

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2751

By: Peterson

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to crimes and punishments; amending
10 21 O.S. 2011, Section 1451, as amended by Section 1,
11 Chapter 235, O.S.L. 2012 (21 O.S. Supp. 2015, Section
12 1451), which relates to embezzlement; modifying
13 penalty for certain prohibited act; amending 21 O.S.
14 2011, Section 1521, which relates to bogus check for
15 motor vehicle lease or rental; increasing certain
16 monetary limitation; amending 21 O.S. 2011, Section
17 1533.1, which relates to identity theft; modifying
18 penalty for certain prohibited act; amending 21 O.S.
19 2011, Sections 1541.1, 1541.2 and 1541.3, which
20 relate to obtaining property by trick or deception
21 and bogus checks; increasing certain monetary
22 limitations; amending 21 O.S. 2011, Section 1542,
23 which relates to obtaining property by false
24 pretenses; providing separate penalties under certain
 circumstances; allowing series of offenses to be
 aggregated into one offense; amending 21 O.S. 2011,
 Sections 1550.27, 1550.32 and 1550.33, which relate
 to the Oklahoma Credit Card Crime Act of 1970;
 modifying scope of certain penalty; updating
 statutory reference; providing separate penalties
 under certain circumstances; allowing series of
 offenses to be aggregated into one offense; amending
 21 O.S. 2011, Sections 1577, 1578 and 1579, which
 relate to forged notes or instruments; providing
 penalty for third-degree forgery; allowing series of
 offenses to be aggregated into one offense; amending
 21 O.S. 2011, Section 1592, which relates to
 publishing counterfeited instruments or coins;
 providing penalty for third-degree forgery; allowing

1 series of offenses to be aggregated into one offense;
2 amending 21 O.S. 2011, Section 1621, which relates to
3 forgery penalties; providing penalty for third-degree
4 forgery; amending 21 O.S. 2011, Sections 1704, 1705,
5 1713 and 1731, which relate to larceny, receiving
6 stolen property and larceny of merchandise from a
7 retailer; increasing certain monetary limitations;
8 providing separate penalties under certain
9 circumstances; updating language; amending 21 O.S.
10 2011, Section 1834, which relates to concealing,
11 selling or removing property encumbered by mortgage
12 or contract; providing separate penalties under
13 certain circumstances; and providing an effective
14 date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1451, as
17 amended by Section 1, Chapter 235, O.S.L. 2012 (21 O.S. Supp. 2015,
18 Section 1451), is amended to read as follows:

19 Section 1451. A. Embezzlement is the fraudulent appropriation
20 of property of any person or legal entity, legally obtained, to any
21 use or purpose not intended or authorized by its owner, or the
22 secretion of the property with the fraudulent intent to appropriate
23 it to such use or purpose, under any of the following circumstances:

24 1. Where the property was obtained by being entrusted to that
person for a specific purpose, use, or disposition and shall
include, but not be limited to, any funds "held in trust" for any
purpose;

2. Where the property was obtained by virtue of a power of
attorney being granted for the sale or transfer of the property;

1 3. Where the property is possessed or controlled for the use of
2 another person;

3 4. Where the property is to be used for a public or benevolent
4 purpose;

5 5. Where any person diverts any money appropriated by law from
6 the purpose and object of the appropriation;

7 6. Where any person fails or refuses to pay over to the state,
8 or appropriate authority, any tax or other monies collected in
9 accordance with state law, and who appropriates the tax or monies to
10 the use of that person, or to the use of any other person not
11 entitled to the tax or monies;

12 7. Where the property is possessed for the purpose of
13 transportation, without regard to whether packages containing the
14 property have been broken;

15 8. Where any person removes crops from any leased or rented
16 premises with the intent to deprive the owner or landlord interested
17 in the land of any of the rent due from that land, or who
18 fraudulently appropriates the rent to that person or any other
19 person; or

20 9. Where the property is possessed or controlled by virtue of a
21 lease or rental agreement, and the property is willfully or
22 intentionally not returned within ten (10) days after the expiration
23 of the agreement.

24

1 Embezzlement does not require a distinct act of taking, but only
2 a fraudulent appropriation, conversion or use of property.

3 B. Except as provided in subsection C of this section,
4 embezzlement shall be punished as follows:

5 1. If the value of the property embezzled is less than Five
6 Hundred Dollars (\$500.00), any person convicted shall be punished by
7 a fine not exceeding One Thousand Dollars (\$1,000.00), or by
8 imprisonment in the county jail for a term not more than one (1)
9 year, or by both such fine and imprisonment;

10 2. If the value of the property embezzled is Five Hundred
11 Dollars (\$500.00), or more but less than One Thousand Dollars
12 (\$1,000.00), any person convicted shall be guilty of a ~~felony~~
13 misdemeanor and shall be punished by imprisonment in the county jail
14 for not more than one (1) year or by imprisonment in the county jail
15 for one or more nights or weekends pursuant to Section 991a-2 of
16 Title 22 of the Oklahoma Statutes, at the discretion of the court,
17 and shall be subject to a fine not exceeding Five Thousand Dollars
18 (\$5,000.00), and ordered to pay restitution to the victim as
19 provided in Section 991f of Title 22 of the Oklahoma Statutes;

20 3. If the value of the property embezzled is One Thousand
21 Dollars (\$1,000.00) or more but less than Twenty-five Thousand
22 Dollars (\$25,000.00), any person convicted shall be guilty of a
23 felony and shall be punished by imprisonment in the custody of the
24 Department of Corrections for a term of not more than five (5)

1 years, and a fine of not exceeding Five Thousand Dollars
2 (\$5,000.00), and ordered to pay restitution to the victim as
3 provided in Section 991f of Title 22 of the Oklahoma Statutes; or

4 4. If the value of the property embezzled is Twenty-five
5 Thousand Dollars (\$25,000.00) or more, any person convicted shall be
6 guilty of a felony and shall be punished by imprisonment in the
7 custody of the Department of Corrections for a term of not more than
8 ten (10) years, and a fine not exceeding Ten Thousand Dollars
9 (\$10,000.00), and ordered to pay restitution to the victim as
10 provided in Section 991f of Title 22 of the Oklahoma Statutes.

11 For purposes of this subsection, a series of offenses may be
12 aggregated into one offense when they are the result of the
13 formulation of a plan or scheme or the setting up of a mechanism
14 which, when put into operation, results in the taking or diversion
15 of money or property on a recurring basis. When all acts result
16 from a continuing course of conduct, they may be aggregated into one
17 crime. Acts forming an integral part of the first taking which
18 facilitate subsequent takings, or acts taken in preparation of
19 several takings which facilitate subsequent takings, are relevant to
20 determine the party's intent to commit a continuing crime.

21 C. Any county or state officer, deputy or employee of such
22 officer, who shall divert any money appropriated by law from the
23 purpose and object of the appropriation, shall, upon conviction, be
24 guilty of a felony punishable by imprisonment in the custody of the

1 Department of Corrections for a term not less than one (1) year nor
2 more than ten (10) years, and a fine equal to triple the amount of
3 money so embezzled and ordered to pay restitution to the victim as
4 provided in Section 991f of Title 22 of the Oklahoma Statutes. The
5 fine shall operate as a judgment lien at law on all estate of the
6 party so convicted and sentenced, and shall be enforced by execution
7 or other process for the use of the person whose money or other
8 funds or property were embezzled. In all cases the fine, so
9 operating as a judgment lien, shall be released or entered as
10 satisfied only by the person in interest.

11 D. Any executor, administrator, trustee, beneficiary or other
12 person benefiting from, acting in a fiduciary capacity for, or
13 otherwise administering a probate, intestate, or trust estate,
14 whether the trust is inter vivos or testamentary, upon conviction of
15 embezzlement from the estate shall not receive any portion, share,
16 gift or otherwise benefit from the estate.

17 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1521, is
18 amended to read as follows:

19 Section 1521. Every person who shall lease or rent, for any
20 period of time whatsoever, any motor vehicle and, with intent to
21 cheat and defraud, who pays the fees for such lease or rental by
22 means of a false, bogus or worthless check written for the sum of
23 Twenty Dollars (\$20.00) or less shall, upon conviction, be guilty of
24 a misdemeanor ~~and upon conviction thereof shall be punished~~

1 punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or
2 by imprisonment in the county jail for not more than six (6) months,
3 or both such fine and imprisonment. If the value of the false,
4 bogus or worthless check shall exceed the sum of Twenty Dollars
5 (\$20.00) but is less than ~~Five Hundred Dollars (\$500.00)~~ One
6 Thousand Dollars (\$1,000.00), any person convicted pursuant to this
7 section shall be guilty of a ~~felony~~ misdemeanor and shall be
8 punished by incarceration in the county jail for not to exceed one
9 (1) year or incarceration in the county jail one or more nights or
10 weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma
11 Statutes, at the option of the court, and shall be subject to a fine
12 of not more than Five Thousand Dollars (\$5,000.00) and ordered to
13 provide restitution to the victim as provided in Section 991a of
14 Title 22 of the Oklahoma Statutes. If the value of the worthless
15 check is ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
16 (\$1,000.00) or more, any person convicted hereunder shall be deemed
17 guilty of a felony and shall be punished by imprisonment in the
18 ~~State Penitentiary~~ custody of the Department of Corrections for a
19 term not exceeding seven (7) years or by a fine not to exceed Five
20 Hundred Dollars (\$500.00), or both such fine and imprisonment.

21 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1533.1, is
22 amended to read as follows:

23 Section 1533.1 A. It is unlawful for any person to willfully
24 and with fraudulent intent obtain the name, address, ~~social security~~

1 Social Security number, date of birth, place of business or
2 employment, debit, credit or account numbers, driver license number,
3 or any other personal identifying information of another person,
4 living or dead, with intent to use, sell, or allow any other person
5 to use or sell such personal identifying information to obtain or
6 attempt to obtain money, credit, goods, property, or service in the
7 name of the other person without the consent of that person.

8 B. It is unlawful for any person to use with fraudulent intent
9 the personal identity of another person, living or dead, or any
10 information relating to the personal identity of another person,
11 living or dead, to obtain or attempt to obtain credit or anything of
12 value.

13 C. It is unlawful for any person with fraudulent intent to
14 lend, sell, or otherwise offer the use of such person's own name,
15 address, ~~social security~~ Social Security number, date of birth, or
16 any other personal identifying information or document to any other
17 person with the intent to allow such other person to use the
18 personal identifying information or document to obtain or attempt to
19 obtain any identifying document in the name of such other person.

20 D. It is unlawful for any person to willfully create, modify,
21 alter or change any personal identifying information of another
22 person with fraudulent intent to obtain any money, credit, goods,
23 property, service or any benefit or thing of value, or to control,
24 use, waste, hinder or encumber another person's credit, accounts,

1 goods, property, title, interests, benefits or entitlements without
2 the consent of that person.

3 E. Any person convicted of violating any provision of this
4 section shall be guilty of identity theft. ~~Identity theft is~~ Any
5 person who violates the provisions of subsection A, B or D of this
6 section shall, upon conviction, be guilty of a felony offense
7 punishable by imprisonment in the custody of the Department of
8 Corrections for a term of not less than one (1) year nor more than
9 five (5) years, or a fine not to exceed One Hundred Thousand Dollars
10 (\$100,000.00), or by both such fine and imprisonment. Any person
11 who violates the provisions of subsection C of this section shall,
12 upon conviction, be guilty of a misdemeanor punishable by
13 imprisonment in the county jail for a term not to exceed one (1)
14 year, or a fine not to exceed One Hundred Thousand Dollars
15 (\$100,000.00), or by both such fine and imprisonment. Restitution
16 to the victim may be ordered in addition to any criminal penalty
17 imposed by the court. The victim of identity theft may bring a
18 civil action for damages against any person participating in
19 furthering the crime or attempted crime of identity theft.

20 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1541.1, is
21 amended to read as follows:

22 Section 1541.1 Every person who, with intent to cheat and
23 defraud, shall obtain or attempt to obtain from any person, firm or
24 corporation any money, property or valuable thing, of a value less

1 than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
2 (\$1,000.00), by means or by use of any trick or deception, or false
3 or fraudulent representation or statement or pretense, or by any
4 other means or instruments or device commonly called the "confidence
5 game", or by means or use of any false or bogus checks, or by any
6 other written or printed or engraved instrument or spurious coin,
7 shall, upon conviction, be guilty of a misdemeanor ~~and upon~~
8 ~~conviction thereof shall be punished~~ punishable by a fine not to
9 exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the
10 county jail for not more than one (1) year, or by both such fine and
11 imprisonment.

12 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1541.2, is
13 amended to read as follows:

14 Section 1541.2 If the value of the money, property or valuable
15 thing referred to in Section 1541.1 of this title is ~~Five Hundred~~
16 ~~Dollars (\$500.00) or more but less than~~ One Thousand Dollars
17 (\$1,000.00) or more, any person convicted pursuant to this section
18 shall be guilty of a felony and shall be punished by ~~incarceration~~
19 ~~in the county jail for not to exceed one (1) year or incarceration~~
20 ~~in the county jail one or more nights or weekends pursuant to~~
21 ~~Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option~~
22 ~~of the court, and shall be subject to a fine of not more than Five~~
23 ~~Thousand Dollars (\$5,000.00) and ordered to provide restitution to~~
24 ~~the victim as provided in Section 991a of Title 22 of the Oklahoma~~

1 ~~Statutes, and if the value is One Thousand Dollars (\$1,000.00) or~~
2 ~~more, any person convicted hereunder shall be deemed guilty of a~~
3 ~~felony and shall be punished by imprisonment in the State~~
4 ~~Penitentiary~~ custody of the Department of Corrections for a term not
5 more than ten (10) years, or by a fine not to exceed Five Thousand
6 Dollars (\$5,000.00), or by both such fine and imprisonment, and
7 ordered to provide restitution to the victim as provided in Section
8 991a of Title 22 of the Oklahoma Statutes.

9 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1541.3, is
10 amended to read as follows:

11 Section 1541.3 Any person making, drawing, uttering or
12 delivering two or more false or bogus checks, drafts or orders, as
13 defined by Section 1541.4 of this title, the total sum of which is
14 ~~One Thousand Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00) or
15 more, even though each separate instrument is written for less than
16 One Thousand Dollars (\$1,000.00), all in pursuance of a common
17 scheme or plan to cheat and defraud, shall be deemed guilty of a
18 felony and shall be punished by imprisonment in the ~~State~~
19 ~~Penitentiary~~ custody of the Department of Corrections for a term not
20 more than ten (10) years, or by a fine not to exceed Five Thousand
21 Dollars (\$5,000.00), or by both such fine and imprisonment. If the
22 total sum of two or more false or bogus checks, drafts or orders is
23 Five Hundred Dollars (\$500.00) or more, but less than ~~One Thousand~~
24 ~~Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00), the person

1 shall, upon conviction, be guilty of a ~~felony~~ misdemeanor and shall
2 be punished by incarceration in the county jail for not more than
3 one (1) year or by incarceration in the county jail one or more
4 nights or weekends pursuant to Section 991a-2 of Title 22 of the
5 Oklahoma Statutes, at the option of the court, and shall be subject
6 to a fine of not more than Five Thousand Dollars (\$5,000.00) and
7 ordered to provide restitution to the victim as provided in Section
8 991a of Title 22 of the Oklahoma Statutes.

9 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1542, is
10 amended to read as follows:

11 Section 1542. A. Every person who, with intent to cheat or
12 defraud another, designedly, by color or aid of any false token or
13 writing, or other false pretense, obtains the signature of any
14 person to any written instrument, or obtains from any person any
15 money or property, ~~is~~, upon conviction, guilty of a felony
16 punishable by imprisonment in the ~~penitentiary~~ custody of the
17 Department of Corrections for a term not exceeding three (3) years
18 or in a county jail not exceeding one (1) year if the value is One
19 Thousand Dollars (\$1,000.00) or more, or by a fine not exceeding
20 three times the value of the money or property so obtained, or by
21 both such fine and imprisonment. If the value is less than One
22 Thousand Dollars (\$1,000.00), the person is, upon conviction, guilty
23 of a misdemeanor punishable by imprisonment in the county jail for a
24 term not exceeding one (1) year, or by a fine not exceeding three

1 times the value of the money or property so obtained, or by both
2 such fine and imprisonment.

3 B. Every person who, with intent to cheat or defraud another,
4 possesses, uses, utters, transfers, makes, manufactures,
5 counterfeits, or reproduces a retail sales receipt or a Universal
6 Price Code Label, is, upon conviction, guilty of a felony punishable
7 by imprisonment in the penitentiary custody of the Department of
8 Corrections for a term not exceeding three (3) years or in a county
9 jail not exceeding one (1) year if the value is One Thousand Dollars
10 (\$1,000.00) or more, or by a fine not exceeding three times the
11 value represented on the retail sales receipt or the Universal Price
12 Code Label, or by both such fine and imprisonment. If the value is
13 less than One Thousand Dollars (\$1,000.00), the person is, upon
14 conviction, guilty of a misdemeanor punishable by imprisonment in
15 the county jail for a term not exceeding one (1) year, or by a fine
16 not exceeding three times the value represented on the retail sales
17 receipt or the Universal Price Code Label, or by both such fine and
18 imprisonment. For purposes of this subsection, a series of offenses
19 may be aggregated into one offense when they are the result of the
20 formulation of a plan or scheme or the setting up of a mechanism
21 which, when put into operation, results in the taking or diversion
22 of money or property on a recurring basis. When all acts result
23 from a continuing course of conduct, they may be aggregated into one
24 crime. Acts forming an integral part of the first taking which

1 facilitate subsequent takings, or acts taken in preparation of
2 several takings which facilitate subsequent takings, are relevant to
3 determine the intent of the party to commit a continuing crime.

4 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1550.27, is
5 amended to read as follows:

6 Section 1550.27 ~~(a)~~ A. A person, with intent to defraud ~~(1) a:~~

7 1. A purported issuer, ~~(2) a;~~

8 2. A person or organization providing money, goods, services or
9 anything else of value, ~~(3) any~~

10 3. Any other person,

11 who falsely makes or falsely embosses a purported credit card or
12 debit card or utters such a credit card or debit card is guilty of
13 forgery in the third degree and is subject to the penalties set
14 forth in subsection A of Section 1550.33(a) 1550.33 of ~~Title 21 of~~
15 ~~the Oklahoma Statutes~~ this title.

16 ~~(b)~~ B. A person other than the purported issuer who possesses
17 any credit card or debit card which is falsely made or falsely
18 embossed is presumed to have violated this section.

19 ~~(c)~~ C. A person "falsely makes" a credit card or debit card
20 when ~~he~~ the person makes or draws, in whole or in part, a device or
21 instrument which purports to be the credit card or debit card of a
22 named issuer but which is not such a credit card or debit card
23 because the issuer did not authorize the making or drawing, or when
24

1 ~~he~~ the person alters a credit card or debit card which was validly
2 issued.

3 ~~(d)~~ D. A person "falsely embosses" a credit card or debit card
4 when, without the authorization of the named issuer, ~~he~~ the person
5 completes a credit card or debit card by adding any of the matter,
6 other than the signature of the cardholder, which an issuer requires
7 to appear on the credit card or debit card before it can be used by
8 a cardholder.

9 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1550.32, is
10 amended to read as follows:

11 Section 1550.32 A person who receives money, goods, services,
12 or anything else of value obtained in violation of Section ~~9~~ 1550.29
13 of this ~~act~~ title, with the knowledge or belief that it was so
14 obtained, is guilty of an offense and is subject to the penalties
15 set forth in subsection C of Section ~~13(a)~~ 1550.33 of this ~~act~~
16 title.

17 SECTION 10. AMENDATORY 21 O.S. 2011, Section 1550.33, is
18 amended to read as follows:

19 Section 1550.33 ~~(a)~~ A. A person who is subject to the
20 penalties of this subsection shall be guilty of a ~~felony~~ misdemeanor
21 and fined not more than ~~Three Thousand Dollars (\$3,000.00)~~ One
22 Thousand Dollars (\$1,000.00) or imprisoned in the ~~State Penitentiary~~
23 county jail not ~~more than three (3) years~~ to exceed one (1) year, or
24 both fined and imprisoned.

1 ~~(b)~~ B. A person who is subject to the penalties of this
2 subsection shall be guilty of a felony and shall be ~~imprisoned~~
3 punished by imprisonment in the State Penitentiary custody of the
4 Department of Corrections for not more than seven (7) years.

5 ~~(e)~~ C. A person subject to the penalties of this subsection who
6 ~~violates any provision of the Oklahoma Credit Card Crime Act~~
7 received goods or services or any other item which has a value of
8 One Thousand Dollars (\$1,000.00) or more shall be ~~deemed~~ guilty of a
9 felony and fined not more than Three Thousand Dollars (\$3,000.00),
10 imprisoned in the custody of the Department of Corrections for not
11 more than three (3) years, or both fined and imprisoned. If the
12 value is less than One Thousand Dollars (\$1,000.00), the person
13 shall be guilty of a misdemeanor and fined not more than One
14 Thousand Dollars (\$1,000.00), imprisoned in the county jail for not
15 more than one (1) year, or both fined and imprisoned. For purposes
16 of this subsection, a series of offenses may be aggregated into one
17 offense when they are the result of the formulation of a plan or
18 scheme or the setting up of a mechanism which, when put into
19 operation, results in the taking or diversion of money or property
20 on a recurring basis. When all acts result from a continuing course
21 of conduct, they may be aggregated into one crime. Acts forming an
22 integral part of the first taking which facilitate subsequent
23 takings, or acts taken in preparation of several takings which
24

1 facilitate subsequent takings, are relevant to determine the intent
2 of the party to commit a continuing crime.

3 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1577, is
4 amended to read as follows:

5 Section 1577. Every person who sells, exchanges or delivers for
6 any consideration any forged or counterfeited promissory note,
7 check, bill, draft, or other evidence of debt, or engagement for the
8 payment of money absolutely, or upon any contingency, knowing the
9 same to be forged or counterfeited, with intent to have the same
10 uttered or passed, or who offers any such note or other instrument
11 for sale, exchange or delivery for any consideration, with the like
12 knowledge and intent, or who receives any such note or other
13 instrument upon a sale, exchange or delivery for any consideration
14 with the like knowledge and intent, is guilty of forgery in the
15 second degree if the value of the instrument is One Thousand Dollars
16 (\$1,000.00) or more and forgery in the third degree if the value of
17 the instrument is less than One Thousand Dollars (\$1,000.00).

18 For purposes of this section, a series of offenses may be
19 aggregated into one offense when they are the result of the
20 formulation of a plan or scheme or the setting up of a mechanism
21 which, when put into operation, results in the taking or diversion
22 of money or property on a recurring basis. When all acts result
23 from a continuing course of conduct, they may be aggregated into one
24 crime. Acts forming an integral part of the first taking which

1 facilitate subsequent takings, or acts taken in preparation of
2 several takings which facilitate subsequent takings, are relevant to
3 determine the intent of the party to commit a continuing crime.

4 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1578, is
5 amended to read as follows:

6 Section 1578. Every person who, with intent to defraud, has in
7 his or her possession any forged, altered or counterfeit negotiable
8 note, bill, draft or other evidence of debt issued or purporting to
9 have been issued by any corporation or company duly authorized for
10 that purpose by the laws of this state or of any other state,
11 government or country, the forgery of which is hereinbefore declared
12 to be punishable, knowing the same to be forged, altered or
13 counterfeited, with intent to utter the same as true or as false, or
14 to cause the same to be so uttered, is guilty of forgery in the
15 second degree if the value of the instrument is One Thousand Dollars
16 (\$1,000.00) or more and forgery in the third degree if the value of
17 the instrument is less than One Thousand Dollars (\$1,000.00).

18 For purposes of this section, a series of offenses may be
19 aggregated into one offense when they are the result of the
20 formulation of a plan or scheme or the setting up of a mechanism
21 which, when put into operation, results in the taking or diversion
22 of money or property on a recurring basis. When all acts result
23 from a continuing course of conduct, they may be aggregated into one
24 crime. Acts forming an integral part of the first taking which

1 facilitate subsequent takings, or acts taken in preparation of
2 several takings which facilitate subsequent takings, are relevant to
3 determine the intent of the party to commit a continuing crime.

4 SECTION 13. AMENDATORY 21 O.S. 2011, Section 1579, is
5 amended to read as follows:

6 Section 1579. Every person who has in his or her possession any
7 forged or counterfeited instrument, the forgery of which ~~is~~
8 ~~hereinbefore~~ has previously been declared to be punishable, other
9 than such as are enumerated in ~~the last section~~ Section 1578 of this
10 title, knowing the same to be forged, counterfeited or falsely
11 altered with intent to injure or defraud by uttering the same to be
12 true, or as false, or by causing the same to be uttered, is guilty
13 of forgery in the second degree if the value of the instrument is
14 One Thousand Dollars (\$1,000.00) or more and forgery in the third
15 degree if the value of the instrument is less than One Thousand
16 Dollars (\$1,000.00).

17 For purposes of this section, a series of offenses may be
18 aggregated into one offense when they are the result of the
19 formulation of a plan or scheme or the setting up of a mechanism
20 which, when put into operation, results in the taking or diversion
21 of money or property on a recurring basis. When all acts result
22 from a continuing course of conduct, they may be aggregated into one
23 crime. Acts forming an integral part of the first taking which
24 facilitate subsequent takings, or acts taken in preparation of

1 several takings which facilitate subsequent takings, are relevant to
2 determine the intent of the party to commit a continuing crime.

3 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1592, is
4 amended to read as follows:

5 Section 1592. Every person who, with intent to defraud, utters
6 or publishes as true any forged, altered or counterfeited instrument
7 or any counterfeit gold or silver coin, the forging, altering or
8 counterfeiting of which ~~is hereinbefore~~ has previously been declared
9 to be punishable, knowing such instrument or coin to be forged,
10 altered or counterfeited, is guilty of forgery in the second degree
11 if the value of the instrument is One Thousand Dollars (\$1,000.00)
12 or more and forgery in the third degree if the value of the
13 instrument is less than One Thousand Dollars (\$1,000.00).

14 For purposes of this section, a series of offenses may be
15 aggregated into one offense when they are the result of the
16 formulation of a plan or scheme or the setting up of a mechanism
17 which, when put into operation, results in the taking or diversion
18 of money or property on a recurring basis. When all acts result
19 from a continuing course of conduct, they may be aggregated into one
20 crime. Acts forming an integral part of the first taking which
21 facilitate subsequent takings, or acts taken in preparation of
22 several takings which facilitate subsequent takings, are relevant to
23 determine the intent of the party to commit a continuing crime.

1 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1621, is
2 amended to read as follows:

3 Section 1621. A. Forgery in the first degree is a felony
4 punishable by imprisonment in the ~~State Penitentiary as follows:~~

5 ~~1. Forgery in the first degree by imprisonment~~ custody of the
6 Department of Corrections for not less than seven (7) years nor more
7 than twenty (20) years; ~~and.~~

8 ~~2. B. Forgery in the second degree~~ is a felony punishable by
9 imprisonment in the custody of the Department of Corrections for not
10 exceeding more than seven (7) years.

11 C. Forgery in the third degree is a misdemeanor punishable by
12 imprisonment in the county jail for not more than one (1) year and a
13 fine of One Thousand Dollars (\$1,000.00).

14 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1704, is
15 amended to read as follows:

16 Section 1704. Grand larceny is larceny committed in either of
17 the following cases:

18 1. When the property taken is of value exceeding ~~Five Hundred~~
19 ~~Dollars (\$500.00).~~ One Thousand Dollars (\$1,000.00); or

20 2. When such property, although not of value exceeding ~~Five~~
21 ~~Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), is taken
22 from the person of another.

23 Larceny in other cases is petit larceny.

24

1 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1705, is
2 amended to read as follows:

3 Section 1705. Grand larceny is a felony punishable by
4 imprisonment in the ~~State Penitentiary~~ custody of the Department of
5 Corrections not exceeding five (5) years, a fine not exceeding Five
6 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment
7 if the value of the property is ~~Five Hundred Dollars (\$500.00)~~ One
8 Thousand Dollars (\$1,000.00) or more and if the value of the
9 property is less than ~~Five Hundred Dollars (\$500.00)~~ One Thousand
10 Dollars (\$1,000.00) punishable by incarceration in the county jail
11 for not more than one (1) year or by incarceration in the county
12 jail one or more nights or weekends pursuant to Section 991a-2 of
13 Title 22 of the Oklahoma Statutes, at the option of the court, ~~and~~
14 ~~shall be subject to a fine of not more than Five Thousand Dollars~~
15 ~~(\$5,000.00) and~~ exceeding One Thousand Dollars (\$1,000.00), or by
16 both such fine and imprisonment. The defendant shall also be
17 ordered to provide restitution to the victim as provided in Section
18 991a of Title 22 of the Oklahoma Statutes.

19 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1713, is
20 amended to read as follows:

21 Section 1713. A. Every person who buys or receives, in any
22 manner, upon any consideration, ~~any~~ personal property of any a value
23 ~~whatsoever~~ of One Thousand Dollars (\$1,000.00) or more that has been
24 stolen, embezzled, obtained by false pretense or robbery, knowing or

1 having reasonable cause to believe the same to have been stolen,
2 embezzled, obtained by false pretense, or robbery, or who conceals,
3 withholds, or aids in concealing or withholding such property from
4 the owner, shall, upon conviction, be guilty of a felony punishable
5 by imprisonment in the ~~State Penitentiary~~ custody of the Department
6 of Corrections not to exceed five (5) years, or in the county jail
7 not to exceed one (1) year, or by a fine not to exceed Five Hundred
8 Dollars (\$500.00), or by both such fine and imprisonment. If the
9 personal property that has been stolen, embezzled, obtained by false
10 pretense or robbery has a value of less than One Thousand Dollars
11 (\$1,000.00), the person shall, upon conviction, be guilty of a
12 misdemeanor punishable by imprisonment in the county jail not to
13 exceed one (1) year.

14 B. Every person who, without making reasonable inquiry, buys,
15 receives, conceals, withholds, or aids in concealing or withholding
16 any property which has been stolen, embezzled, obtained by false
17 pretense or robbery, or otherwise feloniously obtained, under such
18 circumstances as should cause such person to make reasonable inquiry
19 to ascertain that the person from whom such property was bought or
20 received had the legal right to sell or deliver it shall be presumed
21 to have bought or received such property knowing it to have been so
22 stolen or wrongfully obtained. This presumption may, however, be
23 rebutted by proof.

24

1 SECTION 19. AMENDATORY 21 O.S. 2011, Section 1731, is
2 amended to read as follows:

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

5 1. For the first conviction, in the event the value of the
6 goods, edible meat or other corporeal property which has been taken
7 is less than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
8 (\$1,000.00), the ~~violate~~ defendant shall be ~~punishable~~ guilty of a
9 misdemeanor and shall be punished by imprisonment in the county jail
10 for a term not exceeding thirty (30) days, and by a fine not less
11 than Ten Dollars (\$10.00) nor more than Five Hundred Dollars
12 (\$500.00); provided, for the first conviction, in the event more
13 than one item of goods, edible meat or other corporeal property has
14 been taken, punishment shall be by imprisonment in the county jail
15 for a term not to exceed thirty (30) days, and by a fine not less
16 than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars
17 (\$500.00);

18 2. If it be shown, in the trial of a case in which the value of
19 the goods, edible meat or other corporeal property is less than ~~Five~~
20 ~~Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), that the
21 defendant has been once before convicted of the same offense, the
22 defendant shall, on a second conviction, be guilty of a misdemeanor
23 and shall be punished by ~~confinement~~ imprisonment in the county jail
24

1 for a term of not less than thirty (30) days nor more than one (1)
2 year, and by a fine not exceeding One Thousand Dollars (\$1,000.00);

3 3. If it be shown, upon the trial of a case where the value of
4 the goods, edible meat or other corporeal personal property is less
5 than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars
6 (\$1,000.00), that the defendant has two or more times before been
7 convicted of the same offense, regardless of the value of the goods,
8 edible meat or other corporeal personal property involved in the
9 first two convictions, upon the third or any subsequent conviction,
10 the ~~punishment~~ defendant shall be guilty of a felony and shall be
11 punished by imprisonment in the State Penitentiary custody of the
12 Department of Corrections for a term of not less than two (2) nor
13 more than five (5) years; and

14 4. In the event the value of the goods, edible meat or other
15 corporeal property is ~~Five Hundred Dollars (\$500.00)~~ One Thousand
16 Dollars (\$1,000.00) or more, ~~but is less than One Thousand Dollars~~
17 ~~(\$1,000.00)~~, the defendant shall be guilty of a felony and shall be
18 punished by imprisonment in the ~~county jail for a term of not more~~
19 ~~than one (1) year or by imprisonment in the county jail for one or~~
20 ~~more nights or weekends pursuant to Section 991a-2 of Title 22 of~~
21 ~~the Oklahoma Statutes, at the option of the court, and~~ custody of
22 the Department of Corrections for a term of not less than two (2)
23 years nor more than five (5) years. The defendant shall also be
24 subject to a fine of not more than Five Thousand Dollars (\$5,000.00)

1 and ordered to provide restitution to the victim as provided in
2 Section 991a of Title 22 of the Oklahoma Statutes.

3 ~~5. In the event the value of the goods, edible meat or other~~
4 ~~corporeal property is One Thousand Dollars (\$1,000.00) or more,~~
5 ~~punishment shall be imprisonment in the State Penitentiary for a~~
6 ~~term of not less than one (1) year nor more than five (5) years.~~

7 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1834, is
8 amended to read as follows:

9 Section 1834. Any mortgagor ~~or~~, conditional sales contract
10 vendee ~~or~~, pledgor or debtor under a security agreement of personal
11 property, or his or her legal representative, who, while such
12 mortgage, security agreement or conditional sales contract remains
13 in force and unsatisfied, conceals, sells~~r~~ or in any manner disposes
14 of such property, or any part thereof, or removes such property, or
15 any part thereof, beyond the limits of the county, or materially
16 injures or willfully destroys such property, or any part thereof,
17 without the written consent of the holder of such mortgage or
18 conditional sales contract, secured party or pledgee under a
19 security agreement~~r~~ shall, upon conviction, be ~~deemed~~ guilty of a
20 felony~~, and shall, upon conviction, be~~ if the value of the property
21 is One Thousand Dollars (\$1,000.00) or more and shall be punished by
22 imprisonment in the State Penitentiary custody of the Department of
23 Corrections for a period not exceeding three (3) years or in the
24 county jail not exceeding one (1) year, or by a fine of not to

1 exceed Five Hundred Dollars (\$500.00); ~~provided, that the~~. If the
2 value of the property is less than One Thousand Dollars (\$1,000.00),
3 the person shall, upon conviction, be guilty of a misdemeanor
4 punishable by imprisonment in the county jail not exceeding one (1)
5 year, or by a fine not exceeding Five Hundred Dollars (\$500.00).
6 Provided, however, the writing containing the consent of the holder
7 of the mortgage or conditional sales contract, secured party or
8 pledgee under a security agreement, as before specified, shall be
9 the only competent evidence of such consent, unless it appears that
10 such writing has been lost or destroyed.

11 SECTION 21. This act shall become effective November 1, 2016.

12
13 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
14 dated 02/11/2016 - DO PASS, As Amended.
15
16
17
18
19
20
21
22
23
24