

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1450

By: Treat of the Senate

and

George 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 1731, as amended by Section 15,  
14           Chapter 116, O.S.L. 2018 and Section 9, State  
15           Question No. 780, Initiative Petition No. 404, which  
16           relates to larceny of merchandise; modifying period  
17           of aggregated offenses; amending 21 O.S. 2021,  
18           Section 425, which relates to patterns of criminal  
19           offenses; modifying element of offense; amending 21  
20           O.S. 2021, Section 792, which relates to force or  
21           fear; modifying element of escape; amending Section  
22           1, Chapter 333, O.S.L. 2023 (21 O.S. Supp. 2023,  
23           Section 2200), which relates to the Oklahoma  
24           Organized Retail Crime Task Force; authorizing the  
          Attorney General to employ certain officers; updating  
          statutory language; 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 shall  
2 constitute organized retail crime when two or more of the following  
3 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 have a means of getaway to  
13 evade capture or arrest;

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

18       7. A person receives, purchases, or possesses retail  
19 merchandise for sale or resale knowing or believing the retail  
20 merchandise was stolen from a retail merchant;

21       8. The persons use any container, device, or other article to  
22 facilitate a retail crime;

23       9. The persons use the motor vehicle of another person or a  
24 rented or stolen motor vehicle when committing retail crime; or

1        10. The persons use a paper, fraudulent, altered, or obstructed  
2 license plate, use a license plate meant for a different vehicle, or  
3 do not have any license plate as a means of evading detection.

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

5        1. In the event the value of the property is less than Fifteen  
6 Thousand Dollars (\$15,000.00), the person shall be punished by  
7 imprisonment in the custody of the Department of Corrections for a  
8 term not to exceed five (5) years or in the county jail for a term  
9 not 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; or

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

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

19        SECTION 2.        AMENDATORY        21 O.S. 2021, Section 1731, as  
20 amended by Section 15, Chapter 116, O.S.L. 2018 and Section 9, State  
21 Question No. 780, Initiative Petition No. 404, is amended to read as  
22 follows:

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

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

13           2. For a third or subsequent conviction, in the event the value  
14 of the goods, edible meat, or other corporeal property which has  
15 been taken is less than ~~One Thousand Dollars (\$1,000.00)~~ Five  
16 Hundred Dollars (\$500.00), the person shall be guilty of a  
17 misdemeanor and shall be punished by imprisonment in the county jail  
18 for a term not to exceed one (1) year, and by a fine not exceeding  
19 One Thousand Dollars (\$1,000.00);

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

1 of Corrections for a term not to exceed two (2) years, and by a fine  
2 not to exceed One Thousand Dollars (\$1,000.00);

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

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

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

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

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

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

7 SECTION 3. AMENDATORY 21 O.S. 2021, Section 425, is  
8 amended to read as follows:

9 Section 425. A. Any person who engages in a pattern of  
10 criminal offenses in two or more counties or municipalities in this  
11 state or who attempts or conspires with others to engage in a  
12 pattern of criminal offenses shall, upon conviction, be ~~punishable~~  
13 punished by imprisonment in the Department of Corrections for a term  
14 not exceeding two (2) years, or imprisonment in the county jail for  
15 a term not exceeding one (1) year, or by a fine in an amount not  
16 more than Twenty-five Thousand Dollars (\$25,000.00), or by both such  
17 fine and imprisonment. Such punishment shall be in addition to any  
18 penalty imposed for any offense involved in the pattern of criminal  
19 offenses. Double jeopardy shall attach upon conviction.

20 B. For purposes of this act, "pattern of criminal offenses"  
21 means:

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

24

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

5           3. Two or more criminal offenses are committed, each proceeding  
6 from or having as an antecedent element a single prior incident or  
7 pattern of fraud, robbery, burglary, theft, identity theft, receipt  
8 of stolen property, false personation, false pretenses, obtaining  
9 property by trick or deception, taking a credit or debit card  
10 without consent, or the making, transferring or receiving of a false  
11 or fraudulent identification card.

12           C. Jurisdiction and venue for a pattern of criminal offenses  
13 occurring in multiple counties in this state shall be determined as  
14 provided in Section 1 of this act.

15           SECTION 4.           AMENDATORY           21 O.S. 2021, Section 792, is  
16 amended to read as follows:

17           Section 792. To constitute robbery, the force or fear must be  
18 employed either to obtain or retain possession of the property, or  
19 to prevent or overcome resistance to the taking. ~~If employed merely  
20 as a means of escape, it does not constitute robbery.~~

21           SECTION 5.           AMENDATORY           Section 1, Chapter 333, O.S.L.  
22 2023 (21 O.S. Supp. 2023, Section 2200), is amended to read as  
23 follows:  
24

1 Section 2200. A. There is hereby created the Oklahoma  
2 Organized Retail Crime Task Force until December 31, 2024. The  
3 purpose of the task force shall be to provide the Legislature and  
4 the Governor with information on organized retail crime and the  
5 advantages and drawbacks of instituting various countermeasures to  
6 counter losses from retail theft in the state.

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

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

11 2. Two members appointed by the President Pro Tempore of the  
12 Oklahoma State Senate;

13 3. Two members appointed by the Speaker of the Oklahoma House  
14 of Representatives;

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

16 5. One member appointed by the Oklahoma Retail Merchants  
17 Association;

18 6. One member appointed by the State Chamber;

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

20 8. One member appointed by the Oklahoma Association of Chiefs  
21 of Police;

22 9. One member appointed by the Attorney General;

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

24 and



1 11. One member from the Oklahoma Grocers Association.

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

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

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

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

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

1 Representatives, and the chairs of the House and Senate committees  
2 that oversee public safety, a report containing, but not limited to,  
3 the following information based on available data:

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

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

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

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

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

21 SECTION 6. This act shall become effective November 1, 2024.

22  
23 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/15/2024 - DO PASS,  
24 As Amended.