

1 **SENATE FLOOR VERSION**

2 April 6, 2016

3 **AS AMENDED**

4 ENGROSSED HOUSE  
5 BILL NO. 2751

6 By: Peterson, Billy, Sherrer  
7 and Hoskin of the House

8 and

9 Treat and Brooks of the  
10 Senate

11 [ crimes and punishments - embezzlement - bogus check  
12 for motor vehicle lease or rental - identity theft -  
13 obtaining property by trick or deception and bogus  
14 checks - Oklahoma Credit Card Crime Act of 1970 -  
15 forged notes or instruments - publishing  
16 counterfeited instruments or coins - forgery  
17 penalties - larceny, receiving stolen property and  
18 larceny of merchandise from a retailer - concealing,  
19 selling or removing property encumbered by mortgage  
20 or contract - penalties - effective date ]

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

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

25 Section 1451. A. Embezzlement is the fraudulent appropriation  
26 of property of any person or legal entity, legally obtained, to any  
27 use or purpose not intended or authorized by its owner, or the  
28 secretion of the property with the fraudulent intent to appropriate  
29 it to such use or purpose, under any of the following circumstances:

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

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

7           3. Where the property is possessed or controlled for the use of  
8 another person;

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

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

13           6. Where any person fails or refuses to pay over to the state,  
14 or appropriate authority, any tax or other monies collected in  
15 accordance with state law, and who appropriates the tax or monies to  
16 the use of that person, or to the use of any other person not  
17 entitled to the tax or monies;

18           7. Where the property is possessed for the purpose of  
19 transportation, without regard to whether packages containing the  
20 property have been broken;

21           8. Where any person removes crops from any leased or rented  
22 premises with the intent to deprive the owner or landlord interested  
23 in the land of any of the rent due from that land, or who  
24

1 fraudulently appropriates the rent to that person or any other  
2 person; or

3 9. Where the property is possessed or controlled by virtue of a  
4 lease or rental agreement, and the property is willfully or  
5 intentionally not returned within ten (10) days after the expiration  
6 of the agreement.

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

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

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

16 2. If the value of the property embezzled is Five Hundred  
17 Dollars (\$500.00), or more but less than One Thousand Dollars  
18 (\$1,000.00), any person convicted shall be guilty of a ~~felony~~  
19 misdemeanor and shall be punished by imprisonment in the county jail  
20 for not more than one (1) year or by imprisonment in the county jail  
21 for one or more nights or weekends pursuant to Section 991a-2 of  
22 Title 22 of the Oklahoma Statutes, at the discretion of the court,  
23 and shall be subject to a fine not exceeding Five Thousand Dollars

24

1 (\$5,000.00), and ordered to pay restitution to the victim as  
2 provided in Section 991f of Title 22 of the Oklahoma Statutes;

3 3. If the value of the property embezzled is One Thousand  
4 Dollars (\$1,000.00) or more but less than Twenty-five Thousand  
5 Dollars (\$25,000.00), any person convicted shall be guilty of a  
6 felony and shall be punished by imprisonment in the custody of the  
7 Department of Corrections for a term of not more than five (5)  
8 years, and a fine of not exceeding Five Thousand Dollars  
9 (\$5,000.00), and ordered to pay restitution to the victim as  
10 provided in Section 991f of Title 22 of the Oklahoma Statutes; or

11 4. If the value of the property embezzled is Twenty-five  
12 Thousand Dollars (\$25,000.00) or more, any person convicted shall be  
13 guilty of a felony and shall be punished by imprisonment in the  
14 custody of the Department of Corrections for a term of not more than  
15 ten (10) years, and a fine not exceeding Ten Thousand Dollars  
16 (\$10,000.00), and ordered to pay restitution to the victim as  
17 provided in Section 991f of Title 22 of the Oklahoma Statutes.

18 For purposes of this subsection, 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 party's intent to commit a continuing crime.

4 C. Any county or state officer, deputy or employee of such  
5 officer, who shall divert any money appropriated by law from the  
6 purpose and object of the appropriation, shall, upon conviction, be  
7 guilty of a felony punishable by imprisonment in the custody of the  
8 Department of Corrections for a term not less than one (1) year nor  
9 more than ten (10) years, and a fine equal to triple the amount of  
10 money so embezzled and ordered to pay restitution to the victim as  
11 provided in Section 991f of Title 22 of the Oklahoma Statutes. The  
12 fine shall operate as a judgment lien at law on all estate of the  
13 party so convicted and sentenced, and shall be enforced by execution  
14 or other process for the use of the person whose money or other  
15 funds or property were embezzled. In all cases the fine, so  
16 operating as a judgment lien, shall be released or entered as  
17 satisfied only by the person in interest.

18 D. Any executor, administrator, trustee, beneficiary or other  
19 person benefiting from, acting in a fiduciary capacity for, or  
20 otherwise administering a probate, intestate, or trust estate,  
21 whether the trust is inter vivos or testamentary, upon conviction of  
22 embezzlement from the estate shall not receive any portion, share,  
23 gift or otherwise benefit from the estate.

24

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

3 Section 1521. Every person who shall lease or rent, for any  
4 period of time whatsoever, any motor vehicle and, with intent to  
5 cheat and defraud, who pays the fees for such lease or rental by  
6 means of a false, bogus or worthless check written for the sum of  
7 Twenty Dollars (\$20.00) or less shall, upon conviction, be guilty of  
8 a misdemeanor ~~and upon conviction thereof shall be punished~~  
9 punishable by a fine not to exceed Five Hundred Dollars (\$500.00) or  
10 by imprisonment in the county jail for not more than six (6) months,  
11 or both such fine and imprisonment. If the value of the false,  
12 bogus or worthless check shall exceed the sum of Twenty Dollars  
13 (\$20.00) but is less than ~~Five Hundred Dollars (\$500.00)~~ One  
14 Thousand Dollars (\$1,000.00), any person convicted pursuant to this  
15 section shall be guilty of a ~~felony~~ misdemeanor and shall be  
16 punished by incarceration in the county jail for not to exceed one  
17 (1) year or incarceration in the county jail one or more nights or  
18 weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma  
19 Statutes, at the option of the court, and shall be subject to a fine  
20 of not more than Five Thousand Dollars (\$5,000.00) and ordered to  
21 provide restitution to the victim as provided in Section 991a of  
22 Title 22 of the Oklahoma Statutes. If the value of the worthless  
23 check is ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars  
24 (\$1,000.00) or more, any person convicted hereunder shall be deemed

1 guilty of a felony and shall be punished by imprisonment in the  
2 ~~State Penitentiary~~ custody of the Department of Corrections for a  
3 term not exceeding seven (7) years or by a fine not to exceed Five  
4 Hundred Dollars (\$500.00), or both such fine and imprisonment.

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

7 Section 1533.1. A. It is unlawful for any person to willfully  
8 and with fraudulent intent obtain the name, address, ~~social security~~  
9 Social Security number, date of birth, place of business or  
10 employment, debit, credit or account numbers, driver license number,  
11 or any other personal identifying information of another person,  
12 living or dead, with intent to use, sell, or allow any other person  
13 to use or sell such personal identifying information to obtain or  
14 attempt to obtain money, credit, goods, property, or service in the  
15 name of the other person without the consent of that person.

16 B. It is unlawful for any person to use with fraudulent intent  
17 the personal identity of another person, living or dead, or any  
18 information relating to the personal identity of another person,  
19 living or dead, to obtain or attempt to obtain credit or anything of  
20 value.

21 C. It is unlawful for any person with fraudulent intent to  
22 lend, sell, or otherwise offer the use of such person's own name,  
23 address, ~~social security~~ Social Security number, date of birth, or  
24 any other personal identifying information or document to any other

1 person with the intent to allow such other person to use the  
2 personal identifying information or document to obtain or attempt to  
3 obtain any identifying document in the name of such other person.

4 D. It is unlawful for any person to willfully create, modify,  
5 alter or change any personal identifying information of another  
6 person with fraudulent intent to obtain any money, credit, goods,  
7 property, service or any benefit or thing of value, or to control,  
8 use, waste, hinder or encumber another person's credit, accounts,  
9 goods, property, title, interests, benefits or entitlements without  
10 the consent of that person.

11 E. Any person convicted of violating any provision of this  
12 section shall be guilty of identity theft. ~~Identity theft is~~ Any  
13 person who violates the provisions of subsection A, B or D of this  
14 section shall, upon conviction, be guilty of a felony offense  
15 punishable by imprisonment in the custody of the Department of  
16 Corrections for a term of not less than one (1) year nor more than  
17 five (5) years, or a fine not to exceed One Hundred Thousand Dollars  
18 (\$100,000.00), or by both such fine and imprisonment. Any person  
19 who violates the provisions of subsection C of this section shall,  
20 upon conviction, be guilty of a misdemeanor punishable by  
21 imprisonment in the county jail for a term not to exceed one (1)  
22 year, or a fine not to exceed One Hundred Thousand Dollars  
23 (\$100,000.00), or by both such fine and imprisonment. Restitution  
24 to the victim may be ordered in addition to any criminal penalty



1 imposed by the court. The victim of identity theft may bring a  
2 civil action for damages against any person participating in  
3 furthering the crime or attempted crime of identity theft.

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

6 Section 1541.1. Every person who, with intent to cheat and  
7 defraud, shall obtain or attempt to obtain from any person, firm or  
8 corporation any money, property or valuable thing, of a value less  
9 than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars  
10 (\$1,000.00), by means or by use of any trick or deception, or false  
11 or fraudulent representation or statement or pretense, or by any  
12 other means or instruments or device commonly called the "confidence  
13 game", or by means or use of any false or bogus checks, or by any  
14 other written or printed or engraved instrument or spurious coin,  
15 shall, upon conviction, be guilty of a misdemeanor ~~and upon~~  
16 ~~conviction thereof shall be punished~~ punishable by a fine not to  
17 exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the  
18 county jail for not more than one (1) year, or by both such fine and  
19 imprisonment.

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

22 Section 1541.2. If the value of the money, property or valuable  
23 thing referred to in Section 1541.1 of this title is ~~Five Hundred~~  
24 ~~Dollars (\$500.00) or more but less than~~ One Thousand Dollars

1 (\$1,000.00) or more, any person convicted pursuant to this section  
2 shall be guilty of a felony and shall be punished by ~~incarceration~~  
3 ~~in the county jail for not to exceed one (1) year or incarceration~~  
4 ~~in the county jail one or more nights or weekends pursuant to~~  
5 ~~Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option~~  
6 ~~of the court, and shall be subject to a fine of not more than Five~~  
7 ~~Thousand Dollars (\$5,000.00) and ordered to provide restitution to~~  
8 ~~the victim as provided in Section 991a of Title 22 of the Oklahoma~~  
9 ~~Statutes, and if the value is One Thousand Dollars (\$1,000.00) or~~  
10 ~~more, any person convicted hereunder shall be deemed guilty of a~~  
11 ~~felony and shall be punished by imprisonment in the State~~  
12 Penitentiary custody of the Department of Corrections for a term not  
13 more than ten (10) years, or by a fine not to exceed Five Thousand  
14 Dollars (\$5,000.00), or by both such fine and imprisonment, and  
15 ordered to provide restitution to the victim as provided in Section  
16 991a of Title 22 of the Oklahoma Statutes.

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

19 Section 1541.3. Any person making, drawing, uttering or  
20 delivering two or more false or bogus checks, drafts or orders, as  
21 defined by Section 1541.4 of this title, the total sum of which is  
22 ~~One Thousand Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00) or  
23 more, even though each separate instrument is written for less than  
24 One Thousand Dollars (\$1,000.00), all in pursuance of a common

1 scheme or plan to cheat and defraud, shall be deemed guilty of a  
2 felony and shall be punished by imprisonment in the ~~State~~  
3 Penitentiary custody of the Department of Corrections for a term not  
4 more than ten (10) years, or by a fine not to exceed Five Thousand  
5 Dollars (\$5,000.00), or by both such fine and imprisonment. If the  
6 total sum of two or more false or bogus checks, drafts or orders is  
7 Five Hundred Dollars (\$500.00) or more, but less than ~~One Thousand~~  
8 ~~Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00), the person  
9 shall, upon conviction, be guilty of a ~~felony~~ misdemeanor and shall  
10 be punished by incarceration in the county jail for not more than  
11 one (1) year or by incarceration in the county jail one or more  
12 nights or weekends pursuant to Section 991a-2 of Title 22 of the  
13 Oklahoma Statutes, at the option of the court, and shall be subject  
14 to a fine of not more than Five Thousand Dollars (\$5,000.00) and  
15 ordered to provide restitution to the victim as provided in Section  
16 991a of Title 22 of the Oklahoma Statutes.

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

19 Section 1542. A. Every person who, with intent to cheat or  
20 defraud another, designedly, by color or aid of any false token or  
21 writing, or other false pretense, obtains the signature of any  
22 person to any written instrument, or obtains from any person any  
23 money or property, is, upon conviction, guilty of a felony  
24 punishable by imprisonment in the ~~penitentiary~~ custody of the

1 Department of Corrections for a term not exceeding three (3) years  
2 or in a county jail not exceeding one (1) year if the value is One  
3 Thousand Dollars (\$1,000.00) or more, or by a fine not exceeding  
4 three times the value of the money or property so obtained, or by  
5 both such fine and imprisonment. If the value is less than One  
6 Thousand Dollars (\$1,000.00), the person is, upon conviction, guilty  
7 of a misdemeanor punishable by imprisonment in the county jail for a  
8 term not exceeding one (1) year, or by a fine not exceeding three  
9 times the value of the money or property so obtained, or by both  
10 such fine and imprisonment.

11 B. Every person who, with intent to cheat or defraud another,  
12 possesses, uses, utters, transfers, makes, manufactures,  
13 counterfeits, or reproduces a retail sales receipt or a Universal  
14 Price Code Label, is, upon conviction, guilty of a felony punishable  
15 by imprisonment in the penitentiary custody of the Department of  
16 Corrections for a term not exceeding three (3) years or in a county  
17 jail not exceeding one (1) year if the value is One Thousand Dollars  
18 (\$1,000.00) or more, or by a fine not exceeding three times the  
19 value represented on the retail sales receipt or the Universal Price  
20 Code Label, or by both such fine and imprisonment. If the value is  
21 less than One Thousand Dollars (\$1,000.00), the person is, upon  
22 conviction, guilty of a misdemeanor punishable by imprisonment in  
23 the county jail for a term not exceeding one (1) year, or by a fine  
24 not exceeding three times the value represented on the retail sales

1 receipt or the Universal Price Code Label, or by both such fine and  
2 imprisonment. For purposes of this subsection, a series of offenses  
3 may be aggregated into one offense when they are the result of the  
4 formulation of a plan or scheme or the setting up of a mechanism  
5 which, when put into operation, results in the taking or diversion  
6 of money or property on a recurring basis. When all acts result  
7 from a continuing course of conduct, they may be aggregated into one  
8 crime. Acts forming an integral part of the first taking which  
9 facilitate subsequent takings, or acts taken in preparation of  
10 several takings which facilitate subsequent takings, are relevant to  
11 determine the intent of the party to commit a continuing crime.

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

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

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

17 2. A person or organization providing money, goods, services or  
18 anything else of value, ~~i;~~ or ~~(3) any~~

19 3. Any other person,

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

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

4       ~~(c)~~ C. A person "falsely makes" a credit card or debit card  
5 when ~~he~~ the person makes or draws, in whole or in part, a device or  
6 instrument which purports to be the credit card or debit card of a  
7 named issuer but which is not such a credit card or debit card  
8 because the issuer did not authorize the making or drawing, or when  
9 ~~he~~ the person alters a credit card or debit card which was validly  
10 issued.

11       ~~(d)~~ D. A person "falsely embosses" a credit card or debit card  
12 when, without the authorization of the named issuer, ~~he~~ the person  
13 completes a credit card or debit card by adding any of the matter,  
14 other than the signature of the cardholder, which an issuer requires  
15 to appear on the credit card or debit card before it can be used by  
16 a cardholder.

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

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

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

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

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

13 ~~(c)~~ C. A person subject to the penalties of this subsection who  
14 ~~violates any provision of the Oklahoma Credit Card Crime Act~~  
15 received goods or services or any other item which has a value of  
16 One Thousand Dollars (\$1,000.00) or more shall be ~~deemed~~ guilty of a  
17 felony and fined not more than Three Thousand Dollars (\$3,000.00),  
18 imprisoned in the custody of the Department of Corrections for not  
19 more than three (3) years, or both fined and imprisoned. If the  
20 value is less than One Thousand Dollars (\$1,000.00), the person  
21 shall be guilty of a misdemeanor and fined not more than One  
22 Thousand Dollars (\$1,000.00), imprisoned in the county jail for not  
23 more than one (1) year, or both fined and imprisoned. For purposes  
24 of this subsection, a series of offenses may be aggregated into one

1 offense when they are the result of the formulation of a plan or  
2 scheme or the setting up of a mechanism which, when put into  
3 operation, results in the taking or diversion of money or property  
4 on a recurring basis. When all acts result from a continuing course  
5 of conduct, they may be aggregated into one crime. Acts forming an  
6 integral part of the first taking which facilitate subsequent  
7 takings, or acts taken in preparation of several takings which  
8 facilitate subsequent takings, are relevant to determine the intent  
9 of the party to commit a continuing crime.

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

12 Section 1577. Every person who sells, exchanges or delivers for  
13 any consideration any forged or counterfeited promissory note,  
14 check, bill, draft, or other evidence of debt, or engagement for the  
15 payment of money absolutely, or upon any contingency, knowing the  
16 same to be forged or counterfeited, with intent to have the same  
17 uttered or passed, or who offers any such note or other instrument  
18 for sale, exchange or delivery for any consideration, with the like  
19 knowledge and intent, or who receives any such note or other  
20 instrument upon a sale, exchange or delivery for any consideration  
21 with the like knowledge and intent, is guilty of forgery in the  
22 second degree if the value of the instrument is One Thousand Dollars  
23 (\$1,000.00) or more and forgery in the third degree if the value of  
24 the instrument is less than One Thousand Dollars (\$1,000.00).



1        For purposes of this section, a series of offenses may be  
2 aggregated into one offense when they are the result of the  
3 formulation of a plan or scheme or the setting up of a mechanism  
4 which, when put into operation, results in the taking or diversion  
5 of money or property on a recurring basis. When all acts result  
6 from a continuing course of conduct, they may be aggregated into one  
7 crime. Acts forming an integral part of the first taking which  
8 facilitate subsequent takings, or acts taken in preparation of  
9 several takings which facilitate subsequent takings, are relevant to  
10 determine the intent of the party to commit a continuing crime.

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

13        Section 1578. Every person who, with intent to defraud, has in  
14 his or her possession any forged, altered or counterfeit negotiable  
15 note, bill, draft or other evidence of debt issued or purporting to  
16 have been issued by any corporation or company duly authorized for  
17 that purpose by the laws of this state or of any other state,  
18 government or country, the forgery of which is hereinbefore declared  
19 to be punishable, knowing the same to be forged, altered or  
20 counterfeited, with intent to utter the same as true or as false, or  
21 to cause the same to be so uttered, is guilty of forgery in the  
22 second degree if the value of the instrument is One Thousand Dollars  
23 (\$1,000.00) or more and forgery in the third degree if the value of  
24 the instrument is less than One Thousand Dollars (\$1,000.00).

1        For purposes of this section, a series of offenses may be  
2 aggregated into one offense when they are the result of the  
3 formulation of a plan or scheme or the setting up of a mechanism  
4 which, when put into operation, results in the taking or diversion  
5 of money or property on a recurring basis. When all acts result  
6 from a continuing course of conduct, they may be aggregated into one  
7 crime. Acts forming an integral part of the first taking which  
8 facilitate subsequent takings, or acts taken in preparation of  
9 several takings which facilitate subsequent takings, are relevant to  
10 determine the intent of the party to commit a continuing crime.

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

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

24

1        For purposes of this section, a series of offenses may be  
2 aggregated into one offense when they are the result of the  
3 formulation of a plan or scheme or the setting up of a mechanism  
4 which, when put into operation, results in the taking or diversion  
5 of money or property on a recurring basis. When all acts result  
6 from a continuing course of conduct, they may be aggregated into one  
7 crime. Acts forming an integral part of the first taking which  
8 facilitate subsequent takings, or acts taken in preparation of  
9 several takings which facilitate subsequent takings, are relevant to  
10 determine the intent of the party to commit a continuing crime.

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

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

22        For purposes of this section, a series of offenses may be  
23 aggregated into one offense when they are the result of the  
24 formulation of a plan or scheme or the setting up of a mechanism

1 which, when put into operation, results in the taking or diversion  
2 of money or property on a recurring basis. When all acts result  
3 from a continuing course of conduct, they may be aggregated into one  
4 crime. Acts forming an integral part of the first taking which  
5 facilitate subsequent takings, or acts taken in preparation of  
6 several takings which facilitate subsequent takings, are relevant to  
7 determine the intent of the party to commit a continuing crime.

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

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

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

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

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

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

23 Section 1704. Grand larceny is larceny committed in either of  
24 the following cases:

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

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

6 Larceny in other cases is petit larceny.

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

9 Section 1705. Grand larceny is a felony punishable by  
10 imprisonment in the ~~State Penitentiary~~ custody of the Department of  
11 Corrections not exceeding five (5) years, a fine not exceeding Five  
12 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment  
13 if the value of the property is ~~Five Hundred Dollars (\$500.00)~~ One  
14 Thousand Dollars (\$1,000.00) or more and if the value of the  
15 property is less than ~~Five Hundred Dollars (\$500.00)~~ One Thousand  
16 Dollars (\$1,000.00) punishable by incarceration in the county jail  
17 for not more than one (1) year or by incarceration in the county  
18 jail one or more nights or weekends pursuant to Section 991a-2 of  
19 Title 22 of the Oklahoma Statutes, at the option of the court, ~~and~~  
20 ~~shall be subject to a fine of not more than Five Thousand Dollars~~  
21 ~~(\$5,000.00) and~~ exceeding One Thousand Dollars (\$1,000.00), or by  
22 both such fine and imprisonment. The defendant shall also be  
23 ordered to provide restitution to the victim as provided in Section  
24 991a of Title 22 of the Oklahoma Statutes.

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

3 Section 1713. A. Every person who buys or receives, in any  
4 manner, upon any consideration, ~~any~~ personal property of any a value  
5 whatsoever of One Thousand Dollars (\$1,000.00) or more that has been  
6 stolen, embezzled, obtained by false pretense or robbery, knowing or  
7 having reasonable cause to believe the same to have been stolen,  
8 embezzled, obtained by false pretense, or robbery, or who conceals,  
9 withholds, or aids in concealing or withholding such property from  
10 the owner, shall, upon conviction, be guilty of a felony punishable  
11 by imprisonment in the ~~State Penitentiary~~ custody of the Department  
12 of Corrections not to exceed five (5) years, or in the county jail  
13 not to exceed one (1) year, or by a fine not to exceed Five Hundred  
14 Dollars (\$500.00), or by both such fine and imprisonment. If the  
15 personal property that has been stolen, embezzled, obtained by false  
16 pretense or robbery has a value of less than One Thousand Dollars  
17 (\$1,000.00), the person shall, upon conviction, be guilty of a  
18 misdemeanor punishable by imprisonment in the county jail not to  
19 exceed one (1) year.

20 B. Every person who, without making reasonable inquiry, buys,  
21 receives, conceals, withholds, or aids in concealing or withholding  
22 any property which has been stolen, embezzled, obtained by false  
23 pretense or robbery, or otherwise feloniously obtained, under such  
24 circumstances as should cause such person to make reasonable inquiry

1 to ascertain that the person from whom such property was bought or  
2 received had the legal right to sell or deliver it shall be presumed  
3 to have bought or received such property knowing it to have been so  
4 stolen or wrongfully obtained. This presumption may, however, be  
5 rebutted by proof.

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

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

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

23 2. If it be shown, in the trial of a case in which the value of  
24 the goods, edible meat or other corporeal property is less than ~~Five~~

1 ~~Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), that the  
2 defendant has been once before convicted of the same offense, the  
3 defendant shall, on a second conviction, be guilty of a misdemeanor  
4 and shall be punished by ~~confinement~~ imprisonment in the county jail  
5 for a term of not less than thirty (30) days nor more than one (1)  
6 year, and by a fine not exceeding One Thousand Dollars (\$1,000.00);

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

18 4. In the event the value of the goods, edible meat or other  
19 corporeal property is ~~Five Hundred Dollars (\$500.00)~~ One Thousand  
20 Dollars (\$1,000.00) or more, ~~but is less than One Thousand Dollars~~  
21 ~~(\$1,000.00)~~, the defendant shall be guilty of a felony and shall be  
22 punished by imprisonment in the ~~county jail for a term of not more~~  
23 ~~than one (1) year or by imprisonment in the county jail for one or~~  
24 ~~more nights or weekends pursuant to Section 991a-2 of Title 22 of~~



1 ~~the Oklahoma Statutes, at the option of the court, and custody of~~  
2 ~~the Department of Corrections for a term of not less than two (2)~~  
3 ~~years nor more than five (5) years. The defendant shall also be~~  
4 subject to a fine of not more than Five Thousand Dollars (\$5,000.00)  
5 and ordered to provide restitution to the victim as provided in  
6 Section 991a of Title 22 of the Oklahoma Statutes.

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

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

13 Section 1834. Any mortgagor ~~or~~, conditional sales contract  
14 vendee ~~or~~, pledgor or debtor under a security agreement of personal  
15 property, or his or her legal representative, who, while such  
16 mortgage, security agreement or conditional sales contract remains  
17 in force and unsatisfied, conceals, sells, ~~or~~ in any manner disposes  
18 of such property, or any part thereof, or removes such property, or  
19 any part thereof, beyond the limits of the county, or materially  
20 injures or willfully destroys such property, or any part thereof,  
21 without the written consent of the holder of such mortgage or  
22 conditional sales contract, secured party or pledgee under a  
23 security agreement, ~~shall~~, upon conviction, be ~~deemed~~ guilty of a  
24 felony, ~~and shall, upon conviction, be~~ if the value of the property

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
17 April 6, 2016 - DO PASS AS AMENDED  
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