

1 **SENATE FLOOR VERSION**

February 28, 2024

2 **AS AMENDED**

3 SENATE BILL NO. 1450

By: Treat

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5
6 An Act relating to larceny; providing elements of
7 organized retail crime; providing elements of
8 penalties related to organized retail crime; amending
9 21 O.S. 2021, Section 1731, as amended by Section 15,
10 Chapter 116, O.S.L. 2018 and Section 9, State
11 Question No. 780, Initiative Petition No. 404, which
12 relates to larceny of merchandise; modifying period
13 of aggregated offenses; amending 21 O.S. 2021,
14 Section 425, which relates to patterns of criminal
15 offenses; modifying element of offense; amending 21
16 O.S. 2021, Section 792, which relates to force or
17 fear; modifying element of escape; amending Section
18 1, Chapter 333, O.S.L. 2023 (21 O.S. Supp. 2023,
19 Section 2200), which relates to the Oklahoma
20 Organized Retail Crime Task Force; authorizing the
21 Attorney General to employ certain officers; updating
22 statutory language; providing for codification; and
23 providing an effective date.
24

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:

A. Actions relating to theft, retail theft, or larceny shall
constitute organized retail crime when **two or more of the following**
circumstances occur:

1. The property taken is intended for resale;

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

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

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

8 5. The persons taking such property have a means of getaway to
9 evade capture or arrest;

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

14 7. A person receives, purchases, or possesses retail
15 merchandise for sale or resale knowing or believing the retail
16 merchandise was stolen from a retail merchant;

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

19 9. The persons use the motor vehicle of another person or a
20 rented or stolen motor vehicle when committing retail crime.

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

22 1. In the event the value of the property is less than Fifteen
23 Thousand Dollars (\$15,000.00), the person shall be punished by
24 imprisonment in the custody of the Department of Corrections for a

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

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

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

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

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

18 1. For the first or second conviction, in the event the value
19 of the goods, edible meat, or other corporeal property which has
20 been taken is less than One Thousand Dollars (\$1,000.00), the person
21 shall be guilty of a misdemeanor punishable by imprisonment in the
22 county jail for a term not exceeding thirty (30) days, and by a fine
23 not less than Ten Dollars (\$10.00) nor more than Five Hundred
24 Dollars (\$500.00); provided, for the first or second conviction, in

1 the event more than one item of goods, edible meat, or other
2 corporeal property has been taken, punishment shall be by
3 imprisonment in the county jail for a term not to exceed thirty (30)
4 days, and by a fine not less than Fifty Dollars (\$50.00) nor more
5 than Five Hundred Dollars (\$500.00);

6 2. For a third or subsequent conviction, in the event the value
7 of the goods, edible meat, or other corporeal property which has
8 been taken is less than One Thousand Dollars (\$1,000.00), the person
9 shall be guilty of a misdemeanor and shall be punished by
10 imprisonment in the county jail for a term not to exceed one (1)
11 year, and by a fine not exceeding One Thousand Dollars (\$1,000.00);

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

19 4. In the event the value of the goods, edible meat, or other
20 corporeal property is Two Thousand Five Hundred Dollars (\$2,500.00)
21 or more but less than Fifteen Thousand Dollars (\$15,000.00), the
22 person shall be guilty of a felony and shall be punished by
23 imprisonment in the custody of the Department of Corrections for a
24

1 term not to exceed five (5) years, and by a fine not to exceed One
2 Thousand Dollars (\$1,000.00); or

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

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

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

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

24

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

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

14 B. For purposes of this act, "pattern of criminal offenses"
15 means:

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

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

22 3. Two or more criminal offenses are committed, each proceeding
23 from or having as an antecedent element a single prior incident or
24 pattern of fraud, robbery, burglary, theft, identity theft, receipt

1 of stolen property, false personation, false pretenses, obtaining
2 property by trick or deception, taking a credit or debit card
3 without consent, or the making, transferring or receiving of a false
4 or fraudulent identification card.

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

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

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

14 SECTION 5. AMENDATORY Section 1, Chapter 333, O.S.L.
15 2023 (21 O.S. Supp. 2023, Section 2200), is amended to read as
16 follows:

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

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

- 1 1. Three members, appointed by the Governor, one of whom shall
2 be an individual who represents state or local law enforcement;
- 3 2. Two members appointed by the President Pro Tempore of the
4 Oklahoma State Senate;
- 5 3. Two members appointed by the Speaker of the Oklahoma House
6 of Representatives;
- 7 4. One member appointed by the District Attorneys Council;
- 8 5. One member appointed by the Oklahoma Retail Merchants
9 Association;
- 10 6. One member appointed by the State Chamber;
- 11 7. One member appointed by the Oklahoma Sheriffs' Association;
- 12 8. One member appointed by the Oklahoma Association of Chiefs
13 of Police;
- 14 9. One member appointed by the Attorney General;
- 15 10. One member from the Convenience Distributors of Oklahoma;
- 16 and
- 17 11. One member from the Oklahoma Grocers Association.
- 18 C. Quorum for official business of the task force shall be
19 eight members. A chairperson and a vice chairperson shall be
20 elected by a majority vote of the members of the task force.
- 21 D. Appointments to the task force shall be made by the
22 appointing authority no later than sixty (60) days after the
23 effective date of this act. Appointed members shall, to the
24 greatest extent practicable, have by education or experience,

1 knowledge of organized retail theft. The chair shall hold the first
2 meeting of the task force no later than ninety (90) days after the
3 effective date of this act. Any vacancies in the membership of the
4 task force shall be filled in the same manner provided for in the
5 initial appointment.

6 E. The members of the task force shall receive no compensation
7 but shall receive travel reimbursement for necessary travel expenses
8 incurred in the performance of their duties in accordance with the
9 State Travel Reimbursement Act. The task force shall be staffed by
10 the Senate.

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

14 G. On or before December 15, 2024, the task force shall
15 electronically submit to the Governor, the President Pro Tempore of
16 the Oklahoma State Senate, the Oklahoma Speaker of the House of
17 Representatives, and the chairs of the House and Senate committees
18 that oversee public safety, a report containing, but not limited to,
19 the following information based on available data:

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

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

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

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

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
15 February 28, 2024 - DO PASS
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