

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1592

By: George, Turner, Cantrell,
and Wolfley of the House

6 and

7 Weaver and Hamilton of the
8 Senate

9
10 COMMITTEE SUBSTITUTE

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

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

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

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

4 1. The property taken is intended for resale;

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

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

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

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

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

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

22 8. 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.

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

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

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

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

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

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

1 a term not exceeding one (1) year, or by a fine ~~in an amount~~ not
2 more than Twenty-five Thousand Dollars (\$25,000.00), or by both such
3 fine and imprisonment. Such punishment shall be in addition to any
4 penalty imposed for any offense involved in the pattern of criminal
5 offenses. Double jeopardy shall attach upon conviction.

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

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

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

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

22 C. Jurisdiction and venue for a pattern of criminal offenses
23 occurring in multiple counties in this state shall be determined as
24

1 provided in Section 4 125.1 of ~~this act~~ Title 22 of the Oklahoma
2 Statutes.

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

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

9 SECTION 4. AMENDATORY Section 1, Chapter 333, O.S.L.
10 2023 (21 O.S. Supp. 2024, Section 2200), is amended to read as
11 follows:

12 Section 2200. A. There is hereby ~~created~~ recreated, to
13 continue until June 1, 2026, the Oklahoma Organized Retail Crime
14 Task Force ~~until December 31, 2024~~. The purpose of the task force
15 shall be to provide the Legislature and the Governor with
16 information on organized retail crime and the advantages and
17 drawbacks of instituting various countermeasures to counter losses
18 from retail theft in the state.

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

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

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

1 3. Two members appointed by the Speaker of the ~~Oklahoma~~ House
2 of Representatives;

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

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

6 6. One member appointed by the State Chamber;

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

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

10 9. One member appointed by the Attorney General;

11 10. One member from the Convenience Distributors of Oklahoma;
12 and

13 11. One member from the Oklahoma Grocers Association.

14 C. Quorum for official business of the task force shall be
15 eight members. A chairperson and a vice chairperson shall be
16 elected by a majority vote of the members of the task force.

17 D. ~~Appointments to~~ Members who were serving on the task force
18 as of December 31, 2024, shall automatically be ~~made by the~~
19 ~~appointing authority no later than sixty (60) days after the~~
20 ~~effective date of this act~~ on the Oklahoma Organized Retail Crime
21 Task Force. Appointed members shall, to the greatest extent
22 practicable, have by education or experience, knowledge of organized
23 retail theft. The chair shall hold the first meeting of the task
24 force no later than ninety (90) days after ~~the effective date of~~

1 ~~this act~~ June 6, 2023. Any vacancies in the membership of the task
2 force shall be filled in the same manner provided for in the initial
3 appointment.

4 E. The members of the task force shall receive no compensation
5 but shall receive travel reimbursement for necessary travel expenses
6 incurred in the performance of their duties in accordance with the
7 State Travel Reimbursement Act. The task force shall be staffed by
8 the Senate Office of the Attorney General.

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

12 G. On or before ~~December 15, 2024~~ December 31, 2025, the task
13 force shall electronically submit to the Governor, the President Pro
14 Tempore of the ~~Oklahoma State~~ Senate, the ~~Oklahoma~~ Speaker of the
15 House of Representatives, and the chairs of the House and Senate
16 committees that oversee public safety, a report containing, but not
17 limited to, the following information based on available data:

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

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

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

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

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

11 SECTION 5. This act shall become effective November 1, 2025.

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