

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1592

6 By: George

7 COMMITTEE SUBSTITUTE

8 An Act relating to larceny; providing elements of
9 organized retail crime; providing penalties; amending
10 21 O.S. 2021, Section 425, which relates to patterns
11 of criminal offenses; expanding scope of offense;
12 amending 21 O.S. 2021, Section 792, which relates to
13 robbery; deleting exception; amending 21 O.S. 2021,
14 Section 1731, as amended by Section 1, Chapter 176,
15 O.S.L. 2024 (21 O.S. Supp. 2024, Section 1731), which
16 relates to larceny of merchandise; modifying period
17 of aggregated offenses; amending Section 1, Chapter
18 333, O.S.L. 2023 (21 O.S. Supp. 2024, Section 2200),
19 which relates to the Oklahoma Organized Retail Crime
20 Task Force; recreating Task Force; providing for the
21 continuation of appointment selections; authorizing
22 the Office of the Attorney General to staff the task
23 force and employ task force officers; stating duties
24 of officers; 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.

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 425, is
20 amended to read as follows:

21 Section 425. A. Any person who engages in a pattern of
22 criminal offenses in two or more counties or municipalities in this
23 state or who attempts or conspires with others to engage in a
24 pattern of criminal offenses shall, upon conviction, be ~~punishable~~

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

8 B. For purposes of this act, "pattern of criminal offenses"
9 means:

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

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

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

23 C. Jurisdiction and venue for a pattern of criminal offenses
24 occurring in multiple counties in this state shall be determined as

1 provided in Section 4 125.1 of ~~this act~~ Title 22 of the Oklahoma
2 Statutes.

3 SECTION 3. AMENDATORY 21 O.S. 2021, Section 792, is
4 amended to read as follows:

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

9 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1731, as
10 amended by Section 1, Chapter 176, O.S.L. 2024 (21 O.S. Supp. 2024,
11 Section 1731), is amended to read as follows:

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

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

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1 term not to exceed thirty (30) days, and by a fine not less than
2 Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00);

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

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

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

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

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

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

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

22 SECTION 5. AMENDATORY Section 1, Chapter 333, O.S.L.
23 2023 (21 O.S. Supp. 2024, Section 2200), is amended to read as
24 follows:

1 Section 2200. A. There is hereby ~~created~~ recreated, to
2 continue until June 1, 2026, the Oklahoma Organized Retail Crime
3 Task Force ~~until December 31, 2024~~. The purpose of the task force
4 shall be to provide the Legislature and the Governor with
5 information on organized retail crime and the advantages and
6 drawbacks of instituting various countermeasures to counter losses
7 from retail theft in the state.

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

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

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

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

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

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

19 6. One member appointed by the State Chamber;

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

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

23 9. One member appointed by the Attorney General;

24

1 10. One member from the Convenience Distributors of Oklahoma;
2 and

3 11. One member from the Oklahoma Grocers Association.

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

7 D. ~~Appointments to~~ Members who were serving on the task force
8 as of December 31, 2024, shall automatically be ~~made by the~~
9 ~~appointing authority no later than sixty (60) days after the~~
10 ~~effective date of this act~~ on the Oklahoma Organized Retail Crime
11 Task Force. Appointed members shall, to the greatest extent
12 practicable, have by education or experience, knowledge of organized
13 retail theft. The chair shall hold the first meeting of the task
14 force no later than ninety (90) days after the effective date of
15 this act. Any vacancies in the membership of the task force shall
16 be filled in the same manner provided for in the initial
17 appointment.

18 E. The members of the task force shall receive no compensation
19 but shall receive travel reimbursement for necessary travel expenses
20 incurred in the performance of their duties in accordance with the
21 State Travel Reimbursement Act. The task force shall be staffed by
22 the ~~Senate~~ Office of the Attorney General.

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

4 G. On or before ~~December 15, 2024~~ December 31, 2025, the task
5 force shall electronically submit to the Governor, the President Pro
6 Tempore of the Oklahoma State Senate, the Oklahoma Speaker of the
7 House of Representatives, and the chairs of the House and Senate
8 committees that oversee public safety, a report containing, but not
9 limited to, the following information based on available data:

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

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

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

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

21 H. The Office of the Attorney General may employ, either
22 directly or through memorandums of understanding or cross-
23 deputization agreements, persons to serve as Oklahoma Organized
24 Retail Crime Task Force officers whose primary responsibility shall

1 be to prevent, respond to, investigate, and prosecute criminal
2 violations related to organized retail crime.

3 SECTION 6. This act shall become effective November 1, 2025.

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