

1 ENGROSSED HOUSE AMENDMENT
2 TO
3 ENGROSSED SENATE BILL NO. 1098 By: Treat of the Senate
4 and
5 Worthen of the House
6
7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Sections 1704 and 1713, as amended by
9 Sections 4 and 6, State Question No. 780, Petition
10 No. 404, which relate to grand larceny and receiving
11 stolen property; identifying larceny of firearms as
12 grand larceny; updating language; specifying penalty
13 for receiving stolen firearms; and providing an
14 effective date.
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16 AUTHOR: Add the following Senate Coauthor: Allen
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18 AMENDMENT NO. 1. Replace the title, enacting clause and entire bill
19 and insert
20
21 "An Act relating to classification of felony crimes;
22 creating the Criminal Justice Reclassification
23 Coordination Council; stating duties of the Council;
24 providing for membership of the Council; providing
for election of a chair and other officers;
directing chair of Council to call meetings;
authorizing Council to meet as often as is required;
requiring quorum to approve actions and
recommendations; stating what constitutes a quorum;
requiring meetings be subject to the Oklahoma Open
Meeting Act; providing for travel reimbursement;
directing Office of the Attorney General to provide
administrative support; requiring Council to submit
certain annual report to the Governor and
Legislature; providing for codification; and
declaring an emergency.

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

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.

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

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

Presiding Officer of the House of
Representatives

Passed the Senate the _____ day of _____, 2018.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 1098

By: Treat of the Senate

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4 Worthen of the House

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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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9 No. 404, which relate to grand larceny and receiving
10 stolen property; identifying larceny of firearms as
11 grand larceny; updating language; specifying penalty
for receiving stolen firearms; and providing an
effective date.

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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Presiding Officer of the Senate

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14 Passed the House of Representatives the ____ day of _____,
15 2018.

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Presiding Officer of the House
of Representatives

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