

# An Act

ENROLLED HOUSE  
BILL NO. 2281

By: O'Donnell of the House

and

Treat, Pittman and Rader of  
the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1416, which relates to the unlawful delivery of goods; modifying penalty to include threshold amounts; amending 21 O.S. 2011, Section 1451, as last amended by Section 10, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1451), which relates to embezzlement penalties; modifying threshold amounts; adding new threshold amount and penalty; amending 21 O.S. 2011, Section 1532, which relates to false personation; modifying penalty to include threshold amounts; amending 21 O.S. 2011, Sections 1541.2 and 1541.3, as amended by Sections 14 and 15, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Sections 1541.2 and 1541.3), which relate to penalties for false or bogus checks; modifying penalties to include threshold amounts; amending 21 O.S. 2011, Sections 1577, 1578 and 1579, as amended by Sections 17, 18 and 19, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Sections 1577, 1578 and 1579), which relate to penalties for forgery and counterfeiting crimes; modifying penalties to include threshold amounts; allowing series of offenses to be aggregated into one offense; amending 21 O.S. 2011, Section 1592, as amended by Section 14, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2017, Section 1592), which relates to forged instruments or coins; modifying penalty to include threshold amounts; amending 21 O.S. 2011, Sections 1702, 1704 and 1705, as amended by Sections 4 and 5, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Sections 1704 and 1705), which relate to penalties for larceny crimes;

modifying penalty to include threshold amounts; clarifying scope of certain crime; amending 21 O.S. 2011, Section 1713, as amended by Section 6, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1713), which relates to penalties for receiving stolen property; modifying penalty to include threshold amounts; amending 21 O.S. 2011, Section 1720, which relates to theft of aircraft, automobiles, construction equipment and farm equipment; modifying penalty to include threshold amounts; amending 21 O.S. 2011, Section 1731, as amended by Section 9, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1731), which relates to larceny of merchandise from a retailer; modifying penalty to include threshold amounts; allowing series of offenses to be aggregated; amending 47 O.S. 2011, Sections 4-102 and 4-103, which relate to unauthorized use of motor vehicles or implements of husbandry; providing separate penalties for unauthorized use of implements of husbandry; amending 47 O.S. 2011, Section 17-102, which relates to penalties for various offenses of the Uniform Vehicle Code; providing exception to certain penalty provision; amending 59 O.S. 2011, Section 1512, as amended by Section 16, State Question No. 780, Petition No. 404 (59 O.S. Supp. 2017, Section 1512), which relates to the Oklahoma Pawnshop Act; modifying penalty to include threshold amounts; and providing an effective date.

SUBJECT: Criminal penalties and fines

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

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

Section 1416. Any person mentioned in Section 1412 of this title, who delivers to another any merchandise for which any bill of lading, receipt or voucher has been issued, unless such receipt or voucher bore upon its face the words "Not negotiable," plainly written or stamped, or unless such receipt is surrendered to be

canceled at the time of delivery or unless, in the case of partial delivery, a memorandum thereof is endorsed upon such receipt or voucher, shall be ~~guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years or by a fine not exceeding One Thousand Dollars (\$1,000.00), or both as follows:~~

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

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

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

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

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1451, as last amended by Section 10, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1451), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one

crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the ~~party's~~ intent of the party to commit a continuing crime.

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

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

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

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

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

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

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

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

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1541.2, as amended by Section 14, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1541.2), is amended to read as follows:

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

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

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

fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such imprisonment and fine; or

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

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

SECTION 5. AMENDATORY 21 O.S. 2011, Section 1541.3, as amended by Section 15, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1541.3), is amended to read as follows:

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

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

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



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

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

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1577, as amended by Section 17, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1577), is amended to read as follows:

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

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

2. If the value of the instrument is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall be guilty of felony forgery punishable by imprisonment in the custody of the Department of Corrections for

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

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

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

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

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1578, as amended by Section 18, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1578), is amended to read as follows:

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

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

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

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

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

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

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1579, as amended by Section 19, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1579), is amended to read as follows:

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

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

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

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

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

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

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

SECTION 9. AMENDATORY 21 O.S. 2011, Section 1592, as amended by Section 14, Chapter 221, O.S.L. 2016 (21 O.S. Supp. 2017, Section 1592), is amended to read as follows:

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

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

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

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

4. If the value of the instrument is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be guilty of forgery as a felony punishable by imprisonment in the custody of the Department

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

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

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1702, is amended to read as follows:

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

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

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

3. If the value of the property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed five (5) years, or in the county jail not to exceed one (1)

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

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

SECTION 11. AMENDATORY 21 O.S. 2011, Section 1704, as amended by Section 4, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1704), is amended to read as follows:

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

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

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

Larceny in other cases is petit larceny.

SECTION 12. AMENDATORY 21 O.S. 2011, Section 1705, as amended by Section 5, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1705), is amended to read as follows:

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

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

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

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

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

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

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

SECTION 13. AMENDATORY 21 O.S. 2011, Section 1713, as amended by Section 6, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1713), is amended to read as follows:

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



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

2. If the value of the personal property received is less than One Thousand Dollars (\$1,000.00) Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall be ~~guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars (\$500.00) or by~~ imprisonment in the custody of the Department of Corrections for a term not to exceed five (5) years or in the county jail for a term not to exceed ~~six (6) months~~ one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such fine and imprisonment; or

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

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

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

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

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

SECTION 15. AMENDATORY 21 O.S. 2011, Section 1731, as amended by Section 9, State Question No. 780, Petition No. 404 (21 O.S. Supp. 2017, Section 1731), is amended to read as follows:

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

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

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

exceed one (1) year, and by a fine not exceeding One Thousand Dollars (\$1,000.00)-;

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

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

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

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

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

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

SECTION 16. AMENDATORY 47 O.S. 2011, Section 4-102, is amended to read as follows:

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

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

SECTION 17. AMENDATORY 47 O.S. 2011, Section 4-103, is amended to read as follows:

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

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

SECTION 18. AMENDATORY 47 O.S. 2011, Section 17-102, is amended to read as follows:

Section 17-102. A. Any person who is convicted of a violation of any of the provisions of the Uniform Vehicle Code declared by the Code or by other laws of this state to constitute a felony except those offenses specified in subsection A of Section 4-102 of this title relating to unauthorized use of a vehicle and subsection A of Section 4-103 of this title, relating to receiving or disposing of a vehicle, shall be guilty of a felony and shall be punished by

imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by a fine of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

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

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

SECTION 19. AMENDATORY 59 O.S. 2011, Section 1512, as amended by Section 16, State Question No. 780, Petition No. 404 (59 O.S. Supp. 2017, Section 1512), is amended to read as follows:

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

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

C. Criminal Penalties. 1. Any person who engages in the business of operating a pawn shop without first securing the license prescribed by this act shall be guilty of a misdemeanor and upon

conviction thereof shall be punished by a fine not in excess of One Thousand Dollars (\$1,000.00), by confinement in the county jail for not more than six (6) months or by both.

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

- a. if the value of the property is less than One Thousand Dollars (\$1,000.00) ~~or more, the person shall, upon conviction,~~ be guilty of a ~~felony, and upon conviction shall be punished~~ misdemeanor punishable by imprisonment in the State Penitentiary ~~not to exceed five (5) years or in the county jail for a term not to exceed one (1) year,~~ or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine. ~~However, if the property was acquired by means of robbery or burglary, the person,~~
- b. if the value of the property is One Thousand Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars (\$2,500.00), the person shall, upon conviction, be ~~punished~~ guilty of a felony punishable by imprisonment in the State Penitentiary ~~custody of the Department of Corrections for a term not to exceed five (5) two (2) years or in the county jail for a term not to exceed one (1) year,~~ or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine, ~~without regard to the value of the property~~
- c. if the value of the personal property is Two Thousand Five Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars (\$15,000.00), the person shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed five (5) years or in the county jail for a term not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine, or
- d. if the value of the personal property is Fifteen Thousand Dollars (\$15,000.00) or more, the person

shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed eight (8) years, or by a fine not to exceed Five Hundred Dollars (\$500.00), or by both such imprisonment and fine.

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

D. Private Enforcement. 1. If any person engages in the business of operating a pawnshop without first securing the license prescribed by this act, or if any pawnbroker contracts for, charges or receives a pawn finance charge in excess of that authorized by this act, the pawn transaction shall be void and the customer is not obligated to pay either the amount financed or the pawn finance charge in connection with the transaction, and upon the customer's demand, the pawnbroker shall be obligated to return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. If a customer is entitled to a refund under this section and a pawnbroker liable to the customer refuses to make the refund within a reasonable time after demand, the customer shall have an action against the pawnbroker and in the case of a successful action to enforce such liability, the costs of the action together with ~~attorney's~~ attorney fees as determined by the court shall be awarded to the customer.

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

- a. twice the amount of the pawn finance charge in connection with the transaction, or One Hundred Dollars (\$100.00), whichever is greater~~+~~, and
- b. in the case of a successful action to enforce the liability under paragraph 1 of this subsection, the

costs of the action together with reasonable  
~~attorney's~~ attorney fees as determined by the court.

SECTION 20. This act shall become effective November 1, 2018.



Passed the House of Representatives the 17th day of April, 2018.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

Passed the Senate the 24th day of April, 2018.

\_\_\_\_\_  
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_