

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1172

By: Hall and Rosino of the
Senate

and

Wallace and Caldwell (Trey)
of the House

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to larceny; providing elements of
11 organized retail crime; providing elements of
12 penalties related to organized retail crime; amending
13 21 O.S. 2021, Section 425, which relates to patterns
14 of criminal offenses; modifying element of offense;
15 amending 21 O.S. 2021, Section 1731, as amended by
16 Section 1 of Enrolled Senate Bill No. 1877 of the 2nd
17 Session of the 59th Oklahoma Legislature, which
18 relates to larceny of merchandise; clarifying
19 punishment if certain actions constitute organized
20 retail crime; amending Section 1, Chapter 333, O.S.L.
21 2023 (21 O.S. Supp. 2023, Section 2200), which
22 relates to the Oklahoma Organized Retail Crime Task
23 Force; authorizing the Attorney General to employ
24 certain officers; updating statutory language;
updating statutory references; providing for
codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1731.2 of Title 21, unless there
is created a duplication in numbering, reads as follows:

1 A. Actions relating to theft, retail theft, or larceny of
2 merchandise shall constitute organized retail crime when three or
3 more of the following circumstances occur:

4 1. The property taken is intended for resale;

5 2. Such property is taken by two or more persons acting
6 jointly;

7 3. The persons taking the property do so while possessing tools
8 of theft including, but not limited to, tag cutters, foil-lined
9 bags, weapons, or other means of evading detection;

10 4. The persons taking the property attempt to exit through fire
11 escapes, employee exits, or other non-public means of entry or exit;

12 5. The persons taking such property remove, destroy,
13 deactivate, or knowingly evade any component of an anti-shoplifting
14 or inventory control device to prevent the activation of that device
15 or to facilitate another person in committing retail crime;

16 6. A person receives, purchases, or possesses property for sale
17 or resale knowing or believing the property was stolen from a retail
18 merchant; or

19 7. The persons use a paper, fraudulent, altered, or obstructed
20 license plate, use a license plate meant for a different vehicle, or
21 do not have any license plate.

22 B. Violations of this section shall be punished as follows:

23 1. If the value of the property is less than Five Hundred
24 Dollars (\$500.00), the person shall be guilty of a misdemeanor

1 punishable by imprisonment in the custody of the county jail for a
2 term not to exceed one (1) year, or by a fine not to exceed Five
3 Hundred Dollars (\$500.00), or by both such imprisonment and fine;

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

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

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

20 SECTION 2. AMENDATORY 21 O.S. 2021, Section 425, is
21 amended to read as follows:

22 Section 425. A. Any person who engages in a pattern of
23 criminal offenses in two or more counties or municipalities in this
24 state or who attempts or conspires with others to engage in a

1 pattern of criminal offenses shall, upon conviction, be ~~punishable~~
2 punished by imprisonment in the custody of the Department of
3 Corrections for a term not exceeding two (2) years, or imprisonment
4 in the county jail for a term not exceeding one (1) year, or by a
5 fine in an amount not more than Twenty-five Thousand Dollars
6 (\$25,000.00), or by both such fine and imprisonment. Such
7 punishment shall be in addition to any penalty imposed for any
8 offense involved in the pattern of criminal offenses. Double
9 jeopardy shall attach upon conviction.

10 B. For purposes of this ~~act~~ section and Section 125.1 of Title
11 22 of the Oklahoma Statutes, "pattern of criminal offenses" means:

12 1. Two or more criminal offenses are committed that are part of
13 the same plan, scheme, or adventure; ~~or~~

14 2. A sequence of two or more of the same criminal offenses are
15 committed and are not separated by an interval of more than thirty
16 (30) days between the first and second offense, the second and
17 third, and so on; or

18 3. Two or more criminal offenses are committed, each proceeding
19 from or having as an antecedent element a single prior incident or
20 pattern of fraud, robbery, burglary, theft, identity theft, receipt
21 of stolen property, false personation, false pretenses, obtaining
22 property by trick or deception, taking a credit or debit card
23 without consent, or the making, transferring or receiving of a false
24 or fraudulent identification card.

1 C. Jurisdiction and venue for a pattern of criminal offenses
2 occurring in multiple counties in this state shall be determined as
3 provided in ~~Section 1 of this act~~ Section 125.1 of Title 22 of the
4 Oklahoma Statutes.

5 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1731, as
6 amended by Section 1 of Enrolled Senate Bill No. 1877 of the 2nd
7 Session of the 59th Oklahoma Legislature, is amended to read as
8 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
13 been taken is less than One Thousand Dollars (\$1,000.00), the person
14 shall be guilty of a misdemeanor punishable by imprisonment in the
15 county jail for a term not exceeding thirty (30) days, and by a fine
16 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. For a third or subsequent conviction, in the event the value
24 of the goods, edible meat, or other corporeal property which has

1 | been taken is less than One Thousand Dollars (\$1,000.00), the person
2 | shall be guilty of a misdemeanor and shall be punished by
3 | imprisonment in the county jail for a term not to exceed one (1)
4 | year, and by a fine not exceeding One Thousand Dollars (\$1,000.00);

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

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

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

1 B. When three or more separate offenses under this section are
2 committed within a ~~one hundred eighty day~~ one-year period, the value
3 of the goods, edible meat, or other corporeal property involved in
4 each larceny offense may be aggregated to determine the total value
5 for purposes of determining the appropriate punishment under this
6 section.

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

13 D. In the event that actions of larceny are proven to
14 constitute organized retail crime as provided in Section 1 of this
15 act, then violations of the offense shall be punished as such.

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

19 SECTION 4. AMENDATORY Section 1, Chapter 333, O.S.L.
20 2023 (21 O.S. Supp. 2023, Section 2200), is amended to read as
21 follows:

22 Section 2200. A. There is hereby created the Oklahoma
23 Organized Retail Crime Task Force until December 31, 2024. The
24 purpose of the task force shall be to provide the Legislature and

1 the Governor with information on organized retail crime and the
2 advantages and drawbacks of instituting various countermeasures to
3 counter losses from retail theft in the state.

4 B. The task force shall consist of fifteen (15) members as
5 follows:

6 1. Three members, appointed by the Governor, one of whom shall
7 be an individual who represents state or local law enforcement;

8 2. Two members appointed by the President Pro Tempore of the
9 ~~Oklahoma State~~ Senate;

10 3. Two members appointed by the Speaker of the ~~Oklahoma~~ House
11 of Representatives;

12 4. One member appointed by the District Attorneys Council;

13 5. One member appointed by the Oklahoma Retail Merchants
14 Association;

15 6. One member appointed by the State Chamber;

16 7. One member appointed by the Oklahoma Sheriffs' Association;

17 8. One member appointed by the Oklahoma Association of Chiefs
18 of Police;

19 9. One member appointed by the Attorney General;

20 10. One member from the Convenience Distributors of Oklahoma;

21 and

22 11. One member from the Oklahoma Grocers Association.

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1 C. Quorum for official business of the task force shall be
2 eight members. A chairperson and a vice chairperson shall be
3 elected by a majority vote of the members of the task force.

4 D. Appointments to the task force shall be made by the
5 appointing authority no later than sixty (60) days after ~~the~~
6 ~~effective date of this act~~ June 6, 2023. Appointed members shall,
7 to the greatest extent practicable, have by education or experience,
8 knowledge of organized retail theft. The chair shall hold the first
9 meeting of the task force no later than ninety (90) days after ~~the~~
10 ~~effective date of this act~~ June 6, 2023. Any vacancies in the
11 membership of the task force shall be filled in the same manner
12 provided for in the initial appointment.

13 E. The members of the task force shall receive no compensation
14 but shall receive travel reimbursement for necessary travel expenses
15 incurred in the performance of their duties in accordance with the
16 State Travel Reimbursement Act. The task force shall be staffed by
17 the Senate.

18 F. The task force may consult with any organization, government
19 entity, or person in the development of its report required pursuant
20 to the provisions of subsection G of this section.

21 G. On or before December 15, 2024, the task force shall
22 electronically submit to the Governor, the President Pro Tempore of
23 the ~~Oklahoma State~~ Senate, the ~~Oklahoma~~ Speaker of the House of
24 Representatives, and the chairs of the House and Senate committees

1 that oversee public safety, a report containing, but not limited to,
2 the following information based on available data:

3 1. A review of laws and regulations on organized retail crime
4 used by other states, the federal government, and foreign countries
5 to regulate the marketplace;

6 2. The use of organized retail theft's impact on state and
7 local tax receipts;

8 3. The need for interagency coordination of public education
9 and outreach and prevention programs for business owners; and

10 4. Legislative and regulatory recommendations, if any, to
11 increase transparency and security, enhance consumer protections,
12 prevent organized retail theft, and to address the long-term
13 economic impact related to the prevalence of organized retail crime.

14 H. The Office of the Attorney General may employ, either
15 directly or through memorandums of understanding or cross-
16 deputization agreements, persons to serve as Oklahoma Organized
17 Retail Crime Task Force officers whose primary responsibility shall
18 be to prevent, respond to, investigate, and prosecute criminal
19 violations related to organized retail crime.

20 SECTION 5. This act shall become effective November 1, 2024.

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