

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 HOUSE BILL 1613

 By: Worthen

7 AS INTRODUCED

8 An Act relating to larceny; amending 21 O.S. 2021,
9 Section 1731, which relates to larceny of merchandise
10 from a retailer; changing and deleting certain
11 penalty provisions; and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1731, is
14 amended to read as follows:

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

17 1. For the first ~~or second~~ conviction, in the event the value
18 of the goods, edible meat or other corporeal property which has been
19 taken is less than One Thousand Dollars (\$1,000.00), the person
20 shall be guilty of a misdemeanor punishable by imprisonment in the
21 county jail for a term not exceeding ~~thirty (30) days~~ one (1) year,
22 and by a fine of not less more than ~~Ten Dollars (\$10.00) nor more~~
23 ~~than Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
24 (\$1,000.00); provided, for the first ~~or second~~ conviction, in the

1 event more than one item of goods, edible meat or other corporeal
2 property has been taken, punishment shall be by imprisonment in the
3 county jail for a term not to exceed ~~thirty (30) days~~ one (1) year,
4 and by a fine of not less than ~~Fifty Dollars (\$50.00)~~ nor more than
5 ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00);

6 2. For a ~~third or subsequent~~ second conviction, in the event
7 the value of the goods, edible meat or other corporeal property
8 which has been taken is ~~less than One Thousand Dollars (\$1,000.00)~~ :

9 a. Five Hundred Dollars (\$500.00) or less, the person
10 shall be guilty of a misdemeanor and shall be punished
11 by imprisonment in the county jail for a term of not
12 less than one (1) year and by a fine of not less than
13 One Thousand Dollars (\$1,000.00), or

14 b. Five Hundred Dollars (\$500.00) or more, the person
15 shall be guilty of a ~~misdemeanor~~ felony and shall be
16 punished by imprisonment in the ~~county jail~~ custody of
17 the Department of Corrections for a term not to exceed
18 ~~one (1) year~~ three (3) years, and by a fine of not
19 ~~exceeding One Thousand Dollars (\$1,000.00)~~ more than
20 Two Thousand Five Hundred Dollars (\$2,500.00); or

21 3. ~~In~~ For a third or subsequent conviction, in the event the
22 value of the goods, edible meat or other corporeal property is ~~One~~
23 Thousand Dollars (\$1,000.00) ~~Five Hundred Dollars (\$500.00)~~ or more
24 but less than Two Thousand Five Hundred Dollars (\$2,500.00), the

1 person shall be guilty of a felony and shall be punished by
2 imprisonment in the custody of the Department of Corrections for a
3 term not to exceed ~~two (2)~~ five (5) years, and by a fine of not ~~to~~
4 ~~exceed One Thousand Dollars (\$1,000.00);~~

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

12 ~~5. In the event the value of the goods, edible meat or other~~
13 ~~corporeal property is Fifteen Thousand Dollars (\$15,000.00) or more,~~
14 ~~the person shall be guilty of a felony and shall be punished by~~
15 ~~imprisonment in the custody of the Department of Corrections for a~~
16 ~~term not to exceed eight (8) years, and by a fine not to exceed One~~
17 ~~Thousand Dollars (\$ 1,000.00) more than Five Thousand Dollars~~
18 ~~(\$5,000.00).~~

19 B. When three or more separate offenses under this section are
20 committed within a ninety-day period, the value of the goods, edible
21 meat or other corporeal property involved in each larceny offense
22 may be aggregated to determine the total value for purposes of
23 determining the appropriate punishment under this section.

24

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

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

10 SECTION 2. This act shall become effective November 1, 2023.

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12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
13 02/22/2023 - DO PASS.
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