

1 **SENATE FLOOR VERSION**

2 April 6, 2017

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 2281

6 By: O'Donnell of the House

7 and

8 Treat and Pittman of the
9 Senate

10 **An Act relating to crimes and punishments; amending**
11 **21 O.S. 2011, Sections 1416, 1532, 1550.22, 1550.23,**
12 **1592, as last amended by Section 14, Chapter 221,**
13 **O.S.L. 2016 (21 O.S. Supp. 2016, Section 1592), 1702**
14 **and 1720, which relate to unlawful delivery of goods,**
15 **false personation, credit or debit card crimes,**
16 **forged instruments or coins, larceny of lost property**
17 **and theft of aircraft, automobile or construction**
18 **equipment; updating reference; modifying penalties**
19 **and fines; amending 21 O.S. 2011, Sections 1451,**
20 **1541.2, 1541.3, 1577, 1578, 1579, 1704, 1705, 1713**
21 **and 1731, as last amended by Sections 10, 14, 15, 17,**
22 **18, 19, 4, 5, 6 and 9, State Question No. 780,**
23 **Petition No. 404 (21 O.S. Supp. 2016, Sections 1451,**
24 **1541.2, 1541.3, 1577, 1578, 1579, 1704, 1705, 1713**
and 1731), which relates to embezzlement, penalties
and values of properties, false or bogus checks,
forged notes of instruments, possession of forged
notes of instruments, other forged instruments, grand
larceny, stolen farm equipment and larceny of
merchandise; modifying penalties and fines; amending
47 O.S. 2011, Sections 4-102, 4-103 and 17-102, which
relate to unauthorized use, receipt or sale of
implement of husbandry and felony violations;
modifying fines and penalties; making certain
exception; amending 59 O.S. 2011, Section 1512, as
amended by Section 16, State Question No. 780,
Petition No. 404 (59 O.S. Supp. 2016, Section 1512),
which relates to administration and enforcement;
modifying penalties and fines; amending 63 O.S. 2011,
Sections 2-403 and 2-503.1, which relate to

1 **prohibited acts and penalties and transactions**
2 **derived from illegal drug activity; modifying fines**
3 **and penalties; and providing an effective date.**

4
5 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

6 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1416, is
7 amended to read as follows:

8 Section 1416. Any person mentioned in Section 1412 of this
9 title, who delivers to another any merchandise for which any bill of
10 lading, receipt or voucher has been issued, unless such receipt or
11 voucher bore upon its face the words "Not negotiable," plainly
12 written or stamped, or unless such receipt is surrendered to be
13 canceled at the time of delivery or unless, in the case of partial
14 delivery, a memorandum thereof is endorsed upon such receipt or
15 voucher, shall be ~~guilty of a felony punishable by imprisonment in~~
16 ~~the State Penitentiary not exceeding five (5) years or by a fine not~~
17 ~~exceeding One Thousand Dollars (\$1,000.00), or both~~ as follows:

18 1. If the value of the property is less than One Thousand
19 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor
20 punishable by imprisonment in the county jail not to exceed one (1)
21 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
22 or by both such imprisonment and fine;

23 2. If the value of the property is One Thousand Dollars
24 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars

1 (\$2,500.00), the person shall be guilty of a felony punishable by
2 imprisonment in the custody of the Department of Corrections not to
3 exceed two (2) years, or in the county jail not to exceed one (1)
4 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
5 or by both such imprisonment and fine;

6 3. If the value of the property is Two Thousand Five Hundred
7 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
8 (\$15,000.00), the person shall be guilty of a felony punishable by
9 imprisonment in the custody of the Department of Corrections not to
10 exceed five (5) years, or in the county jail not to exceed one (1)
11 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
12 or by both such imprisonment and fine; and

13 4. If the value of the property is Fifteen Thousand Dollars
14 (\$15,000.00) or more, the person shall be guilty of a felony
15 punishable by imprisonment in the custody of the Department of
16 Corrections not to exceed eight (8) years, or by a fine not to
17 exceed One Thousand Dollars (\$1,000.00), or by both such
18 imprisonment and fine.

19 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1451, as
20 last amended by Section 10, State Question No. 780, Petition No.
21 404, is amended to read as follows:

22 Section 1451. A. Embezzlement is the fraudulent appropriation
23 of property of any person or legal entity, legally obtained, to any
24 use or purpose not intended or authorized by its owner, or the

1 | secretion of the property with the fraudulent intent to appropriate
2 | it to such use or purpose, under any of the following circumstances:

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

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

9 | 3. Where the property is possessed or controlled for the use of
10 | another person;

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

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

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

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

23 | 8. Where any person removes crops from any leased or rented
24 | premises with the intent to deprive the owner or landlord interested

1 in the land of any of the rent due from that land, or who
2 fraudulently appropriates the rent to that person or any other
3 person; or

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

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

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

12 1. If the value of the property embezzled is less than One
13 Thousand Dollars (\$1,000.00), any person convicted shall be ~~punished~~
14 guilty of a misdemeanor punishable by a fine not exceeding One
15 Thousand Dollars (\$1,000.00), ~~or~~ by imprisonment in the county jail
16 for a term not ~~more than~~ to exceed one (1) year or, at the
17 discretion of the court, by imprisonment in the county jail for one
18 or more nights or weekends pursuant to Section 991a-2 of Title 22 of
19 the Oklahoma Statutes, or by both such fine and imprisonment;

20 2. 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)~~ Two Thousand Five Hundred Dollars (\$2,500.00),
23 any person convicted shall be guilty of a felony ~~and shall be~~
24 ~~punished~~ punishable by imprisonment in the custody of the Department

1 of Corrections for a term ~~of not more than five (5)~~ to exceed two
2 (2) years or in the county jail for a term not to exceed one (1)
3 year, and shall be subject to a fine ~~of~~ not exceeding Five Thousand
4 Dollars (\$5,000.00), and ordered to pay restitution to the victim as
5 provided in Section 991f of Title 22 of the Oklahoma Statutes; ~~or~~

6 3. If the value of the property embezzled is ~~Twenty-five~~
7 ~~Thousand Dollars (\$25,000.00)~~ Two Thousand Five Hundred Dollars
8 (\$2,500.00) or more but less than Fifteen Thousand Dollars
9 (\$15,000.00), any person convicted shall be guilty of a felony ~~and~~
10 ~~shall be punished~~ punishable by imprisonment in the custody of the
11 Department of Corrections for a term ~~of not more than ten (10)~~ to
12 exceed five (5) years, and shall be subject to a fine not exceeding
13 ~~Ten Thousand Dollars (\$10,000.00)~~ Five Thousand Dollars (\$5,000.00),
14 and ordered to pay restitution to the victim as provided in Section
15 991f of Title 22 of the Oklahoma Statutes; or

16 4. If the value of the property embezzled is Fifteen Thousand
17 Dollars (\$15,000.00) or more, any person convicted shall be guilty
18 of a felony punishable by imprisonment in the custody of the
19 Department of Corrections for a term not to exceed eight (8) years,
20 subject to a fine not exceeding Ten Thousand Dollars (\$10,000.00),
21 and ordered to pay restitution to the victim as provided in Section
22 991f of Title 22 of the Oklahoma Statutes.

23 For purposes of this subsection, a series of offenses may be
24 aggregated into one offense when they are the result of the

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

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

24

1 D. Any executor, administrator, trustee, beneficiary or other
2 person benefiting from, acting in a fiduciary capacity for, or
3 otherwise administering a probate, intestate, or trust estate,
4 whether the trust is inter vivos or testamentary, upon conviction of
5 embezzlement from the estate shall not receive any portion, share,
6 gift or otherwise benefit from the estate.

7 SECTION 3. AMENDATORY 21 O.S. 2011, Section 1532, is
8 amended to read as follows:

9 Section 1532. Any person who falsely personates another, and in
10 such assumed character receives any money or property, that knowing
11 it is intended to be delivered to the individual so personated, with
12 intent to convert the same to his own use, or to that of another
13 person who is not entitled thereto, shall be ~~guilty of a felony~~
14 ~~punishable in the same manner and to the same extent as for larceny~~
15 ~~of the money or property so received~~ punishable as follows:

16 1. If the value of the money or property is less than One
17 Thousand Dollars (\$1,000.00), the person shall be guilty of a
18 misdemeanor punishable by imprisonment in the county jail not to
19 exceed one (1) year, or by a fine not to exceed One Thousand Dollars
20 (\$1,000.00), or by both such imprisonment and fine;

21 2. If the value of the money or property is One Thousand
22 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
23 Dollars (\$2,500.00), the person shall be guilty of a felony
24 punishable by imprisonment in the custody of the Department of

1 Corrections not to exceed two (2) years, or in the county jail not
2 to exceed one (1) year, or by a fine not to exceed Five Thousand
3 Dollars (\$5,000.00), or by both such imprisonment and fine;

4 3. If the value of the money or property is Two Thousand Five
5 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand
6 Dollars (\$15,000.00), the person shall be guilty of a felony
7 punishable by imprisonment in the custody of the Department of
8 Corrections not to exceed five (5) years, or in the county jail not
9 to exceed one (1) year, or by a fine not to exceed Five Thousand
10 Dollars (\$5,000.00), or by both such imprisonment and fine; and

11 4. If the value of the money or property is Fifteen Thousand
12 Dollars (\$15,000.00) or more, the person shall be guilty of a felony
13 punishable by imprisonment in the custody of the Department of
14 Corrections not to exceed eight (8) years, or by a fine not to
15 exceed Ten Thousand Dollars (\$10,000.00), or by both such
16 imprisonment and fine.

17 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1541.2, as
18 amended by Section 14, State Question No. 780, Petition No. 404, is
19 amended to read as follows:

20 Section 1541.2 A. If the value of the money, property or
21 valuable thing referred to in Section 1541.1 of this title is:

22 1. One Thousand Dollars (\$1,000.00) or more but less than Two
23 Thousand Five Hundred Dollars (\$2,500.00), ~~any the person convicted~~
24 ~~hereunder~~ shall be ~~deemed~~ guilty of a felony and ~~shall be punished~~

1 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
2 Department of Corrections for a term not ~~more than ten (10)~~ to
3 exceed two (2) years or in the county jail for a term not to exceed
4 one (1) year, or by a fine not to exceed Five Thousand Dollars
5 (\$5,000.00), or by both such fine and imprisonment;

6 2. Two Thousand Five Hundred Dollars (\$2,500.00) or more but
7 less than Fifteen Thousand Dollars (\$15,000.00), the person shall be
8 guilty of a felony punishable by imprisonment in the custody of the
9 Department of Corrections for a term not to exceed five (5) years or
10 in the county jail for a term not to exceed one (1) year, or by a
11 fine not to exceed Five Thousand Dollars (\$5,000.00), or by both
12 such imprisonment and fine; or

13 3. Fifteen Thousand Dollars (\$15,000.00) or more, the person
14 shall be guilty of a felony punishable by imprisonment in the
15 custody of the Department of Corrections for a term not to exceed
16 eight (8) years, or by a fine not to exceed Five Thousand Dollars
17 (\$5,000.00), or by both such imprisonment and fine.

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

21 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1541.3, as
22 amended by Section 15, State Question No. 780, Petition No. 404, is
23 amended to read as follows:

24

1 Section 1541.3 A. Any person making, drawing, uttering or
2 delivering two or more false or bogus checks, drafts or orders, as
3 defined by Section 1541.4 of this title, the total sum of which is
4 ~~One Thousand Dollars (\$1,000.00)~~ Two Thousand Dollars (\$2,000.00) or
5 more, even though each separate instrument is written for less than
6 One Thousand Dollars (\$1,000.00), all in pursuance of a common
7 scheme or plan to cheat and defraud, shall be deemed guilty of a
8 felony and shall be punished as follows:

9 1. If the total sum of two or more false or bogus checks,
10 drafts or orders is Two Thousand Dollars (\$2,000.00) or more but
11 less than Two Thousand Five Hundred Dollars (\$2,500.00), the person
12 shall be punished by imprisonment in the ~~State Penitentiary~~ custody
13 of the Department of Corrections for a term not ~~more than ten (10)~~
14 to exceed two (2) years or in the county jail for a term not to
15 exceed one (1) year, or by a fine not to exceed Five Thousand
16 Dollars (\$5,000.00), or by both such fine and imprisonment;

17 2. If the total sum of two or more false or bogus checks,
18 drafts or orders is Two Thousand Five Hundred Dollars (\$2,500.00) or
19 more but less than Fifteen Thousand Dollars (\$15,000.00), the person
20 shall be punished by imprisonment in the custody of the Department
21 of Corrections for a term not to exceed five (5) years or in the
22 county jail for a term not to exceed one (1) year, or by a fine not
23 to exceed Five Thousand Dollars (\$5,000.00), or by both such fine
24 and imprisonment; or

1 3. If the total sum of two or more false or bogus checks,
2 drafts or orders is Fifteen Thousand Dollars (\$15,000.00) or more,
3 the person shall be punished by imprisonment in the custody of the
4 Department of Corrections for a term not to exceed eight (8) years,
5 or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by
6 both such fine and imprisonment.

7 B. If the total sum of two or more false or bogus checks,
8 drafts or orders is Five Hundred Dollars (\$500.00) or more but less
9 than Two Thousand Dollars (\$2,000.00), the person shall, upon
10 conviction, be guilty of a misdemeanor punishable by imprisonment in
11 the county jail for a term not to exceed one (1) year or, at the
12 discretion of the court, by imprisonment in the county jail for one
13 or more nights or weekends pursuant to Section 991a-2 of Title 22 of
14 the Oklahoma Statutes, shall be subject to a fine of not more than
15 Five Thousand Dollars (\$5,000.00), and ordered to provide
16 restitution to the victim as provided in Section 991f of Title 22 of
17 the Oklahoma Statutes.

18 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1550.22, is
19 amended to read as follows:

20 Section 1550.22 ~~(a)~~ A. A person who takes a credit card or
21 debit card from the person, possession, custody or control of
22 another without the cardholder's consent, or who, with knowledge
23 that it has been so taken, receives the credit card or debit card
24 with intent to use it or to sell it, or to transfer it to a person

1 other than the issuer or the cardholder, is guilty of card theft and
2 is ~~subject to the penalties set forth in Section 1550.33(a) of this~~
3 ~~title~~ punishable as follows:

4 1. If the value of the goods or services received is less than
5 One Thousand Dollars (\$1,000.00), the person shall be guilty of a
6 misdemeanor punishable by imprisonment in the county jail for a term
7 not to exceed one (1) year, or by a fine not to exceed One Thousand
8 Dollars (\$1,000.00), or by both such imprisonment and fine;

9 2. If the value of the goods or services received is One
10 Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five
11 Hundred Dollars (\$2,500.00), the person shall be guilty of a felony
12 punishable by imprisonment in the custody of the Department of
13 Corrections for a term not to exceed two (2) years or in the county
14 jail for a term not to exceed one (1) year, or by a fine not to
15 exceed One Thousand Dollars (\$1,000.00), or by both such
16 imprisonment and fine;

17 3. If the value of the goods or services received is Two
18 Thousand Five Hundred Dollars (\$2,500.00) or more but less than
19 Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of
20 a felony punishable by imprisonment in the custody of the Department
21 of Corrections for a term not to exceed five (5) years or in the
22 county jail for a term not to exceed one (1) year, or by a fine not
23 to exceed One Thousand Dollars (\$1,000.00), or by both such
24 imprisonment and fine; or

1 4. If the value of the goods or services received is Fifteen
2 Thousand Dollars (\$15,000.00) or more, the person shall be guilty of
3 a felony punishable by imprisonment in the custody of the Department
4 of Corrections for a term not to exceed eight (8) years, or by a
5 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
6 imprisonment and fine.

7 ~~(b)~~ B. Taking a credit card or a debit card without consent
8 includes obtaining it by the crime of larceny, larceny by trick,
9 larceny by the bailee, embezzlement or obtaining property by false
10 pretense, false promise, extortion or in any manner taking without
11 the consent of the cardholder or issuer.

12 ~~(c)~~ C. A person who has in his or her possession or under his
13 or her control any credit card or debit card obtained under
14 subsection ~~(b)~~ B of this section is presumed to have violated this
15 section.

16 SECTION 7. AMENDATORY 21 O.S. 2011, Section 1550.23, is
17 amended to read as follows:

18 Section 1550.23 A person who receives, holds or conceals a
19 credit card or a debit card which has been lost or mislaid under
20 circumstances which give him or her knowledge or cause to inquire as
21 to the true owner and appropriates it to his or her use or the use
22 of another not entitled thereto is ~~subject to the penalties set~~
23 ~~forth in Section 1550.33(a) of Title 21 of the Oklahoma Statutes~~
24 punishable as follows:

1 1. If the value of the goods or services received is less than
2 One Thousand Dollars (\$1,000.00), the person shall be guilty of a
3 misdemeanor punishable by imprisonment in the county jail for a term
4 not to exceed one (1) year, or by a fine not to exceed One Thousand
5 Dollars (\$1,000.00), or by both such imprisonment and fine;

6 2. If the value of the goods or services received is One
7 Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five
8 Hundred Dollars (\$2,500.00), the person shall be guilty of a felony
9 punishable by imprisonment in the custody of the Department of
10 Corrections for a term not to exceed two (2) years or in the county
11 jail for a term not to exceed one (1) year, or by a fine not to
12 exceed One Thousand Dollars (\$1,000.00), or by both such
13 imprisonment and fine;

14 3. If the value of the goods or services received is Two
15 Thousand Five Hundred Dollars (\$2,500.00) or more but less than
16 Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of
17 a felony punishable by imprisonment in the custody of the Department
18 of Corrections for a term not to exceed five (5) years or in the
19 county jail for a term not to exceed one (1) year, or by a fine not
20 to exceed One Thousand Dollars (\$1,000.00), or by both such
21 imprisonment and fine; or

22 4. If the value of the goods or services received is Fifteen
23 Thousand Dollars (\$15,000.00) or more, the person shall be guilty of
24 a felony punishable by imprisonment in the custody of the Department

1 of Corrections for a term not to exceed eight (8) years, or by a
2 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
3 imprisonment and fine.

4 SECTION 8. AMENDATORY 21 O.S. 2011, Section 1577, as
5 amended by Section 17, State Question No. 780, Petition No. 404, is
6 amended to read as follows:

7 Section 1577. A. Every person who sells, exchanges or delivers
8 for any consideration any forged or counterfeited promissory note,
9 check, bill, draft, or other evidence of debt, or engagement for the
10 payment of money absolutely, or upon any contingency, knowing the
11 same to be forged or counterfeited, with intent to have the same
12 uttered or passed, or who offers any such note or other instrument
13 for sale, exchange or delivery for any consideration, with the like
14 knowledge and intent, or who receives any such note or other
15 instrument upon a sale, exchange or delivery for any consideration
16 with the like knowledge and intent, is ~~guilty of forgery in the~~
17 ~~third degree~~ punishable as follows:

18 1. If the value of the instrument is less than One Thousand
19 Dollars (\$1,000.00), the person shall be guilty of misdemeanor
20 forgery punishable by imprisonment in the county jail for a term not
21 to exceed one (1) year, or by a fine not to exceed One Thousand
22 Dollars (\$1,000.00), or by both such imprisonment and fine;

23 2. If the value of the instrument is One Thousand Dollars
24 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars

1 (\$2,500.00), the person shall be guilty of felony forgery punishable
2 by imprisonment in the custody of the Department of Corrections for
3 a term not to exceed two (2) years or in the county jail not to
4 exceed one (1) year, or by a fine not to exceed One Thousand Dollars
5 (\$1,000.00), or by both such imprisonment and fine;

6 3. If the value of the instrument is Two Thousand Five Hundred
7 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
8 (\$15,000.00), the person shall be guilty of felony forgery
9 punishable by imprisonment in the custody of the Department of
10 Corrections for a term not to exceed five (5) years or in the county
11 jail for a term not to exceed one (1) year, or by a fine not to
12 exceed One Thousand Dollars (\$1,000.00), or by both such
13 imprisonment and fine; or

14 4. If the value of the instrument is Fifteen Thousand Dollars
15 (\$15,000.00) or more, the person shall be guilty of felony forgery
16 punishable by imprisonment in the custody of the Department of
17 Corrections for a term not to exceed eight (8) years, or by a fine
18 not to exceed One Thousand Dollars (\$1,000.00), or by both such
19 imprisonment and fine.

20 B. For purposes of this section, a series of offenses may be
21 aggregated into one offense when they are the result of the
22 formulation of a plan or scheme or the setting up of a mechanism
23 which, when put into operation, results in the taking or diversion
24 of money or property on a recurring basis. When all acts result

1 from a continuing course of conduct, they may be aggregated into one
2 crime. Acts forming an integral part of the first taking which
3 facilitate subsequent takings, or acts taken in preparation of
4 several takings which facilitate subsequent takings, are relevant to
5 determine the intent of the party to commit a continuing crime.

6 SECTION 9. AMENDATORY 21 O.S. 2011, Section 1578, as
7 amended by Section 18, State Question No. 780, Petition No. 404, is
8 amended to read as follows:

9 Section 1578. A. Every person who, with intent to defraud, has
10 in his or her possession any forged, altered or counterfeit
11 negotiable note, bill, draft or other evidence of debt issued or
12 purporting to have been issued by any corporation or company duly
13 authorized for that purpose by the laws of this state or of any
14 other state, government or country, the forgery of which is
15 hereinbefore declared to be punishable, knowing the same to be
16 forged, altered or counterfeited, with intent to utter the same as
17 true or as false, or to cause the same to be so uttered, is ~~guilty~~
18 ~~of forgery in the third degree~~ punishable as follows:

19 1. If the value of the instrument is less than One Thousand
20 Dollars (\$1,000.00), the person shall be guilty of misdemeanor
21 forgery punishable by imprisonment in the county jail for a term not
22 to exceed one (1) year, or by a fine not to exceed One Thousand
23 Dollars (\$1,000.00), or by both such imprisonment and fine;
24

1 2. If the value of the instrument is One Thousand Dollars
2 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
3 (\$2,500.00), the person shall be guilty of felony forgery punishable
4 by imprisonment in the custody of the Department of Corrections for
5 a term not to exceed two (2) years or in the county jail for a term
6 not to exceed one (1) year, or by a fine not to exceed One Thousand
7 Dollars (\$1,000.00), or by both such imprisonment and fine;

8 3. If the value of the instrument is Two Thousand Five Hundred
9 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
10 (\$15,000.00), the person shall be guilty of felony forgery
11 punishable by imprisonment in the custody of the Department of
12 Corrections for a term not to exceed five (5) years or in the county
13 jail for a term not to exceed one (1) year, or by a fine not to
14 exceed One Thousand Dollars (\$1,000.00), or by both such
15 imprisonment and fine; or

16 4. If the value of the instrument is Fifteen Thousand Dollars
17 (\$15,000.00) or more, the person shall be guilty of felony forgery
18 punishable by imprisonment in the custody of the Department of
19 Corrections for a term not to exceed eight (8) years, or by a fine
20 not to exceed One Thousand Dollars (\$ 1,000.00), or by both such
21 imprisonment and fine.

22 B. 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 10. AMENDATORY 21 O.S. 2011, Section 1579, as
9 amended by Section 19, State Question No. 780, Petition No. 404, is
10 amended to read as follows:

11 Section 1579. A. Every person who has in his or her possession
12 any forged or counterfeited instrument, the forgery of which is
13 hereinbefore declared to be punishable, other than such as are
14 enumerated in the last section, knowing the same to be forged,
15 counterfeited or falsely altered with intent to injure or defraud by
16 uttering the same to be true, or as false, or by causing the same to
17 be uttered, is ~~guilty of forgery in the third degree~~ punishable as
18 follows:

19 1. If the value of the instrument is less than One Thousand
20 Dollars (\$1,000.00), the person shall be guilty of misdemeanor
21 forgery punishable by imprisonment in the county jail for a term not
22 to exceed one (1) year, or by a fine not to exceed One Thousand
23 Dollars (\$1,000.00), or by both such imprisonment and fine;

24

1 2. If the value of the instrument is One Thousand Dollars
2 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
3 (\$2,500.00), the person shall be guilty of felony forgery punishable
4 by imprisonment in the custody of the Department of Corrections for
5 a term not to exceed two (2) years or in the county jail for a term
6 not to exceed one (1) year, or by a fine not to exceed One Thousand
7 Dollars (\$1,000.00), or by both such imprisonment and fine;

8 3. If the value of the instrument is Two Thousand Five Hundred
9 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
10 (\$15,000.00), the person shall be guilty of felony forgery
11 punishable by imprisonment in the custody of the Department of
12 Corrections for a term not to exceed five (5) years or in the county
13 jail for a term not to exceed one (1) year, or by a fine not to
14 exceed One Thousand Dollars (\$1,000.00), or by both such
15 imprisonment and fine; or

16 4. If the value of the instrument is Fifteen Thousand Dollars
17 (\$15,000.00) or more, the person shall be guilty of felony forgery
18 punishable by imprisonment in the custody of the Department of
19 Corrections for a term not to exceed eight (8) years, or by a fine
20 not to exceed One Thousand Dollars (\$1,000.00), or by both such
21 imprisonment and fine.

22 B. 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 11. AMENDATORY 21 O.S. 2011, Section 1592, as
9 amended by Section 14, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2016,
10 Section 1592), is amended to read as follows:

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

20 1. If the value of the instrument is less than One Thousand
21 Dollars (\$1,000.00), the person shall be guilty of forgery as a
22 misdemeanor punishable by imprisonment in the county jail not to
23 exceed one (1) year, or by a fine not to exceed One Thousand Dollars
24 (\$1,000.00), or by both such imprisonment and fine;

1 2. If the value of the instrument is One Thousand Dollars
2 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
3 (\$2,500.00), the person shall be guilty of forgery as a felony
4 punishable by imprisonment in the custody of the Department of
5 Corrections not to exceed two (2) years, or in the county jail not
6 to exceed one (1) year, or by a fine not to exceed One Thousand
7 Dollars (\$1,000.00), or by both such imprisonment and fine;

8 3. If the value of the instrument is Two Thousand Five Hundred
9 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
10 (\$15,000.00), the person shall be guilty of forgery as a felony
11 punishable by imprisonment in the custody of the Department of
12 Corrections not to exceed five (5) years, or in the county jail not
13 to exceed one (1) year, or by a fine not to exceed One Thousand
14 Dollars (\$1,000.00), or by both such imprisonment and fine; and

15 4. If the value of the instrument is Fifteen Thousand Dollars
16 (\$15,000.00) or more, the person shall be guilty of forgery as a
17 felony punishable by imprisonment in the custody of the Department
18 of Corrections not to exceed eight (8) years, or by a fine not to
19 exceed One Thousand Dollars (\$1,000.00), or by both such
20 imprisonment and fine.

21 B. For purposes of this section, a series of offenses may be
22 aggregated into one offense when they are the result of the
23 formulation of a plan or scheme or the setting up of a mechanism
24 which, when put into operation, results in the taking or diversion

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

7 SECTION 12. AMENDATORY 21 O.S. 2011, Section 1702, is
8 amended to read as follows:

9 Section 1702. One who finds lost property under circumstances
10 which gives him knowledge or means of inquiry as to the true owner,
11 and who appropriates such property to his own use, or to the use of
12 another person who is not entitled thereto, without having first
13 made such effort to find the owner and restore the property to him
14 as the circumstances render reasonable and just, is guilty of
15 larceny punishable as follows:

16 1. If the value of the property is less than One Thousand
17 Dollars (\$ 1,000.00), the person shall be guilty of a misdemeanor
18 punishable by imprisonment in the county jail not to exceed one (1)
19 year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or
20 by both such imprisonment and fine;

21 2. If the value of the property is One Thousand Dollars
22 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
23 (\$2,500.00), the person shall be guilty of a felony punishable by
24 imprisonment in the custody of the Department of Corrections not to

1 exceed two (2) years, or in the county jail not to exceed one (1)
2 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
3 or by both such imprisonment and fine;

4 3. If the value of the property is Two Thousand Five Hundred
5 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
6 (\$15,000.00), the person shall be guilty of a felony punishable by
7 imprisonment in the custody of the Department of Corrections not to
8 exceed five (5) years, or in the county jail not to exceed one (1)
9 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
10 or by both such imprisonment and fine; and

11 4. If the value of the property is Fifteen Thousand Dollars
12 (\$15,000.00) or more, the person shall be guilty of a felony
13 punishable by imprisonment in the custody of the Department of
14 Corrections not to exceed eight (8) years, or by a fine not to
15 exceed One Thousand Dollars (\$1,000.00), or by both such
16 imprisonment and fine.

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

20 Section 1704. Grand larceny is larceny committed in either of
21 the following cases:

22 1. When the property taken is of a value exceeding of One
23 Thousand Dollars (\$1,000.00) ~~or greater; or~~
24

1 2. When such property, although not of a value ~~exceeding~~ of One
2 Thousand Dollars (\$1,000.00) or greater, is taken from the person of
3 another.

4 Larceny in other cases is petit larceny.

5 SECTION 14. AMENDATORY 21 O.S. 2011, Section 1705, as
6 amended by Section 5, State Question No. 780, Petition No. 404, is
7 amended to read as follows:

8 Section 1705. A. Grand larceny is a felony punishable ~~by~~
9 ~~imprisonment in the State Penitentiary not exceeding five (5) years~~
10 ~~if~~ as follows:

11 1. If the value of the property is ~~One Thousand Dollars~~
12 ~~(\$1,000.00) or more and if the value of the property is less than~~
13 One Thousand Dollars (\$1,000.00) punishable, the person shall be
14 punished by ~~incarceration~~ imprisonment in the county jail for a term
15 ~~not more than~~ to exceed one (1) year or by incarceration in the
16 county jail for one or more nights or weekends pursuant to Section
17 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the
18 court, ~~and shall be subject to~~ or by a fine ~~of not more than Five~~
19 ~~Thousand Dollars (\$5,000.00) and ordered to provide restitution to~~
20 ~~the victim as provided in Section 991a of Title 22 of the Oklahoma~~
21 ~~Statutes~~ to exceed One Thousand Dollars (\$1,000.00), or by both such
22 imprisonment and fine;

23 2. If the value of the property is One Thousand Dollars
24 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars

1 (\$2,500.00), the person shall be punished by imprisonment in the
2 custody of the Department of Corrections for a term not to exceed
3 two (2) years or in the county jail for a term not to exceed one (1)
4 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
5 or by both such imprisonment and fine;

6 3. In the event the value of the property is Two Thousand Five
7 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand
8 Dollars (\$15,000.00), the person shall be punished by imprisonment
9 in the custody of the Department of Corrections for a term not to
10 exceed five (5) years or in the county jail for a term not to exceed
11 one (1) year, or by a fine not to exceed One Thousand Dollars
12 (\$1,000.00), or by both such imprisonment and fine; or

13 4. If the value of the property is Fifteen Thousand Dollars
14 (\$15,000.00) or more, the person shall be punished by imprisonment
15 in the custody of the Department of Corrections for a term not to
16 exceed eight (8) years, or by a fine not to exceed One Thousand
17 Dollars (\$1,000.00), or by both such imprisonment and fine.

18 B. The person shall also be ordered to provide restitution to
19 the victim as provided in Section 991f of Title 22 of the Oklahoma
20 Statutes.

21 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1713, as
22 amended by Section 6, State Question No. 780, Petition No. 404, is
23 amended to read as follows:
24

1 Section 1713. A. Every person who buys or receives, in any
2 manner, upon any consideration, ~~any~~ personal property of any a value
3 ~~whatsoever~~ of One Thousand Dollars (\$1,000.00) or more that has been
4 stolen, embezzled, obtained by false pretense or robbery, knowing or
5 having reasonable cause to believe the same to have been stolen,
6 embezzled, obtained by false pretense, or robbery, or who conceals,
7 withholds, or aids in concealing or withholding such property from
8 the owner, shall, ~~if the value of the property is One Thousand~~
9 ~~Dollars (\$1,000.00) or more~~ upon conviction, be guilty of a felony
10 punishable as follows:

11 1. If the value of the personal property is One Thousand
12 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
13 Dollars (\$2,500.00), the person shall be punished by imprisonment in
14 the State Penitentiary custody of the Department of Corrections for
15 a term not to exceed ~~five (5)~~ two (2) years, or in the county jail
16 for a term not to exceed one (1) year, or by a fine not to exceed
17 Five Hundred Dollars (\$500.00), or by both such fine and
18 imprisonment;

19 2. If the value of the personal property received is less than
20 One Thousand Dollars (\$1,000.00) Two Thousand Five Hundred Dollars
21 (\$2,500.00) or more but less than Fifteen Thousand Dollars
22 (\$15,000.00), the person shall be guilty of a misdemeanor and shall
23 be punished by a fine of not more than Five Hundred Dollars
24 (\$500.00) or by imprisonment in the custody of the Department of

1 Corrections for a term not to exceed five (5) years or in the county
2 jail for a term not to exceed ~~six (6) months~~ one (1) year, or by a
3 fine not to exceed Five Hundred Dollars (\$500.00), or by both such
4 fine and imprisonment; or

5 3. If the value of the personal property is Fifteen Thousand
6 Dollars (\$15,000.00) or more, the person may be punished by
7 imprisonment in the custody of the Department of Corrections for a
8 term not to exceed eight (8) years, or by a fine not to exceed Five
9 Hundred Dollars (\$500.00), or by both such imprisonment and fine.

10 B. If the personal property that has been stolen, embezzled,
11 obtained by false pretense or robbery has a value of less than One
12 Thousand Dollars (\$1,000.00), the person shall, upon conviction, be
13 guilty of a misdemeanor punishable by imprisonment in the county
14 jail for a term not to exceed six (6) months.

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

1 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1720, is
2 amended to read as follows:

3 Section 1720. Any person in this state who shall steal an
4 aircraft, automobile or other automotive driven vehicle,
5 construction equipment or farm equipment, shall be guilty of a
6 felony, and upon conviction shall be punished by ~~confinement~~
7 imprisonment in the State Penitentiary custody of the Department of
8 Corrections for a term of not less than three (3) years, nor more
9 than twenty (20) years not exceeding five (5) years if the value of
10 the vehicle is less than Fifty Thousand Dollars (\$50,000.00) or for
11 a term of not less than three (3) years, nor more than ten (10)
12 years if the value of the vehicle is Fifty Thousand Dollars
13 (\$50,000.00) or greater or by a fine in an amount that is equal to
14 three times the value of the property that was stolen but not more
15 than Five Hundred Thousand Dollars (\$500,000.00) or by both such
16 fine and imprisonment and shall be ordered to pay restitution
17 pursuant to Section 991f of Title 22 of the Oklahoma Statutes.

18 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1731, as
19 amended by Section 9, State Question No. 780, Petition No. 404, is
20 amended to read as follows:

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

23 1. For the first or second conviction, in the event the value
24 of the goods, edible meat or other corporeal property which has been

1 taken is less than One Thousand Dollars (\$1,000.00), the ~~violator~~
2 person shall be guilty of a misdemeanor punishable by imprisonment
3 in the county jail for a term not exceeding thirty (30) days, and by
4 a fine not less than Ten Dollars (\$10.00) nor more than Five Hundred
5 Dollars (\$500.00); provided, for the first or second conviction, in
6 the event more than one item of goods, edible meat or other
7 corporeal property has been taken, punishment shall be by
8 imprisonment in the county jail for a term not to exceed thirty (30)
9 days, and by a fine not less than Fifty Dollars (\$50.00) nor more
10 than Five Hundred Dollars (\$500.00)-i

11 2. ~~If it be shown, in the trial of a case in which~~ For a third
12 or subsequent conviction, in the event the value of the goods,
13 edible meat or other corporeal property which has been taken is less
14 than One Thousand Dollars (\$1,000.00), ~~that the defendant has been~~
15 ~~two or more times before convicted of the same offense, the~~
16 ~~defendant~~ the person shall, ~~on a third or subsequent conviction,~~ be
17 guilty of a misdemeanor and shall be punished by confinement
18 imprisonment in the county jail for a term ~~of not more than to~~
19 exceed one (1) year, and by a fine not exceeding One Thousand
20 Dollars (\$1,000.00)-i

21 3. In the event the value of the goods, edible meat or other
22 corporeal property is One Thousand Dollars (\$1,000.00) or more but
23 less than Two Thousand Five Hundred Dollars (\$2,500.00), punishment
24 the person shall be guilty of a felony and shall be punished by

1 imprisonment in the ~~State Penitentiary~~ custody of the Department of
2 Corrections for a term ~~of not more than five (5)~~ to exceed two (2)
3 years, and by a fine not to exceed One Thousand Dollars (\$1,000.00);

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

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

17 B. When three or more separate offenses under this section are
18 committed within a thirty-day period, the value of the goods, edible
19 meat or other corporeal property involved in each larceny offense
20 may be aggregated to determine the total value for purposes of
21 determining the appropriate punishment under this section.

22 C. In the event any person engages in conduct that is a
23 violation of this section in concert with at least one other
24 individual, such person shall be liable for the aggregate value of

1 all items taken by all individuals. Such person may also be subject
2 to the penalties set forth in Section 421 of this title, which shall
3 be in addition to any other penalties provided for by law.

4 D. Any person convicted pursuant to the provisions of this
5 section shall also be ordered to provide restitution to the victim
6 as provided in Section 991f of Title 22 of the Oklahoma Statutes.

7 SECTION 18. AMENDATORY 47 O.S. 2011, Section 4-102, is
8 amended to read as follows:

9 Section 4-102. A. A person not entitled to possession of a
10 vehicle ~~or implement of husbandry~~ who, without the consent of the
11 owner and with intent to deprive the owner, temporarily or
12 otherwise, of the vehicle ~~or implement of husbandry~~ or its
13 possession, takes, uses or drives the vehicle ~~or implement of~~
14 ~~husbandry~~ shall, upon conviction, be guilty of a felony punishable
15 by imprisonment in the custody of the Department of Corrections for
16 a term not to exceed two (2) years.

17 B. A person not entitled to possession of an implement of
18 husbandry who, without the consent of the owner and with intent to
19 deprive the owner, temporarily or otherwise, of the implement of
20 husbandry or its possession, takes, uses or drives the implement of
21 husbandry shall, upon conviction, be guilty of a felony punishable
22 in accordance with the provisions of Section 17-102 of this title.

23 SECTION 19. AMENDATORY 47 O.S. 2011, Section 4-103, is
24 amended to read as follows:

1 Section 4-103. A. A person not entitled to the possession of a
2 vehicle ~~or implement of husbandry~~ who receives, possesses, conceals,
3 sells, or disposes of it, knowing the vehicle ~~or implement of~~
4 ~~husbandry~~ to be stolen or converted under circumstances constituting
5 a crime, shall, upon conviction, be guilty of a felony punishable by
6 imprisonment in the custody of the Department of Corrections for a
7 term not to exceed two (2) years.

8 B. A person not entitled to the possession of an implement of
9 husbandry who receives, possesses, conceals, sells or disposes of
10 it, knowing the implement of husbandry to be stolen or converted
11 under circumstances constituting a crime shall, upon conviction, be
12 guilty of a felony punishable in accordance with the provisions of
13 Section 17-102 of this title.

14 SECTION 20. AMENDATORY 47 O.S. 2011, Section 17-102, is
15 amended to read as follows:

16 Section 17-102. A. Any person who is convicted of a violation
17 of any of the provisions of the Uniform Vehicle Code declared by the
18 Code or by other laws of this state to constitute a felony except
19 those offenses specified in subsection A of Section 4-102 of this
20 title relating to unauthorized use of a vehicle and subsection A of
21 Section 4-103 of this title, relating to receiving or disposing of a
22 vehicle, shall be guilty of a felony and shall be punished by
23 imprisonment in the custody of the Department of Corrections for not
24 less than one (1) year nor more than five (5) years, or by a fine of

1 not less than Five Hundred Dollars (\$500.00) nor more than Five
2 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

3 B. The conviction of any person, as prescribed in this section,
4 when the offense occurred during a period when the driving
5 privileges of the person were under suspension, revocation,
6 cancellation, denial, or disqualification or the person had not been
7 granted driving privileges by Oklahoma or any other state, shall
8 result in the doubling of the appropriate fine, as provided for in
9 subsection A of this section, and the doubling of all court costs
10 and all fees collected by the court on behalf of any other entity,
11 unless waived by the court.

12 C. One-half (1/2) of any fine collected pursuant to the
13 provisions of subsection B of this section, shall be deposited to
14 the Trauma Care Assistance Revolving Fund created in Section 1-2522
15 of Title 63 of the Oklahoma Statutes.

16 SECTION 21. AMENDATORY 59 O.S. 2011, Section 1512, as
17 amended by Section 16, State Question No. 780, Petition No. 404, is
18 amended to read as follows:

19 Section 1512. A. Rule Making Power. The Administrator shall
20 have the same authority to adopt, amend and repeal rules as is
21 conferred upon him by paragraph (e) of subsection (1), and
22 subsections (2) and (3) of Section 6-104 of Title 14A of the
23 Oklahoma Statutes, as applicable, and such rules shall have the same
24 effect as provided in subsection (4) of Section 6-104 thereunder.

1 In addition, the Administrator may adopt, amend and repeal such
2 other rules as are necessary for the enforcement of the provisions
3 of Section 1501 et seq. of this title and consistent with all its
4 provisions.

5 B. Administrative Enforcement. Compliance with the provisions
6 of this act may be enforced by the Administrator who may exercise,
7 for such purpose, all the powers enumerated in Part 1 of Article 6,
8 Title 14A of the Oklahoma Statutes, in the same manner as in
9 relation to consumer credit transactions under that act, as well as
10 those powers conferred in this act.

11 C. Criminal Penalties. 1. Any person who engages in the
12 business of operating a pawn shop without first securing the license
13 prescribed by this act shall be guilty of a misdemeanor and upon
14 conviction thereof shall be punished by a fine not in excess of One
15 Thousand Dollars (\$1,000.00), by confinement in the county jail for
16 not more than six (6) months or by both.

17 2. Any person selling or pledging property to a pawnbroker who
18 uses false or altered identification or a false declaration of
19 ownership as related to the provisions of Section 1515 of this title
20 shall, ~~if~~ be punished as follows:

21 a. if the value of the property is less than One Thousand
22 Dollars (\$1,000.00) ~~or more,~~ the person shall, upon
23 conviction, be guilty of a ~~felony,~~ and ~~upon conviction~~
24 ~~shall be punished~~ misdemeanor punishable by

1 imprisonment in the ~~State Penitentiary not to exceed~~
2 ~~five (5) years or in the county jail~~ for a term not to
3 exceed one (1) year, or by a fine not to exceed Five
4 Hundred Dollars (\$500.00), or by both such
5 imprisonment and fine. ~~However, if the property was~~
6 ~~acquired by means of robbery or burglary, the person,~~

7 b. if the value of the property is One Thousand Dollars
8 (\$1,000.00) or more but less than Two Thousand Five
9 Hundred Dollars (\$2,500.00), the person shall, upon
10 conviction, be punished guilty of a felony punishable
11 by imprisonment in the State Penitentiary custody of
12 the Department of Corrections for a term not to exceed
13 ~~five (5)~~ two (2) years or in the county jail for a
14 term not to exceed one (1) year, or by a fine not to
15 exceed Five Hundred Dollars (\$500.00), or by both such
16 imprisonment and fine, ~~without regard to the value of~~
17 ~~the property~~

18 c. if the value of the personal property is Two Thousand
19 Five Hundred Dollars (\$2,500.00) or more but less than
20 Fifteen Thousand Dollars (\$15,000.00), the person
21 shall, upon conviction, be guilty of a felony
22 punishable by imprisonment in the custody of the
23 Department of Corrections for a term not to exceed
24 five (5) years or in the county jail for a term not to

1 exceed one (1) year, or by a fine not to exceed Five
2 Hundred Dollars (\$500.00), or by both such
3 imprisonment and fine, or

4 d. if the value of the personal property is Fifteen
5 Thousand Dollars (\$15,000.00) or more, the person
6 shall, upon conviction, be guilty of a felony
7 punishable by imprisonment in the custody of the
8 Department of Corrections for a term not to exceed
9 eight (8) years, or by a fine not to exceed Five
10 Hundred Dollars (\$500.00), or by both such
11 imprisonment and fine.

12 3. Any person who fails to repay a pawnbroker the full amount
13 received from a pawn or buy transaction after being officially
14 notified by a peace officer that the goods he or she pledged or sold
15 in that transaction were stolen or embezzled shall, upon conviction,
16 be guilty of a misdemeanor ~~and upon conviction shall be punished~~
17 punishable by imprisonment in the county jail for a term not to
18 exceed six (6) months, or a fine not to exceed Five Hundred Dollars
19 (\$500.00), or by both such fine and imprisonment.

20 D. Private Enforcement. 1. If any person engages in the
21 business of operating a pawnshop without first securing the license
22 prescribed by this act, or if any pawnbroker contracts for, charges
23 or receives a pawn finance charge in excess of that authorized by
24 this act, the pawn transaction shall be void and the customer is not

1 obligated to pay either the amount financed or the pawn finance
2 charge in connection with the transaction, and upon the customer's
3 demand, the pawnbroker shall be obligated to return to the customer,
4 as a refund, all amounts paid in connection with the transaction by
5 the customer and the pledged goods delivered to the pawnbroker in
6 connection with the pawn transaction or their value if the goods
7 cannot be returned. If a customer is entitled to a refund under
8 this section and a pawnbroker liable to the customer refuses to make
9 the refund within a reasonable time after demand, the customer shall
10 have an action against the pawnbroker and in the case of a
11 successful action to enforce such liability, the costs of the action
12 together with ~~attorney's~~ attorney fees as determined by the court
13 shall be awarded to the customer.

14 2. A pawnbroker who fails to disclose information to a customer
15 entitled to the information under this act is liable to that person
16 in an amount equal to the sum of:

- 17 a. twice the amount of the pawn finance charge in
18 connection with the transaction, or One Hundred
19 Dollars (\$100.00), whichever is greater~~r~~, and
- 20 b. in the case of a successful action to enforce the
21 liability under paragraph 1 of this subsection, the
22 costs of the action together with reasonable
23 ~~attorney's~~ attorney fees as determined by the court.

24

1 SECTION 22. AMENDATORY 63 O.S. 2011, Section 2-403, is
2 amended to read as follows:

3 Section 2-403. A. Any person found guilty of larceny, burglary
4 or theft of controlled dangerous substances is ~~guilty of a felony~~
5 ~~punishable by imprisonment for a period not to exceed ten (10)~~
6 ~~years. A second or subsequent offense under this subsection is a~~
7 ~~felony punishable by imprisonment for not less than ten (10) years.~~
8 ~~Convictions for second or subsequent violations of this subsection~~
9 ~~shall not be subject to statutory provisions for suspended~~
10 ~~sentences, deferred sentences or probation~~ punishable as follows:

11 1. If the value of the controlled dangerous substances is less
12 than One Thousand Dollars (\$1,000.00), the person shall be guilty of
13 a misdemeanor punishable by imprisonment in the county jail not to
14 exceed one (1) year, or by a fine not to exceed Five Hundred Dollars
15 (\$500.00), or by both such imprisonment and fine;

16 2. If the value of the controlled dangerous substances is One
17 Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five
18 Hundred Dollars (\$2,500.00), the person shall be guilty of a felony
19 punishable by imprisonment in the custody of the Department of
20 Corrections not to exceed two (2) years, or in the county jail not
21 to exceed one (1) year, or by a fine not to exceed One Thousand
22 Dollars (\$1,000.00), or by both such imprisonment and fine;

23 3. If the value of the controlled dangerous substances is Two
24 Thousand Five Hundred Dollars (\$ 2,500.00) or more but less than

1 Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of
2 a felony punishable by imprisonment in the custody of the Department
3 of Corrections not to exceed five (5) years, or in the county jail
4 not to exceed one (1) year, or by a fine not to exceed One Thousand
5 Dollars (\$ 1,000.00), or by both such imprisonment and fine; and

6 4. If the value of the controlled dangerous substances is
7 Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be
8 guilty of a felony punishable by imprisonment in the custody of the
9 Department of Corrections not to exceed eight (8) years, or by a
10 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
11 imprisonment and fine.

12 B. Any person found guilty of robbery or attempted robbery of
13 controlled dangerous substances from a practitioner, manufacturer,
14 distributor or agent thereof as defined in Section 2-101 of this
15 title is guilty of a felony punishable by imprisonment for a period
16 of not less than five (5) years, and such sentence shall not be
17 subject to statutory provisions for suspended sentences, deferred
18 sentences or probation. A second or subsequent offense under this
19 subsection is a felony punishable by life imprisonment. Convictions
20 for second or subsequent offenses of this subsection shall not be
21 subject to statutory provisions for suspended sentences, deferred
22 sentences or probation.

23 SECTION 23. AMENDATORY 63 O.S. 2011, Section 2-503.1, is
24 amended to read as follows:

1 Section 2-503.1 A. It is unlawful for any person knowingly or
2 intentionally to receive or acquire proceeds and to conceal such
3 proceeds, or engage in transactions involving proceeds, known to be
4 derived from any violation of the Uniform Controlled Dangerous
5 Substances Act, ~~Section 2-101 et seq. of this title,~~ or of any
6 statute of the United States relating to controlled dangerous
7 substances as defined by the Uniform Controlled Dangerous Substances
8 Act, ~~Section 2-101 et seq. of this title.~~ This subsection does not
9 apply to any transaction between an individual and the counsel of
10 the individual necessary to preserve the right to representation of
11 the individual, as guaranteed by the Oklahoma Constitution and by
12 the Sixth Amendment of the United States Constitution. However,
13 this exception does not create any presumption against or
14 prohibition of the right of the state to seek and obtain forfeiture
15 of any proceeds derived from a violation of the Uniform Controlled
16 Dangerous Substances Act, ~~Section 2-101 et seq. of this title,~~ or of
17 any statute of the United States relating to controlled dangerous
18 substances as defined by the Uniform Controlled Dangerous Substances
19 Act, ~~Section 2-101 et seq. of this title.~~

20 B. It is unlawful for any person knowingly or intentionally to
21 give, sell, transfer, trade, invest, conceal, transport, or maintain
22 an interest in or otherwise make available anything of value which
23 that person knows is intended to be used for the purpose of
24 committing or furthering the commission of any violation of the

1 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.~~
2 ~~of this title,~~ or of any statute of the United States relating to
3 controlled dangerous substances as defined by the Uniform Controlled
4 Dangerous Substances Act, ~~Section 2-101 et seq. of this title.~~

5 C. It is unlawful for any person knowingly or intentionally to
6 direct, plan, organize, initiate, finance, manage, supervise, or
7 facilitate the transportation or transfer of proceeds known to be
8 derived from any violation of the Uniform Controlled Dangerous
9 Substances Act, ~~Section 2-101 et seq. of this title,~~ or of any
10 statute of the United States relating to controlled dangerous
11 substances as defined by the Uniform Controlled Dangerous Substances
12 Act, ~~Section 2-101 et seq. of this title.~~

13 D. It is unlawful for any person knowingly or intentionally to
14 conduct a financial transaction involving proceeds derived from a
15 violation of the Uniform Controlled Dangerous Substances Act,
16 ~~Section 2-101 et seq. of this title,~~ or of any statute of the United
17 States relating to controlled dangerous substances as defined by the
18 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.~~
19 ~~of this title,~~ when the transaction is designed in whole or in part
20 to conceal or disguise the nature, location, source, ownership, or
21 control of the proceeds known to be derived from a violation of the
22 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.~~
23 ~~of this title,~~ or of any statute of the United States relating to
24 controlled dangerous substances as defined by the Uniform Controlled

1 Dangerous Substances Act, ~~Section 2-101 et seq. of this title,~~ or to
2 avoid a transaction reporting requirement under state or federal
3 law.

4 E. Any person convicted of violating any of the provisions of
5 this section is guilty of a felony and may be punished by
6 imprisonment ~~for not less than two (2) years nor more than ten (10)~~
7 years in the custody of the Department of Corrections for a term not
8 exceeding five (5) years or by a fine of not more than Fifty
9 Thousand Dollars (\$50,000.00) or by both said imprisonment and fine.

10 SECTION 24. This act shall become effective November 1, 2017.

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
12 April 6, 2017 - DO PASS AS AMENDED
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