

1 ENGROSSED HOUSE AMENDMENT  
2 TO  
3 ENGROSSED SENATE BILL NO. 1098 By: Treat of the Senate  
4 and  
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8 An Act relating to crimes and punishments; amending  
9 Sections 1704 and 1713, as amended by  
10 Sections 4 and 6, State Question No. 780, Petition  
11 No. 404, which relate to grand larceny and receiving  
12 stolen property; identifying larceny of firearms as  
13 grand larceny; updating language; specifying penalty  
14 for receiving stolen firearms; and providing an  
15 effective date.

16 AUTHOR: Add the following Senate Coauthor: Allen

17 AMENDMENT NO. 1. Replace the title, enacting clause and entire bill  
18 and insert

19 "An Act relating to classification of felony crimes;  
20 creating the Criminal Justice Reclassification  
21 Coordination Council; stating duties of the Council;  
22 providing for membership of the Council; providing  
23 for election of a chair and other officers;  
24 directing chair of Council to call meetings;  
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:  
25 authorizing Council to meet as often as is required;  
26 requiring quorum to approve actions and  
27 recommendations; stating what constitutes a quorum;  
28 requiring meetings be subject to the Oklahoma Open  
29 Meeting Act; providing for travel reimbursement;  
30 directing Office of the Attorney General to provide  
31 administrative support; requiring Council to submit  
32 certain annual report to the Governor and  
33 Legislature; providing for codification; and  
34 declaring an emergency.

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1701 of Title 22, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. There is hereby created the Criminal Justice  
5 Reclassification Coordination Council, hereinafter referred to as  
6 the "Council". The Council shall review and recommend the  
7 following:

8 1. The classification of all felonies under Oklahoma law into  
9 appropriate categories;

10 2. Appropriate sentence lengths for each class of felonies;

11 3. Appropriate enhanced sentences for crimes committed after  
12 offenders have been convicted of other crimes; and

13 4. Other appropriate changes that will improve the criminal  
14 justice system in Oklahoma and ensure the public safety of its  
15 citizens.

16 B. The Council shall be comprised of twenty-one (21) members to  
17 be selected as follows:

18 1. The Attorney General for the State of Oklahoma, or designee;

19 2. A district attorney for a county or district with a  
20 population of five hundred thousand (500,000) or more as determined  
21 by the latest Federal Decennial Census, to be selected by the  
22 Oklahoma District Attorneys Council, or designee;

23 3. A district attorney for a county or district with a  
24 population of five hundred thousand (500,000) or less as determined

1 by the latest Federal Decennial Census, to be selected by the  
2 Oklahoma District Attorneys Council, or designee;

3       4. A chief of police of a municipality with a population of  
4 three hundred fifty thousand (350,000) or more as determined by the  
5 latest Federal Decennial Census, to be selected by the Oklahoma  
6 Association of Chiefs of Police, or designee;

7       5. A chief of police of a municipality with a population of  
8 three hundred fifty thousand (350,000) or less as determined by the  
9 latest Federal Decennial Census, to be selected by the Oklahoma  
10 Association of Chiefs of Police, or designee;

11       6. A sheriff of a county with a population of fifty thousand  
12 (50,000) or more as determined by the latest Federal Decennial  
13 Census, to be selected by the Oklahoma Sheriffs' Association, or  
14 designee;

15       7. A sheriff of a county with a population of fifty thousand  
16 (50,000) or less as determined by the latest Federal Decennial  
17 Census, to be selected by the Oklahoma Sheriffs' Association, or  
18 designee;

19       8. The Director of the Oklahoma Department of Corrections, or  
20 designee;

21       9. A public defender of a county with a population of three  
22 hundred fifty thousand (350,000) or more as determined by the latest  
23 Federal Decennial Census, to be selected by the Administrative  
24 Director of the Courts, or designee;

1       10. The Executive Director of the Oklahoma Indigent Defense  
2 System, or designee;

3       11. The Commissioner of the Oklahoma Department of Mental  
4 Health and Substance Abuse Services, or designee;

5       12. The Director of the Oklahoma State Bureau of Investigation,  
6 or designee;

7       13. The Director of the Oklahoma State Bureau of Narcotics and  
8 Dangerous Drugs Control, or designee;

9       14. The Administrative Director of the Courts, or designee;

10       15. The Executive Director of the Oklahoma Pardon and Parole  
11 Board, or designee;

12       16. The Director of the Oklahoma Coalition on Domestic Violence  
13 and Sexual Assault, or designee;

14       17. The president of the State Chamber of Commerce, or  
15 designee;

16       18. The president of a local chamber of commerce, to be  
17 appointed by the Governor, or designee;

18       19. The Governor of the State of Oklahoma, or designee;

19       20. The President Pro Tempore of the Oklahoma State Senate, or  
20 designee; and

21       21. The Speaker of the Oklahoma House of Representatives, or  
22 designee.

23       C. The chair of the Council shall be elected by majority vote  
24 of the Council members attending the initial meeting. The Council

1 shall elect any other officers during the first meeting and upon a  
2 vacancy in any office.

3       D. The chair shall call the first meeting and all subsequent  
4 meetings shall be made at the call of the chair. The Council may  
5 meet as often as may be required in order to perform the duties  
6 imposed upon it.

7       E. A quorum of the Council shall be required to approve any  
8 final action and recommendation of the Council. For purposes of  
9 this section, eleven members of the Council shall constitute a  
10 quorum.

11       F. The meetings of the Council shall be subject to the Oklahoma  
12 Open Meeting Act.

13       G. The members of the Council shall receive no compensation,  
14 but travel reimbursement may be provided by their respective  
15 organizations within the limits provided for state employees in the  
16 Oklahoma State Travel Reimbursement Act.

17       H. Administrative support for the Council shall be provided by  
18 the Office of the Attorney General.

19       I. The Council shall submit a report of its findings and  
20 recommendations annually by December 31, 2018, and the same day each  
21 year thereafter to the Governor, the President Pro Tempore of the  
22 Oklahoma State Senate and the Speaker of the Oklahoma House of  
23 Representatives.

1 SECTION 2. It being immediately necessary for the preservation  
2 of the public peace, health or safety, an emergency is hereby  
3 declared to exist, by reason whereof this act shall take effect and  
4 be in full force from and after its passage and approval."

5 Passed the House of Representatives the 25th day of April, 2018.

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Presiding Officer of the House of  
9 Representatives

10 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2018.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE  
2 BILL NO. 1098

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6 An Act relating to crimes and punishments; amending  
7 21 O.S. 2011, Sections 1704 and 1713, as amended by  
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stolen property; identifying larceny of firearms as  
grand larceny; updating language; specifying penalty  
for receiving stolen firearms; and providing an  
effective date.

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

13 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1704, as  
14 amended by Section 4, State Question No. 780, Petition No. 404, is  
15 amended to read as follows:

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

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

20 2. When the property taken is a firearm, without regard to the  
21 value of the firearm; or

22 3. When such property, although not of value exceeding One  
23 Thousand Dollars (\$1,000.00), is taken from the person of another.

24 Larceny in other cases is petit larceny.

1 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1713, as  
2 amended by Section 6, State Question No. 780, Petition No. 404, is  
3 amended to read as follows:

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

23 B. Every person who, without making reasonable inquiry, buys,  
24 receives, conceals, withholds, or aids in concealing or withholding

1 any property which has been stolen, embezzled, obtained by false  
2 pretense or robbery, or otherwise feloniously obtained, under such  
3 circumstances as should cause such person to make reasonable inquiry  
4 to ascertain that the person from whom such property was bought or  
5 received had the legal right to sell or deliver it shall be presumed  
6 to have bought or received such property knowing it to have been so  
7 stolen or wrongfully obtained. This presumption may, however, be  
8 rebutted by proof.

9 SECTION 5. This act shall become effective November 1, 2018.

10 Passed the Senate the 13th day of March, 2018.

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13 Presiding Officer of the Senate  
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15 Passed the House of Representatives the \_\_\_\_\_ day of \_\_\_\_\_,  
16 2018.

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19 Presiding Officer of the House  
20 of Representatives  
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