 person shall be punished by imprisonment in the county jail for a
9 term not to exceed one (1) year or by incarceration in the county
10 jail for one or more nights or weekends pursuant to Section 991a-2
11 of Title 22 of the Oklahoma Statutes, at the option of the court, or
12 by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both
13 such imprisonment and fine;

14 2. If the property is one or more firearms, the property is
15 taken from the person of another, or the value of the property is
16 ~~One Thousand Dollars (\$1,000.00)~~ Seven Hundred Fifty Dollars
17 (\$750.00) or more but less than Two Thousand Five Hundred Dollars
18 (\$2,500.00), the person shall be punished by imprisonment in the
19 custody of the Department of Corrections for a term not to exceed
20 two (2) years or in the county jail for a term 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;

23 3. In the event the value of the property is Two Thousand Five
24 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand

1 Dollars (\$15,000.00), the person shall be punished by imprisonment
2 in the custody of the Department of Corrections for a term not to
3 exceed five (5) years or in the county jail for a term not to exceed
4 one (1) year, or by a fine not to exceed One Thousand Dollars
5 (\$1,000.00), or by both such imprisonment and fine; or

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

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

14 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1706, is
15 amended to read as follows:

16 Section 1706. A. Petit larceny shall be punishable by a fine
17 of not less than Ten Dollars (\$10.00) or more than Five Hundred
18 Dollars (\$500.00), or imprisonment in the county jail not to exceed
19 six (6) months, or by both such fine and imprisonment, at the
20 discretion of the court.

21 B. Upon a third or subsequent conviction for petit larceny, the
22 person shall be guilty of a felony.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

