

1 ENGROSSED HOUSE
2 BILL NO. 2281

By: O'Donnell of the House

3 and

4 Treat of the Senate

5
6
7 [crimes and punishments - modifying penalties and
8 fines - effective date]
9

10

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

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

14 Section 1416. Any person mentioned in Section 1412 of this
15 title, who delivers to another any merchandise for which any bill of
16 lading, receipt or voucher has been issued, unless such receipt or
17 voucher bore upon its face the words "Not negotiable," plainly
18 written or stamped, or unless such receipt is surrendered to be
19 canceled at the time of delivery or unless, in the case of partial
20 delivery, a memorandum thereof is endorsed upon such receipt or
21 voucher, shall be ~~guilty of a felony punishable by imprisonment in~~
22 ~~the State Penitentiary not exceeding five (5) years or by a fine not~~
23 ~~exceeding One Thousand Dollars (\$1,000.00), or both~~ as follows:
24

1 1. If the value of the property is less than One Thousand
2 Dollars (\$1,000.00), the person shall be guilty of a misdemeanor
3 punishable by imprisonment 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 2. If the value of the property is One Thousand Dollars
7 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
8 (\$2,500.00), the person shall be guilty of a felony punishable by
9 imprisonment in the custody of the Department of Corrections not to
10 exceed two (2) 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;

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

20 4. If the value of the property is Fifteen Thousand Dollars
21 (\$15,000.00) or more, the person shall be guilty of a felony
22 punishable by imprisonment in the custody of the Department of
23 Corrections not to exceed eight (8) years, or by a fine not to
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1 exceed One Thousand Dollars (\$1,000.00), or by both such
2 imprisonment and fine.

3 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1451, as
4 last amended by Section 10, State Question No. 780, Petition No.
5 404, is amended to read as follows:

6 Section 1451. A. Embezzlement is the fraudulent appropriation
7 of property of any person or legal entity, legally obtained, to any
8 use or purpose not intended or authorized by its owner, or the
9 secretion of the property with the fraudulent intent to appropriate
10 it to such use or purpose, under any of the following circumstances:

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

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

17 3. Where the property is possessed or controlled for the use of
18 another person;

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

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

23 6. Where any person fails or refuses to pay over to the state,
24 or appropriate authority, any tax or other monies collected in

1 accordance with state law, and who appropriates the tax or monies to
2 the use of that person, or to the use of any other person not
3 entitled to the tax or monies;

4 7. Where the property is possessed for the purpose of
5 transportation, without regard to whether packages containing the
6 property have been broken;

7 8. Where any person removes crops from any leased or rented
8 premises with the intent to deprive the owner or landlord interested
9 in the land of any of the rent due from that land, or who
10 fraudulently appropriates the rent to that person or any other
11 person; or

12 9. Where the property is possessed or controlled by virtue of a
13 lease or rental agreement, and the property is willfully or
14 intentionally not returned within ten (10) days after the expiration
15 of the agreement.

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

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

20 1. If the value of the property embezzled is less than One
21 Thousand Dollars (\$1,000.00), any person convicted shall be ~~punished~~
22 guilty of a misdemeanor punishable by a fine not exceeding One
23 Thousand Dollars (\$1,000.00), ~~or~~ by imprisonment in the county jail
24 for a term not ~~more than~~ to exceed one (1) year or, at the

1 discretion of the court, by imprisonment in the county jail for one
2 or more nights or weekends pursuant to Section 991a-2 of Title 22 of
3 the Oklahoma Statutes, or by both such fine and imprisonment;

4 2. If the value of the property embezzled is One Thousand
5 Dollars (\$1,000.00) or more but less than ~~Twenty-five Thousand~~
6 ~~Dollars (\$25,000.00)~~ Two Thousand Five Hundred Dollars (\$2,500.00),
7 any person convicted shall be guilty of a felony ~~and shall be~~
8 ~~punished~~ punishable by imprisonment in the custody of the Department
9 of Corrections for a term ~~of not more than five (5)~~ to exceed two
10 (2) years or in the county jail for a term not to exceed one (1)
11 year, and shall be subject to a fine ~~of~~ not exceeding Five Thousand
12 Dollars (\$5,000.00), and ordered to pay restitution to the victim as
13 provided in Section 991f of Title 22 of the Oklahoma Statutes; ~~or~~

14 3. If the value of the property embezzled is ~~Twenty-five~~
15 ~~Thousand Dollars (\$25,000.00)~~ Two Thousand Five Hundred Dollars
16 (\$2,500.00) or more but less than Fifteen Thousand Dollars
17 (\$15,000.00), any person convicted shall be guilty of a felony ~~and~~
18 ~~shall be punished~~ punishable by imprisonment in the custody of the
19 Department of Corrections for a term ~~of not more than ten (10)~~ to
20 exceed five (5) years, and shall be subject to a fine not exceeding
21 ~~Ten Thousand Dollars (\$10,000.00)~~ Five Thousand Dollars (\$5,000.00),
22 and ordered to pay restitution to the victim as provided in Section
23 991f of Title 22 of the Oklahoma Statutes; or

1 4. If the value of the property embezzled is Fifteen Thousand
2 Dollars (\$15,000.00) or more, any person convicted shall be guilty
3 of a felony punishable by imprisonment in the custody of the
4 Department of Corrections for a term not to exceed eight (8) years,
5 subject to a fine not exceeding Ten Thousand Dollars (\$10,000.00),
6 and ordered to pay restitution to the victim as provided in Section
7 991f of Title 22 of the Oklahoma Statutes.

8 For purposes of this subsection, a series of offenses may be
9 aggregated into one offense when they are the result of the
10 formulation of a plan or scheme or the setting up of a mechanism
11 which, when put into operation, results in the taking or diversion
12 of money or property on a recurring basis. When all acts result
13 from a continuing course of conduct, they may be aggregated into one
14 crime. Acts forming an integral part of the first taking which
15 facilitate subsequent takings, or acts taken in preparation of
16 several takings which facilitate subsequent takings, are relevant to
17 determine the ~~party's~~ intent of the party to commit a continuing
18 crime.

19 C. Any county or state officer, deputy or employee of such
20 officer, who shall divert any money appropriated by law from the
21 purpose and object of the appropriation, shall, upon conviction, be
22 guilty of a felony punishable by imprisonment in the custody of the
23 Department of Corrections for a term not less than one (1) year nor
24 more than ten (10) years, and a fine equal to triple the amount of

1 money so embezzled and ordered to pay restitution to the victim as
2 provided in Section 991f of Title 22 of the Oklahoma Statutes. The
3 fine shall operate as a judgment lien at law on all estate of the
4 party so convicted and sentenced, and shall be enforced by execution
5 or other process for the use of the person whose money or other
6 funds or property were embezzled. In all cases the fine, so
7 operating as a judgment lien, shall be released or entered as
8 satisfied only by the person in interest.

9 D. Any executor, administrator, trustee, beneficiary or other
10 person benefiting from, acting in a fiduciary capacity for, or
11 otherwise administering a probate, intestate, or trust estate,
12 whether the trust is inter vivos or testamentary, upon conviction of
13 embezzlement from the estate shall not receive any portion, share,
14 gift or otherwise benefit from the estate.

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

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

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1 1. If the value of the money or property is less than One
2 Thousand Dollars (\$1,000.00), the person shall be guilty of a
3 misdemeanor punishable by imprisonment 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 2. If the value of the money or property is One Thousand
7 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
8 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 not to exceed two (2) years, or in the county jail not
11 to exceed one (1) year, or by a fine not to exceed Five Thousand
12 Dollars (\$5,000.00), or by both such imprisonment and fine;

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

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

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

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

8 1. One Thousand Dollars (\$1,000.00) or more but less than Two
9 Thousand Five Hundred Dollars (\$2,500.00), ~~any the person convicted~~
10 ~~hereunder~~ shall be ~~deemed~~ guilty of a felony and ~~shall be punished~~
11 ~~punishable~~ by imprisonment in the ~~State Penitentiary~~ custody of the
12 Department of Corrections for a term not ~~more than ten (10)~~ to
13 exceed two (2) years or in the county jail for a term not to exceed
14 one (1) year, or by a fine not to exceed Five Thousand Dollars
15 (\$5,000.00), or by both such fine and imprisonment;

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

23 3. Fifteen Thousand Dollars (\$15,000.00) or more, the person
24 shall be guilty of a felony punishable by imprisonment in the

1 custody of the Department of Corrections for a term not to exceed
2 eight (8) years, or by a fine not to exceed Five Thousand Dollars
3 (\$5,000.00), or by both such imprisonment and fine.

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

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

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

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

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

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

17 B. If the total sum of two or more false or bogus checks,
18 drafts or orders is Five Hundred Dollars (\$500.00) or more but less
19 than Two Thousand Dollars (\$2,000.00), the person shall, upon
20 conviction, be guilty of a misdemeanor punishable by imprisonment in
21 the county jail for a term not to exceed one (1) year or, at the
22 discretion of the court, by imprisonment in the county jail for one
23 or more nights or weekends pursuant to Section 991a-2 of Title 22 of
24 the Oklahoma Statutes, shall be subject to a fine of not more than

1 Five Thousand Dollars (\$5,000.00), and ordered to provide
2 restitution to the victim as provided in Section 991f of Title 22 of
3 the Oklahoma Statutes.

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

6 Section 1550.22 ~~(a)~~ A. A person who takes a credit card or
7 debit card from the person, possession, custody or control of
8 another without the cardholder's consent, or who, with knowledge
9 that it has been so taken, receives the credit card or debit card
10 with intent to use it or to sell it, or to transfer it to a person
11 other than the issuer or the cardholder, is guilty of card theft and
12 ~~is subject to the penalties set forth in Section 1550.33(a) of this~~
13 ~~title~~ punishable as follows:

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

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

1 exceed One Thousand Dollars (\$1,000.00), or by both such
2 imprisonment and fine;

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

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

17 ~~(b)~~ B. Taking a credit card or a debit card without consent
18 includes obtaining it by the crime of larceny, larceny by trick,
19 larceny by the bailee, embezzlement or obtaining property by false
20 pretense, false promise, extortion or in any manner taking without
21 the consent of the cardholder or issuer.

22 ~~(e)~~ C. A person who has in his or her possession or under his
23 or her control any credit card or debit card obtained under
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1 subsection ~~(b)~~ B of this section is presumed to have violated this
2 section.

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

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

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

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

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

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

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

18 Section 1577. A. Every person who sells, exchanges or delivers
19 for any consideration any forged or counterfeited promissory note,
20 check, bill, draft, or other evidence of debt, or engagement for the
21 payment of money absolutely, or upon any contingency, knowing the
22 same to be forged or counterfeited, with intent to have the same
23 uttered or passed, or who offers any such note or other instrument
24 for sale, exchange or delivery for any consideration, with the like

1 knowledge and intent, or who receives any such note or other
2 instrument upon a sale, exchange or delivery for any consideration
3 with the like knowledge and intent, is ~~guilty of forgery in the~~
4 ~~third degree~~ punishable as follows:

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

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

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

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

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

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

20 Section 1578. A. Every person who, with intent to defraud, has
21 in his or her possession any forged, altered or counterfeit
22 negotiable note, bill, draft or other evidence of debt issued or
23 purporting to have been issued by any corporation or company duly
24 authorized for that purpose by the laws of this state or of any

1 other state, government or country, the forgery of which is
2 hereinbefore declared to be punishable, knowing the same to be
3 forged, altered or counterfeited, with intent to utter the same as
4 true or as false, or to cause the same to be so uttered, is ~~guilty~~
5 ~~of forgery in the third degree~~ punishable as follows:

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

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

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

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

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

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

22 Section 1579. A. Every person who has in his or her possession
23 any forged or counterfeited instrument, the forgery of which is
24 hereinbefore declared to be punishable, other than such as are

1 enumerated in the last section, knowing the same to be forged,
2 counterfeited or falsely altered with intent to injure or defraud by
3 uttering the same to be true, or as false, or by causing the same to
4 be uttered, is ~~guilty of forgery in the third degree~~ punishable as
5 follows:

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

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

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

1 exceed One Thousand Dollars (\$1,000.00), or by both such
2 imprisonment and fine; or

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

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

19 SECTION 11. AMENDATORY 21 O.S. 2011, Section 1592, as
20 amended by Section 14, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2016,
21 Section 1592), is amended to read as follows:

22 Section 1592. A. Every person who, with intent to defraud,
23 utters or publishes as true any forged, altered or counterfeited
24 instrument or any counterfeit gold or silver coin, the forging,

1 altering or counterfeiting of which has previously been declared to
2 be punishable, knowing such instrument or coin to be forged, altered
3 or counterfeited, is ~~guilty of forgery in the second degree if the~~
4 ~~value of the instrument is One Thousand Dollars (\$1,000.00) or more~~
5 ~~and forgery in the third degree if the value of the instrument is~~
6 ~~less than One Thousand Dollars (\$1,000.00) punishable as follows:~~

7 1. If the value of the instrument is less than One Thousand
8 Dollars (\$1,000.00), the person shall be guilty of forgery as a
9 misdemeanor punishable by imprisonment in the county jail not to
10 exceed one (1) year, or by a fine not to exceed One Thousand Dollars
11 (\$1,000.00), or by both such imprisonment and fine;

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

19 3. If the value of the instrument is Two Thousand Five Hundred
20 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
21 (\$15,000.00), the person shall be guilty of forgery as a felony
22 punishable by imprisonment in the custody of the Department of
23 Corrections not to exceed five (5) years, or in the county jail not
24

1 to exceed one (1) year, or by a fine not to exceed One Thousand
2 Dollars (\$1,000.00), or by both such imprisonment and fine; and

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

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

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

21 Section 1702. One who finds lost property under circumstances
22 which gives him knowledge or means of inquiry as to the true owner,
23 and who appropriates such property to his own use, or to the use of
24 another person who is not entitled thereto, without having first

1 made such effort to find the owner and restore the property to him
2 as the circumstances render reasonable and just, is guilty of
3 larceny punishable as follows:

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

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

16 3. If the value of the property is Two Thousand Five Hundred
17 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
18 (\$15,000.00), the person shall be guilty of a felony punishable by
19 imprisonment in the custody of the Department of Corrections not to
20 exceed five (5) years, or 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; and

23 4. If the value of the property is Fifteen Thousand Dollars
24 (\$15,000.00) or more, the person shall be guilty of a felony

1 punishable by imprisonment in the custody of the Department of
2 Corrections not to exceed eight (8) years, or by a fine not to
3 exceed One Thousand Dollars (\$1,000.00), or by both such
4 imprisonment and fine.

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

8 Section 1704. Grand larceny is larceny committed in either of
9 the following cases:

10 1. When the property taken is of a value exceeding of One
11 Thousand Dollars (\$1,000.00) or greater; or

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

15 Larceny in other cases is petit larceny.

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

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

22 1. If the value of the property is ~~One Thousand Dollars~~
23 ~~(\$1,000.00) or more and if the value of the property is less than~~
24 One Thousand Dollars (\$1,000.00) punishable, the person shall be

1 punished by incarceration imprisonment in the county jail for a term
2 not more than to exceed one (1) year or by incarceration in the
3 county jail for one or more nights or weekends pursuant to Section
4 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the
5 court, and shall be subject to or by a fine of not more than Five
6 Thousand Dollars (\$5,000.00) and ordered to provide restitution to
7 the victim as provided in Section 991a of Title 22 of the Oklahoma
8 Statutes to exceed One Thousand Dollars (\$1,000.00), or by both such
9 imprisonment and fine;

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

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

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

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

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

12 Section 1713. A. Every person who buys or receives, in any
13 manner, upon any consideration, ~~any~~ personal property of ~~any~~ a value
14 ~~whatsoever~~ of One Thousand Dollars (\$1,000.00) or more that has been
15 stolen, embezzled, obtained by false pretense or robbery, knowing or
16 having reasonable cause to believe the same to have been stolen,
17 embezzled, obtained by false pretense, or robbery, or who conceals,
18 withholds, or aids in concealing or withholding such property from
19 the owner, shall, ~~if the value of the property is One Thousand~~
20 ~~Dollars (\$1,000.00) or more~~ upon conviction, be guilty of a felony
21 punishable as follows:

22 1. If the value of the personal property is One Thousand
23 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
24 Dollars (\$2,500.00), the person shall be punished by imprisonment in

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

6 2. If the value of the personal property received is less than
7 One Thousand Dollars (\$1,000.00) Two Thousand Five Hundred Dollars
8 (\$2,500.00) or more but less than Fifteen Thousand Dollars
9 (\$15,000.00), the person shall be ~~guilty of a misdemeanor and shall~~
10 be punished by a ~~fine of not more than Five Hundred Dollars~~
11 ~~(\$500.00) or 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 ~~six (6) months~~ one (1) year, or by a
14 fine not to exceed Five Hundred Dollars (\$500.00), or by both such
15 fine and imprisonment; or

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

21 B. If the personal property that has been stolen, embezzled,
22 obtained by false pretense or robbery has a value of less than One
23 Thousand Dollars (\$1,000.00), the person shall, upon conviction, be
24

1 guilty of a misdemeanor punishable by imprisonment in the county
2 jail for a term not to exceed six (6) months.

3 C. Every person who, without making reasonable inquiry, buys,
4 receives, conceals, withholds, or aids in concealing or withholding
5 any property which has been stolen, embezzled, obtained by false
6 pretense or robbery, or otherwise feloniously obtained, under such
7 circumstances as should cause such person to make reasonable inquiry
8 to ascertain that the person from whom such property was bought or
9 received had the legal right to sell or deliver it shall be presumed
10 to have bought or received such property knowing it to have been so
11 stolen or wrongfully obtained. This presumption may, however, be
12 rebutted by proof.

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

15 Section 1720. Any person in this state who shall steal an
16 aircraft, automobile or other automotive driven vehicle,
17 construction equipment or farm equipment, shall be guilty of a
18 felony, and upon conviction shall be punished by ~~confinement~~
19 imprisonment in the ~~State Penitentiary~~ custody of the Department of
20 Corrections for a term ~~of not less than three (3) years, nor more~~
21 ~~than twenty (20) years~~ not exceeding five (5) years if the value of
22 the vehicle is less than Fifty Thousand Dollars (\$50,000.00) or for
23 a term of not less than three (3) years, nor more than ten (10)
24 years if the value of the vehicle is Fifty Thousand Dollars

1 (\$50,000.00) or greater or by a fine in an amount that is equal to
2 three times the value of the property that was stolen but not more
3 than Five Hundred Thousand Dollars (\$500,000.00) or by both such
4 fine and imprisonment and shall be ordered to pay restitution
5 pursuant to Section 991f of Title 22 of the Oklahoma Statutes.

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

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

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

23 2. ~~If it be shown, in the trial of a case in which~~ For a third
24 or subsequent conviction, in the event the value of the goods,

1 edible meat or other corporeal property which has been taken is less
2 than One Thousand Dollars (\$1,000.00), ~~that the defendant has been~~
3 ~~two or more times before convicted of the same offense, the~~
4 defendant the person shall, ~~on a third or subsequent conviction,~~ be
5 guilty of a misdemeanor and shall be punished by confinement
6 imprisonment in the county jail for a term ~~of not more than~~ to
7 exceed one (1) year, and by a fine not exceeding One Thousand
8 Dollars (\$1,000.00);

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

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

23 5. In the event the value of the goods, edible meat or other
24 corporeal property is Fifteen Thousand Dollars (\$15,000.00) or more,

1 the person shall be guilty of a felony and shall be punished by
2 imprisonment in the custody of the Department of Corrections for a
3 term not to exceed eight (8) years, and by a fine not to exceed One
4 Thousand Dollars (\$ 1,000.00).

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

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

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

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

21 Section 4-102. A. A person not entitled to possession of a
22 vehicle ~~or implement of husbandry~~ who, without the consent of the
23 owner and with intent to deprive the owner, temporarily or
24 otherwise, of the vehicle ~~or implement of husbandry~~ or its

1 possession, takes, uses or drives the vehicle ~~or implement of~~
2 husbandry shall, upon conviction, be guilty of a felony punishable
3 by imprisonment in the custody of the Department of Corrections for
4 a term not to exceed two (2) years.

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

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

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

20 B. A person not entitled to the possession of an implement of
21 husbandry who receives, possesses, conceals, sells or disposes of
22 it, knowing the implement of husbandry to be stolen or converted
23 under circumstances constituting a crime shall, upon conviction, be
24

1 guilty of a felony punishable in accordance with the provisions of
2 Section 17-102 of this title.

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

5 Section 17-102. A. Any person who is convicted of a violation
6 of any of the provisions of the Uniform Vehicle Code declared by the
7 Code or by other laws of this state to constitute a felony except
8 those offenses specified in subsection A of Section 4-102 of this
9 title relating to unauthorized use of a vehicle and subsection A of
10 Section 4-103 of this title, relating to receiving or disposing of a
11 vehicle, shall be guilty of a felony and shall be punished by
12 imprisonment in the custody of the Department of Corrections for not
13 less than one (1) year nor more than five (5) years, or by a fine of
14 not less than Five Hundred Dollars (\$500.00) nor more than Five
15 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

16 B. The conviction of any person, as prescribed in this section,
17 when the offense occurred during a period when the driving
18 privileges of the person were under suspension, revocation,
19 cancellation, denial, or disqualification or the person had not been
20 granted driving privileges by Oklahoma or any other state, shall
21 result in the doubling of the appropriate fine, as provided for in
22 subsection A of this section, and the doubling of all court costs
23 and all fees collected by the court on behalf of any other entity,
24 unless waived by the court.

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

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

8 Section 1512. A. Rule Making Power. The Administrator shall
9 have the same authority to adopt, amend and repeal rules as is
10 conferred upon him by paragraph (e) of subsection (1), and
11 subsections (2) and (3) of Section 6-104 of Title 14A of the
12 Oklahoma Statutes, as applicable, and such rules shall have the same
13 effect as provided in subsection (4) of Section 6-104 thereunder.
14 In addition, the Administrator may adopt, amend and repeal such
15 other rules as are necessary for the enforcement of the provisions
16 of Section 1501 et seq. of this title and consistent with all its
17 provisions.

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

24

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

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

11 a. if the value of the property is less than One Thousand
12 Dollars (\$1,000.00) or more, the person shall, upon
13 conviction, be guilty of a felony, and upon conviction
14 shall be punished misdemeanor punishable by
15 imprisonment in the State Penitentiary not to exceed
16 five (5) years or in the county jail for a term not to
17 exceed one (1) year, or by a fine not to exceed Five
18 Hundred Dollars (\$500.00), or by both such
19 imprisonment and fine. However, if the property was
20 acquired by means of robbery or burglary, the person,

21 b. if the value of the property is One Thousand Dollars
22 (\$1,000.00) or more but less than Two Thousand Five
23 Hundred Dollars (\$2,500.00), the person shall, upon
24 conviction, be punished guilty of a felony punishable

1 by imprisonment in the ~~State Penitentiary~~ custody of
2 the Department of Corrections for a term not to exceed
3 ~~five (5)~~ two (2) years or in the county jail for a
4 term not to exceed one (1) year, or by a fine not to
5 exceed Five Hundred Dollars (\$500.00), or by both such
6 imprisonment and fine, ~~without regard to the value of~~
7 ~~the property~~

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

18 d. if the value of the personal property is Fifteen
19 Thousand Dollars (\$15,000.00) or more, the person
20 shall, upon conviction, be guilty of a felony
21 punishable by imprisonment in the custody of the
22 Department of Corrections for a term not to exceed
23 eight (8) years, or by a fine not to exceed Five
24

1 Hundred Dollars (\$500.00), or by both such
2 imprisonment and fine.

3 3. Any person who fails to repay a pawnbroker the full amount
4 received from a pawn or buy transaction after being officially
5 notified by a peace officer that the goods he or she pledged or sold
6 in that transaction were stolen or embezzled shall, upon conviction,
7 be guilty of a misdemeanor ~~and upon conviction shall be punished~~
8 punishable by imprisonment in the county jail for a term not to
9 exceed six (6) months, or a fine not to exceed Five Hundred Dollars
10 (\$500.00), or by both such fine and imprisonment.

11 D. Private Enforcement. 1. If any person engages in the
12 business of operating a pawnshop without first securing the license
13 prescribed by this act, or if any pawnbroker contracts for, charges
14 or receives a pawn finance charge in excess of that authorized by
15 this act, the pawn transaction shall be void and the customer is not
16 obligated to pay either the amount financed or the pawn finance
17 charge in connection with the transaction, and upon the customer's
18 demand, the pawnbroker shall be obligated to return to the customer,
19 as a refund, all amounts paid in connection with the transaction by
20 the customer and the pledged goods delivered to the pawnbroker in
21 connection with the pawn transaction or their value if the goods
22 cannot be returned. If a customer is entitled to a refund under
23 this section and a pawnbroker liable to the customer refuses to make
24 the refund within a reasonable time after demand, the customer shall

1 have an action against the pawnbroker and in the case of a
2 successful action to enforce such liability, the costs of the action
3 together with ~~attorney's~~ attorney fees as determined by the court
4 shall be awarded to the customer.

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

8 a. twice the amount of the pawn finance charge in
9 connection with the transaction, or One Hundred
10 Dollars (\$100.00), whichever is greater~~+~~, and

11 b. in the case of a successful action to enforce the
12 liability under paragraph 1 of this subsection, the
13 costs of the action together with reasonable
14 ~~attorney's~~ attorney fees as determined by the court.

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

17 Section 2-403. A. Any person found guilty of larceny, burglary
18 or theft of controlled dangerous substances is ~~guilty of a felony~~
19 ~~punishable by imprisonment for a period not to exceed ten (10)~~
20 ~~years. A second or subsequent offense under this subsection is a~~
21 ~~felony punishable by imprisonment for not less than ten (10) years.~~
22 ~~Convictions for second or subsequent violations of this subsection~~
23 ~~shall not be subject to statutory provisions for suspended~~
24 ~~sentences, deferred sentences or probation~~ punishable as follows:

1 1. If the value of the controlled dangerous substances is less
2 than One Thousand Dollars (\$1,000.00), the person shall be guilty of
3 a misdemeanor punishable by imprisonment in the county jail not to
4 exceed one (1) year, or by a fine not to exceed Five Hundred Dollars
5 (\$500.00), or by both such imprisonment and fine;

6 2. If the value of the controlled dangerous substances 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 not to exceed two (2) years, or in the county jail not
11 to exceed one (1) year, or by a fine not to exceed One Thousand
12 Dollars (\$1,000.00), or by both such imprisonment and fine;

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

20 4. If the value of the controlled dangerous substances is
21 Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be
22 guilty of a felony punishable by imprisonment in the custody of the
23 Department of Corrections not to exceed eight (8) years, or by a
24

1 fine not to exceed One Thousand Dollars (\$1,000.00), or by both such
2 imprisonment and fine.

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

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

16 Section 2-503.1 A. It is unlawful for any person knowingly or
17 intentionally to receive or acquire proceeds and to conceal such
18 proceeds, or engage in transactions involving proceeds, known to be
19 derived from any violation of the Uniform Controlled Dangerous
20 Substances Act, ~~Section 2-101 et seq. of this title,~~ or of any
21 statute of the United States relating to controlled dangerous
22 substances as defined by the Uniform Controlled Dangerous Substances
23 Act, ~~Section 2-101 et seq. of this title.~~ This subsection does not
24 apply to any transaction between an individual and the counsel of

1 the individual necessary to preserve the right to representation of
2 the individual, as guaranteed by the Oklahoma Constitution and by
3 the Sixth Amendment of the United States Constitution. However,
4 this exception does not create any presumption against or
5 prohibition of the right of the state to seek and obtain forfeiture
6 of any proceeds derived from a violation of the Uniform Controlled
7 Dangerous Substances Act, ~~Section 2-101 et seq. of this title,~~ or of
8 any statute of the United States relating to controlled dangerous
9 substances as defined by the Uniform Controlled Dangerous Substances
10 Act, ~~Section 2-101 et seq. of this title.~~

11 B. It is unlawful for any person knowingly or intentionally to
12 give, sell, transfer, trade, invest, conceal, transport, or maintain
13 an interest in or otherwise make available anything of value which
14 that person knows is intended to be used for the purpose of
15 committing or furthering the commission of any violation of the
16 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.~~
17 ~~of this title,~~ or of any statute of the United States relating to
18 controlled dangerous substances as defined by the Uniform Controlled
19 Dangerous Substances Act, ~~Section 2-101 et seq. of this title.~~

20 C. It is unlawful for any person knowingly or intentionally to
21 direct, plan, organize, initiate, finance, manage, supervise, or
22 facilitate the transportation or transfer of proceeds known to be
23 derived from any violation of the Uniform Controlled Dangerous
24 Substances Act, ~~Section 2-101 et seq. of this title,~~ or of any

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

4 D. It is unlawful for any person knowingly or intentionally to
5 conduct a financial transaction involving proceeds derived from a
6 violation of the Uniform Controlled Dangerous Substances Act, ~~7 Section 2-101 et seq. of this title,~~ or of any statute of the United
8 States relating to controlled dangerous substances as defined by the
9 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.
10 of this title,~~ when the transaction is designed in whole or in part
11 to conceal or disguise the nature, location, source, ownership, or
12 control of the proceeds known to be derived from a violation of the
13 Uniform Controlled Dangerous Substances Act, ~~Section 2-101 et seq.
14 of this title,~~ or of any statute of the United States relating to
15 controlled dangerous substances as defined by the Uniform Controlled
16 Dangerous Substances Act, ~~Section 2-101 et seq. of this title,~~ or to
17 avoid a transaction reporting requirement under state or federal
18 law.

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

