

1 **SENATE FLOOR VERSION**

2 February 24, 2021

3 SENATE BILL NO. 334

By: Paxton

4
5
6 An Act relating to larceny; amending 21 O.S. 2011,
7 Section 1731, as amended by Section 15, Chapter 116,
8 O.S.L. 2018 (21 O.S. Supp. 2020, Section 1731), which
9 relates to punishment for recidivists; modifying
10 certain time element; and providing an effective
11 date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1731, as
14 amended by Section 15, Chapter 116, O.S.L. 2018 (21 O.S. Supp. 2020,
15 Section 1731), is amended to read as follows:

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

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

1 corporeal property has been taken, punishment shall be by
2 imprisonment in the county jail for a term not to exceed thirty (30)
3 days, and by a fine not less than Fifty Dollars (\$50.00) nor more
4 than Five Hundred Dollars (\$500.00);

5 2. For a third or subsequent conviction, in the event the value
6 of the goods, edible meat or other corporeal property which has been
7 taken is less than One Thousand Dollars (\$1,000.00), the person
8 shall be guilty of a misdemeanor and shall be punished by
9 imprisonment in the county jail for a term not to exceed one (1)
10 year, and by a fine not exceeding One Thousand Dollars (\$1,000.00);

11 3. In the event the value of the goods, edible meat or other
12 corporeal property is One Thousand Dollars (\$1,000.00) or more but
13 less than Two Thousand Five Hundred Dollars (\$2,500.00), the person
14 shall be guilty of a felony and shall be punished by imprisonment in
15 the custody of the Department of Corrections for a term not to
16 exceed two (2) years, and by a fine not to exceed One Thousand
17 Dollars (\$1,000.00);

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

1 5. In the event the value of the goods, edible meat or other
2 corporeal property is Fifteen Thousand Dollars (\$15,000.00) or more,
3 the person shall be guilty of a felony and shall be punished by
4 imprisonment in the custody of the Department of Corrections for a
5 term not to exceed eight (8) years, and by a fine not to exceed One
6 Thousand Dollars (\$1,000.00).

7 B. When three or more separate offenses under this section are
8 committed within a ~~ninety-day~~ one-year period, the value of the
9 goods, edible meat or other corporeal property involved in each
10 larceny offense may be aggregated to determine the total value for
11 purposes of determining the appropriate punishment under this
12 section.

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

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

22 SECTION 2. This act shall become effective November 1, 2021.

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
24 February 24, 2021 - DO PASS