

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE  
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1592

By: George

7 POLICY COMMITTEE RECOMMENDATION

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

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

18       7. A person receives, purchases, or possesses retail  
19 merchandise for sale or resale knowing or believing the retail  
20 merchandise was stolen from a retail merchant;

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

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

1        10. The persons use a paper, fraudulent, altered, or obstructed  
2 license plate, use a license plate meant for a different vehicle, or  
3 do not have any license plate.

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

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

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

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

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

21        Section 425. A. Any person who engages in a pattern of  
22 criminal offenses in two or more counties or municipalities in this  
23 state or who attempts or conspires with others to engage in a  
24 pattern of criminal offenses shall, upon conviction, be ~~punishable~~

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

8 B. For purposes of this act, "pattern of criminal offenses"  
9 means:

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

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

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

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

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 21 O.S. 2021, Section 1731, as  
10 amended by Section 1, Chapter 176, O.S.L. 2024 (21 O.S. Supp. 2024,  
11 Section 1731), is amended to read as follows:

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

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

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1 term not to exceed thirty (30) days, and by a fine not less than  
2 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00);

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

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

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

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1           5. In the event the value of the goods, edible meat, or other  
2 corporeal property is Fifteen Thousand Dollars (\$15,000.00) or more,  
3 the person shall be guilty of a felony and shall be punished by  
4 imprisonment in the custody of the Department of Corrections for a  
5 term not to exceed eight (8) years, and by a fine not to exceed One  
6 Thousand Dollars (\$1,000.00).

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

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

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

22           SECTION 5.           AMENDATORY           Section 1, Chapter 333, O.S.L.  
23 2023 (21 O.S. Supp. 2024, Section 2200), is amended to read as  
24 follows:

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

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

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

12 2. Two members appointed by the President Pro Tempore of the  
13 Oklahoma State Senate;

14 3. Two members appointed by the Speaker of the Oklahoma House  
15 of Representatives;

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

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

19 6. One member appointed by the State Chamber;

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

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

23 9. One member appointed by the Attorney General;

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1        10. One member from the Convenience Distributors of Oklahoma;  
2 and

3        11. One member from the Oklahoma Grocers Association.

4        C. Quorum for official business of the task force shall be  
5 eight members. A chairperson and a vice chairperson shall be  
6 elected by a majority vote of the members of the task force.

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

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

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

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

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

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

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

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

21 H. The Office of the Attorney General may employ, either  
22 directly or through memorandums of understanding or cross-  
23 deputization agreements, persons to serve as Oklahoma Organized  
24 Retail Crime Task Force officers whose primary responsibility shall

1 be to prevent, respond to, investigate, and prosecute criminal  
2 violations related to organized retail crime.

3 SECTION 6. This act shall become effective November 1, 2025.

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