

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1592

By: George and Turner of the
House

4 and

5 Weaver of the Senate

6
7 An Act relating to larceny; providing elements of
8 organized retail crime; providing penalties; amending
9 21 O.S. 2021, Section 425, which relates to patterns
10 of criminal offenses; expanding scope of offense;
11 amending 21 O.S. 2021, Section 792, which relates to
12 robbery; deleting exception; amending 21 O.S. 2021,
13 Section 1731, as amended by Section 1, Chapter 176,
14 O.S.L. 2024 (21 O.S. Supp. 2024, Section 1731), which
15 relates to larceny of merchandise; modifying period
16 of aggregated offenses; amending Section 1, Chapter
17 333, O.S.L. 2023 (21 O.S. Supp. 2024, Section 2200),
18 which relates to the Oklahoma Organized Retail Crime
19 Task Force; recreating Task Force; providing for the
20 continuation of appointment selections; authorizing
21 the Office of the Attorney General to staff the task
22 force and employ task force officers; stating duties
23 of officers; providing for codification; and
24 providing an effective date.

18 AUTHOR: Add the following House Coauthors: Cantrell and Wolfley

19 AUTHOR: Add the following Senate Coauthor: Hamilton

20 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
21 entire bill and insert

22 "An Act relating to larceny; providing elements of
23 organized retail crime; providing penalties; amending
24 21 O.S. 2021, Section 425, which relates to patterns
of criminal offenses; expanding scope of offense;
amending 21 O.S. 2021, Section 792, which relates to

1 robbery; deleting exception; amending Section 1,
2 Chapter 333, O.S.L. 2023 (21 O.S. Supp. 2024, Section
3 2200), which relates to the Oklahoma Organized Retail
4 Crime Task Force; recreating task force; providing
5 for the continuation of appointment selections;
6 authorizing the Office of the Attorney General to
7 staff the task force and employ task force officers;
8 stating duties of officers; updating statutory
9 language; updating statutory references; providing
10 for codification; and providing an effective date.
11

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 1731.2 of Title 21, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Actions relating to theft, retail theft, or larceny shall be
17 sufficient to constitute organized retail crime when two or more of
18 the following circumstances occur:

19 1. The property taken is intended for resale;

20 2. Such property is taken by two or more persons acting
21 jointly;

22 3. The persons taking the property do so while possessing tools
23 of theft including, but not limited to, tag cutters, foil-lined
24 bags, weapons, or other means of evading detection;

25 4. The persons taking the property attempt to exit through fire
26 escapes, employee exits, or other non-public means of entry or exit;

27 5. The persons taking such property remove, destroy,
28 deactivate, or knowingly evade any component of an anti-shoplifting

1 or inventory control device to prevent the activation of that device
2 or to facilitate another person in committing retail crime;

3 6. A person receives, purchases, or possesses retail
4 merchandise for sale or resale knowing or believing the retail
5 merchandise was stolen from a retail merchant;

6 7. The persons use a getaway driver or the motor vehicle of
7 another person or a rented or stolen motor vehicle when committing
8 retail crime; or

9 8. The persons use a paper, fraudulent, altered, or obstructed
10 license plate, use a license plate meant for a different vehicle, or
11 do not have any license plate.

12 B. Any person found to be in violation of this section shall be
13 punished as follows:

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

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

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

4 SECTION 2. AMENDATORY 21 O.S. 2021, Section 425, is
5 amended to read as follows:

6 Section 425. A. Any person who engages in a pattern of
7 criminal offenses in two or more counties or municipalities in this
8 state or who attempts or conspires with others to engage in a
9 pattern of criminal offenses shall, upon conviction, be ~~punishable~~
10 punished by imprisonment in the Department of Corrections for a term
11 not exceeding two (2) years, or imprisonment in the county jail for
12 a term not exceeding one (1) year, or by a fine ~~in an amount~~ not
13 more than Twenty-five Thousand Dollars (\$25,000.00), or by both such
14 fine and imprisonment. Such punishment shall be in addition to any
15 penalty imposed for any offense involved in the pattern of criminal
16 offenses. Double jeopardy shall attach upon conviction.

17 B. For purposes of ~~this act~~ this section and Section 125.1 of
18 Title 22 of the Oklahoma Statutes, "pattern of criminal offenses"
19 means:

20 1. Two or more criminal offenses are committed that are part of
21 the same plan, scheme, or adventure; ~~or~~

22 2. A sequence of two or more of the same criminal offenses are
23 committed and are not separated by an interval of more than thirty
24

(30) days between the first and second offense, the second and third, and so on; or

3. Two or more criminal offenses are committed, each proceeding from or having as an antecedent element a single prior incident or pattern of fraud, robbery, burglary, theft, identity theft, receipt of stolen property, false personation, false pretenses, obtaining property by trick or deception, taking a credit or debit card without consent, or the making, transferring, or receiving of a false or fraudulent identification card.

C. Jurisdiction and venue for a pattern of criminal offenses occurring in multiple counties in this state shall be determined as provided in Section ~~4~~ 125.1 of ~~this act~~ Title 22 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 21 O.S. 2021, Section 792, is amended to read as follows:

Section 792. To constitute robbery, the force or fear must be employed either to obtain or retain possession of the property, or to prevent or overcome resistance to the taking. ~~If employed merely as a means of escape, it does not constitute robbery.~~

SECTION 4. AMENDATORY Section 1, Chapter 333, O.S.L. 2023 (21 O.S. Supp. 2024, Section 2200), is amended to read as follows:

Section 2200. A. There is hereby ~~created~~ recreated, to continue until June 1, 2026, the Oklahoma Organized Retail Crime

1 Task Force ~~until December 31, 2024~~. The purpose of the task force
2 shall be to provide the Legislature and the Governor with
3 information on organized retail crime and the advantages and
4 drawbacks of instituting various countermeasures to counter losses
5 from retail theft in the state.

6 B. The task force shall consist of fifteen (15) members as
7 follows:

8 1. Three members, appointed by the Governor, one of whom shall
9 be an individual who represents state or local law enforcement;

10 2. Two members appointed by the President Pro Tempore of the
11 ~~Oklahoma State~~ Senate;

12 3. Two members appointed by the Speaker of the ~~Oklahoma~~ House
13 of Representatives;

14 4. One member appointed by the District Attorneys Council;

15 5. One member appointed by the Oklahoma Retail Merchants
16 Association;

17 6. One member appointed by the State Chamber;

18 7. One member appointed by the Oklahoma Sheriffs' Association;

19 8. One member appointed by the Oklahoma Association of Chiefs
20 of Police;

21 9. One member appointed by the Attorney General;

22 10. One member from the Convenience Distributors of Oklahoma;

23 and

24 11. One member from the Oklahoma Grocers Association.

1 C. Quorum for official business of the task force shall be
2 eight members. A chairperson and a vice chairperson shall be
3 elected by a majority vote of the members of the task force.

4 D. ~~Appointments to~~ Members who were serving on the task force
5 as of December 31, 2024, shall automatically be ~~made by the~~
6 ~~appointing authority no later than sixty (60) days after the~~
7 ~~effective date of this act~~ on the Oklahoma Organized Retail Crime
8 Task Force. Appointed members shall, to the greatest extent
9 practicable, have by education or experience, knowledge of organized
10 retail theft. The chair shall hold the first meeting of the task
11 force no later than ninety (90) days after ~~the effective date of~~
12 ~~this act~~ June 6, 2023. Any vacancies in the membership of the task
13 force shall be filled in the same manner provided for in the initial
14 appointment.

15 E. The members of the task force shall receive no compensation
16 but shall receive travel reimbursement for necessary travel expenses
17 incurred in the performance of their duties in accordance with the
18 State Travel Reimbursement Act. The task force shall be staffed by
19 the ~~Senate~~ Office of the Attorney General.

20 F. The task force may consult with any organization, government
21 entity, or person in the development of its report required pursuant
22 to the provisions of subsection G of this section.

23 G. On or before ~~December 15, 2024~~ December 31, 2025, the task
24 force shall electronically submit to the Governor, the President Pro

1 Tempore of the ~~Oklahoma State~~ Senate, the ~~Oklahoma~~ Speaker of the
2 House of Representatives, and the chairs of the House and Senate
3 committees that oversee public safety, a report containing, but not
4 limited to, the following information based on available data:

5 1. A review of laws and regulations on organized retail crime
6 used by other states, the federal government, and foreign countries
7 to regulate the marketplace;

8 2. The use of organized retail theft's impact on state and
9 local tax receipts;

10 3. The need for interagency coordination of public education
11 and outreach and prevention programs for business owners; and

12 4. Legislative and regulatory recommendations, if any, to
13 increase transparency and security, enhance consumer protections,
14 prevent organized retail theft, and to address the long-term
15 economic impact related to the prevalence of organized retail crime.

16 H. The Office of the Attorney General may employ, either
17 directly or through memorandums of understanding or cross-
18 deputization agreements, persons to serve as Oklahoma Organized
19 Retail Crime Task Force officers whose primary responsibility shall
20 be to prevent, respond to, investigate, and prosecute criminal
21 violations related to organized retail crime.

22 SECTION 5. This act shall become effective November 1, 2025."
23
24

1 Passed the Senate the 7th day of May, 2025.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2025.

7
8 _____
9 Presiding Officer of the House
10 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 1592

By: George and Turner of the
House

3 and

4 Weaver of the Senate
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7 An Act relating to larceny; providing elements of
8 organized retail crime; providing penalties; amending
9 21 O.S. 2021, Section 425, which relates to patterns
10 of criminal offenses; expanding scope of offense;
11 amending 21 O.S. 2021, Section 792, which relates to
12 robbery; deleting exception; amending 21 O.S. 2021,
13 Section 1731, as amended by Section 1, Chapter 176,
14 O.S.L. 2024 (21 O.S. Supp. 2024, Section 1731), which
15 relates to larceny of merchandise; modifying period
16 of aggregated offenses; amending Section 1, Chapter
17 333, O.S.L. 2023 (21 O.S. Supp. 2024, Section 2200),
which relates to the Oklahoma Organized Retail Crime
Task Force; recreating Task Force; providing for the
continuation of appointment selections; authorizing
the Office of the Attorney General to staff the task
force and employ task force officers; stating duties
of officers; providing for codification; and
providing an effective date.

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

19 SECTION 6. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 1731.2 of Title 21, unless there
21 is created a duplication in numbering, reads as follows:

22 A. Actions relating to theft, retail theft, or larceny shall
23 constitute organized retail crime when two or more of the following
24 circumstances occur:

1 1. The property taken is intended for resale;

2 2. Such property is taken by two or more persons acting
3 jointly;

4 3. The persons taking the property do so while possessing tools
5 of theft including, but not limited to, tag cutters, foil-lined
6 bags, weapons, or other means of evading detection;

7 4. The persons taking the property attempt to exit through fire
8 escapes, employee exits, or other non-public means of entry or exit;

9 5. The persons taking such property have a means of getaway to
10 evade capture or arrest;

11 6. The persons taking such property remove, destroy,
12 deactivate, or knowingly evade any component of an anti-shoplifting
13 or inventory control device to prevent the activation of that device
14 or to facilitate another person in committing retail crime;

15 7. A person receives, purchases, or possesses retail
16 merchandise for sale or resale knowing or believing the retail
17 merchandise was stolen from a retail merchant;

18 8. The persons use any container, device, or other article to
19 facilitate a retail crime;

20 9. The persons use the motor vehicle of another person or a
21 rented or stolen motor vehicle when committing retail crime; or

22 10. The persons use a paper, fraudulent, altered, or obstructed
23 license plate, use a license plate meant for a different vehicle, or
24 do not have any license plate.

B. Violations of this section shall be punished as follows:

1. In the event the value of the property is less than Fifteen Thousand Dollars (\$15,000.00), the person shall be punished by imprisonment in the custody of the Department of Corrections for a term 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 One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; or

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

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

SECTION 7. AMENDATORY 21 O.S. 2021, Section 425, is amended to read as follows:

Section 425. A. Any person who engages in a pattern of criminal offenses in two or more counties or municipalities in this state or who attempts or conspires with others to engage in a pattern of criminal offenses shall, upon conviction, be ~~punishable~~ punished by imprisonment in the Department of Corrections for a term not exceeding two (2) years, or imprisonment in the county jail for a term not exceeding one (1) year, or by a fine in an amount not

1 more than Twenty-five Thousand Dollars (\$25,000.00), or by both such
2 fine and imprisonment. Such punishment shall be in addition to any
3 penalty imposed for any offense involved in the pattern of criminal
4 offenses. Double jeopardy shall attach upon conviction.

5 B. For purposes of this act, "pattern of criminal offenses"
6 means:

7 1. Two or more criminal offenses are committed that are part of
8 the same plan, scheme, or adventure; ~~or~~

9 2. A sequence of two or more of the same criminal offenses are
10 committed and are not separated by an interval of more than thirty
11 (30) days between the first and second offense, the second and
12 third, and so on; or

13 3. Two or more criminal offenses are committed, each proceeding
14 from or having as an antecedent element a single prior incident or
15 pattern of fraud, robbery, burglary, theft, identity theft, receipt
16 of stolen property, false personation, false pretenses, obtaining
17 property by trick or deception, taking a credit or debit card
18 without consent, or the making, transferring or receiving of a false
19 or fraudulent identification card.

20 C. Jurisdiction and venue for a pattern of criminal offenses
21 occurring in multiple counties in this state shall be determined as
22 provided in Section ~~±~~ 125.1 of ~~this act~~ Title 22 of the Oklahoma
23 Statutes.

1 SECTION 8. AMENDATORY 21 O.S. 2021, Section 792, is
2 amended to read as follows:

3 Section 792. To constitute robbery, the force or fear must be
4 employed either to obtain or retain possession of the property, or
5 to prevent or overcome resistance to the taking. ~~If employed merely~~
6 ~~as a means of escape, it does not constitute robbery.~~

7 SECTION 9. AMENDATORY 21 O.S. 2021, Section 1731, as
8 amended by Section 1, Chapter 176, O.S.L. 2024 (21 O.S. Supp. 2024,
9 Section 1731), is amended to read as follows:

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

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

24

1 2. For a third or subsequent conviction, in the event the value
2 of the goods, edible meat, or other corporeal property which has
3 been taken is less than ~~One Thousand Dollars (\$1,000.00)~~ Five
4 Hundred Dollars (\$500.00), the person shall be guilty of a
5 misdemeanor and shall be punished by imprisonment in the county jail
6 for a term not to exceed one (1) year, and by a fine not exceeding
7 One Thousand Dollars (\$1,000.00);

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

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

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

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

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

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

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

19 SECTION 10. AMENDATORY Section 1, Chapter 333, O.S.L.
20 2023 (21 O.S. Supp. 2024, Section 2200), is amended to read as
21 follows:

22 Section 2200. A. There is hereby ~~created~~ recreated, to
23 continue until June 1, 2026, the Oklahoma Organized Retail Crime
24 Task Force ~~until December 31, 2024.~~ The purpose of the task force

1 shall be to provide the Legislature and the Governor with
2 information on organized retail crime and the advantages and
3 drawbacks of instituting various countermeasures to counter losses
4 from retail theft in the state.

5 B. The task force shall consist of fifteen (15) members as
6 follows:

7 1. Three members, appointed by the Governor, one of whom shall
8 be an individual who represents state or local law enforcement;

9 2. Two members appointed by the President Pro Tempore of the
10 Oklahoma State Senate;

11 3. Two members appointed by the Speaker of the Oklahoma House
12 of Representatives;

13 4. One member appointed by the District Attorneys Council;

14 5. One member appointed by the Oklahoma Retail Merchants
15 Association;

16 6. One member appointed by the State Chamber;

17 7. One member appointed by the Oklahoma Sheriffs' Association;

18 8. One member appointed by the Oklahoma Association of Chiefs
19 of Police;

20 9. One member appointed by the Attorney General;

21 10. One member from the Convenience Distributors of Oklahoma;
22 and

23 11. One member from the Oklahoma Grocers Association.
24

1 C. Quorum for official business of the task force shall be
2 eight members. A chairperson and a vice chairperson shall be
3 elected by a majority vote of the members of the task force.

4 D. ~~Appointments to~~ Members who were serving on the task force
5 as of December 31, 2024, shall automatically be ~~made by the~~
6 ~~appointing authority no later than sixty (60) days after the~~
7 ~~effective date of this act~~ on the Oklahoma Organized Retail Crime
8 Task Force. Appointed members shall, to the greatest extent
9 practicable, have by education or experience, knowledge of organized
10 retail theft. The chair shall hold the first meeting of the task
11 force no later than ninety (90) days after the effective date of
12 this act. Any vacancies in the membership of the task force shall
13 be filled in the same manner provided for in the initial
14 appointment.

15 E. The members of the task force shall receive no compensation
16 but shall receive travel reimbursement for necessary travel expenses
17 incurred in the performance of their duties in accordance with the
18 State Travel Reimbursement Act. The task force shall be staffed by
19 the ~~Senate~~ Office of the Attorney General.

20 F. The task force may consult with any organization, government
21 entity, or person in the development of its report required pursuant
22 to the provisions of subsection G of this section.

23 G. On or before ~~December 15, 2024~~ December 31, 2025, the task
24 force shall electronically submit to the Governor, the President Pro

1 Tempore of the Oklahoma State Senate, the Oklahoma Speaker of the
2 House of Representatives, and the chairs of the House and Senate
3 committees that oversee public safety, a report containing, but not
4 limited to, the following information based on available data:

5 1. A review of laws and regulations on organized retail crime
6 used by other states, the federal government, and foreign countries
7 to regulate the marketplace;

8 2. The use of organized retail theft's impact on state and
9 local tax receipts;

10 3. The need for interagency coordination of public education
11 and outreach and prevention programs for business owners; and

12 4. Legislative and regulatory recommendations, if any, to
13 increase transparency and security, enhance consumer protections,
14 prevent organized retail theft, and to address the long-term
15 economic impact related to the prevalence of organized retail crime.

16 H. The Office of the Attorney General may employ, either
17 directly or through memorandums of understanding or cross-
18 deputization agreements, persons to serve as Oklahoma Organized
19 Retail Crime Task Force officers whose primary responsibility shall
20 be to prevent, respond to, investigate, and prosecute criminal
21 violations related to organized retail crime.

22 SECTION 11. This act shall become effective November 1, 2025.
23
24

1 Passed the House of Representatives the 5th day of March, 2025.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the _____ day of _____, 2025.

6
7
8 _____
Presiding Officer of the Senate