An Act

ENROLLED HOUSE
BILL NO. 2751

By: Peterson, Billy, Sherrer, Hoskin and Goodwin of the House

and

Treat and Brooks of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 1451, as amended by Section 1, Chapter 235, O.S.L. 2012 (21 O.S. Supp. 2015, Section 1451), which relates to embezzlement; modifying penalty for certain prohibited act; amending 21 O.S. 2011, Section 1521, which relates to bogus check for motor vehicle lease or rental; increasing certain monetary limitation; amending 21 O.S. 2011, Section 1533.1, which relates to identity theft; modifying penalty for certain prohibited act; amending 21 O.S. 2011, Sections 1541.1, 1541.2 and 1541.3, which relate to obtaining property by trick or deception and bogus checks; increasing certain monetary limitations; amending 21 O.S. 2011, Section 1542, which relates to obtaining property by false pretenses; providing separate penalties under certain circumstances; allowing series of offenses to be aggregated into one offense; amending 21 O.S. 2011, Sections 1550.27, 1550.32 and 1550.33, which relate to the Oklahoma Credit Card Crime Act of 1970; modifying scope of certain penalty; updating statutory reference; providing separate penalties under certain circumstances; allowing series of offenses to be aggregated into one offense; amending 21 O.S. 2011, Sections 1577, 1578 and 1579, which relate to forged notes or instruments; providing penalty for third-degree forgery; allowing series of offenses to be aggregated into one offense; amending 21 O.S. 2011, Section 1592, which relates to publishing counterfeited instruments or coins; providing penalty for third-degree forgery; allowing series of offenses to be aggregated into one offense;

amending 21 O.S. 2011, Section 1621, which relates to forgery penalties; providing penalty for third-degree forgery; amending 21 O.S. 2011, Sections 1704, 1705, 1713 and 1731, which relate to larceny, receiving stolen property and larceny of merchandise from a retailer; increasing certain monetary limitations; providing separate penalties under certain circumstances; updating language; amending 21 O.S. 2011, Section 1834, which relates to concealing, selling or removing property encumbered by mortgage or contract; providing separate penalties under certain circumstances; and providing an effective date.

SUBJECT: Crimes and punishments

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1451, as amended by Section 1, Chapter 235, O.S.L. 2012 (21 O.S. Supp. 2015, 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 Five Hundred Dollars ($500.00), any person convicted shall be punished by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term not more than one (1) year, or by both such fine and imprisonment;

2. If the value of the property embezzled is Five Hundred Dollars ($500.00), or more but less than One Thousand Dollars ($1,000.00), any person convicted shall be guilty of a ~~felony~~ misdemeanor and shall be punished by imprisonment in the county jail for not more than one (1) year or 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, at the discretion of the court, and shall be subject to a fine 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;

3. 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), any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, and 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

4. If the value of the property embezzled is Twenty-five Thousand Dollars ($25,000.00) or more, any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, and 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 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 2. AMENDATORY 21 O.S. 2011, Section 1521, is amended to read as follows:

Section 1521. Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for the sum of Twenty Dollars ($20.00) or less shall, upon conviction, be guilty of a misdemeanor ~~and upon conviction thereof shall be punished~~ punishable by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment. If the value of the false, bogus or worthless check shall exceed the sum of Twenty Dollars ($20.00) but is less than ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00), any person convicted pursuant to this section shall be guilty of a ~~felony~~ misdemeanor and shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail 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 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. If the value of the worthless check is ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a term not exceeding seven (7) years or by a fine not to exceed Five Hundred Dollars ($500.00), or both such fine and imprisonment.

SECTION 3. AMENDATORY 21 O.S. 2011, Section 1533.1, is amended to read as follows:

Section 1533.1 A. It is unlawful for any person to willfully and with fraudulent intent obtain the name, address, ~~social security~~ Social Security number, date of birth, place of business or employment, debit, credit or account numbers, driver license number,

or any other personal identifying information of another person, living or dead, with intent to use, sell, or allow any other person to use or sell such personal identifying information to obtain or attempt to obtain money, credit, goods, property, or service in the name of the other person without the consent of that person.

B. It is unlawful for any person to use with fraudulent intent the personal identity of another person, living or dead, or any information relating to the personal identity of another person, living or dead, to obtain or attempt to obtain credit or anything of value.

C. It is unlawful for any person with fraudulent intent to lend, sell, or otherwise offer the use of such person's own name, address, ~~social security~~ Social Security number, date of birth, or any other personal identifying information or document to any other person with the intent to allow such other person to use the personal identifying information or document to obtain or attempt to obtain any identifying document in the name of such other person.

D. It is unlawful for any person to willfully create, modify, alter or change any personal identifying information of another person with fraudulent intent to obtain any money, credit, goods, property, service or any benefit or thing of value, or to control, use, waste, hinder or encumber another person's credit, accounts, goods, property, title, interests, benefits or entitlements without the consent of that person.

E. Any person convicted of violating any provision of this section shall be guilty of identity theft. ~~Identity theft is~~ Any person who violates the provisions of subsection A, B or D of this section shall, upon conviction, be guilty of a felony ~~offense~~ punishable by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years, or a fine not to exceed One Hundred Thousand Dollars ($100,000.00), or by both such fine and imprisonment. Any person who violates the provisions of subsection C of this section 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 a fine not to exceed One Hundred Thousand Dollars ($100,000.00), or by both such fine and imprisonment. Restitution to the victim may be ordered in addition to any criminal penalty imposed by the court. The victim of identity theft may bring a civil action for damages against any person participating in furthering the crime or attempted crime of identity theft.

SECTION 4. AMENDATORY 21 O.S. 2011, Section 1541.1, is amended to read as follows:

Section 1541.1 Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of a value less than ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00), by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall, upon conviction, be guilty of a misdemeanor ~~and upon conviction thereof shall be punished~~ punishable by a fine not to exceed One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

SECTION 5. AMENDATORY 21 O.S. 2011, Section 1541.2, is amended to read as follows:

Section 1541.2 If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is ~~Five Hundred Dollars ($500.00) or more but less than~~ One Thousand Dollars ($1,000.00) or more, any person convicted pursuant to this section shall be guilty of a felony and shall be punished by ~~incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail 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 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, and if the value is One Thousand Dollars ($1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by~~ imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment, and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 6. AMENDATORY 21 O.S. 2011, Section 1541.3, is amended to read as follows:

Section 1541.3 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 by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. 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 ~~One Thousand Dollars ($1,000.00)~~ Two Thousand Dollars ($2,000.00), the person shall, upon conviction, be guilty of a ~~felony~~ misdemeanor and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail 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 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.

SECTION 7. AMENDATORY 21 O.S. 2011, Section 1542, is amended to read as follows:

Section 1542. A. Every person who, with intent to cheat or defraud another, designedly, by color or aid of any false token or writing, or other false pretense, obtains the signature of any person to any written instrument, or obtains from any person any money or property~~,~~ is, upon conviction, guilty of a felony punishable by imprisonment in the ~~penitentiary~~ custody of the Department of Corrections for a term not exceeding three (3) years or in a county jail not exceeding one (1) year if the value is One Thousand Dollars ($1,000.00) or more, or by a fine not exceeding three times the value of the money or property so obtained, or by both such fine and imprisonment. If the value is less than One Thousand Dollars ($1,000.00), the person is, upon conviction, guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year, or by a fine not exceeding three times the value of the money or property so obtained, or by both such fine and imprisonment.

B. Every person who, with intent to cheat or defraud another, possesses, uses, utters, transfers, makes, manufactures,

counterfeits, or reproduces a retail sales receipt or a Universal Price Code Label~~,~~ is, upon conviction, guilty of a felony punishable by imprisonment in the ~~penitentiary~~ custody of the Department of Corrections for a term not exceeding three (3) years or in a county jail not exceeding one (1) year if the value is One Thousand Dollars ($1,000.00) or more, or by a fine not exceeding three times the value represented on the retail sales receipt or the Universal Price Code Label, or by both such fine and imprisonment. If the value is less than One Thousand Dollars ($1,000.00), the person is, upon conviction, guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year, or by a fine not exceeding three times the value represented on the retail sales receipt or the Universal Price Code Label, or by both such fine and imprisonment. 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 intent of the party to commit a continuing crime.

SECTION 8. AMENDATORY 21 O.S. 2011, Section 1550.27, is amended to read as follows:

Section 1550.27 ~~(a)~~ A. A person, with intent to defraud ~~(1) a~~:

1. A purported issuer~~, (2) a~~;

2. A person or organization providing money, goods, services or anything else of value~~,~~; or ~~(3) any~~

3. Any other person,

who falsely makes or falsely embosses a purported credit card or debit card or utters such a credit card or debit card is guilty of forgery in the third degree and is subject to the penalties set forth in subsection A of Section ~~1550.33(a)~~ 1550.33 of ~~Title 21 of the Oklahoma Statutes~~ this title.

~~(b)~~ B. A person other than the purported issuer who possesses any credit card or debit card which is falsely made or falsely embossed is presumed to have violated this section.

~~(c)~~ C. A person "falsely makes" a credit card or debit card when ~~he~~ the person makes or draws, in whole or in part, a device or instrument which purports to be the credit card or debit card of a named issuer but which is not such a credit card or debit card because the issuer did not authorize the making or drawing, or when ~~he~~ the person alters a credit card or debit card which was validly issued.

~~(d)~~ D. A person "falsely embosses" a credit card or debit card when, without the authorization of the named issuer, ~~he~~ the person completes a credit card or debit card by adding any of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card or debit card before it can be used by a cardholder.

SECTION 9. AMENDATORY 21 O.S. 2011, Section 1550.32, is amended to read as follows:

Section 1550.32 A person who receives money, goods, services~~,~~ or anything else of value obtained in violation of Section ~~9~~ 1550.29 of this ~~act~~ title, with the knowledge or belief that it was so obtained, is guilty of an offense and is subject to the penalties set forth in subsection C of Section ~~13(a)~~ 1550.33 of this ~~act~~ title.

SECTION 10. AMENDATORY 21 O.S. 2011, Section 1550.33, is amended to read as follows:

Section 1550.33 ~~(a)~~ A. A person who is subject to the penalties of this subsection shall be guilty of a ~~felony~~ misdemeanor and fined not more than ~~Three Thousand Dollars ($3,000.00)~~ One Thousand Dollars ($1,000.00) or imprisoned in the ~~State Penitentiary~~ county jail not ~~more than three (3) years~~ to exceed one (1) year, or both fined and imprisoned.

~~(b)~~ B. A person who is subject to the penalties of this subsection shall be guilty of a felony and shall be ~~imprisoned~~ punished by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for not more than seven (7) years.

~~(c)~~ C. A person subject to the penalties of this subsection who ~~violates any provision of the Oklahoma Credit Card Crime Act~~ received goods or services or any other item which has a value of One Thousand Dollars ($1,000.00) or more shall be ~~deemed~~ guilty of a

felony and fined not more than Three Thousand Dollars ($3,000.00), imprisoned in the custody of the Department of Corrections for not more than three (3) years, or both fined and imprisoned. If the value is less than One Thousand Dollars ($1,000.00), the person shall be guilty of a misdemeanor and fined not more than One Thousand Dollars ($1,000.00), imprisoned in the county jail for not more than one (1) year, or both fined and imprisoned. 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 intent of the party to commit a continuing crime.

SECTION 11. AMENDATORY 21 O.S. 2011, Section 1577, is amended to read as follows:

Section 1577. 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 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).

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 12. AMENDATORY 21 O.S. 2011, Section 1578, is amended to read as follows:

Section 1578. 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 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).

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 13. AMENDATORY 21 O.S. 2011, Section 1579, is amended to read as follows:

Section 1579. Every person who has in his or her possession any forged or counterfeited instrument, the forgery of which ~~is hereinbefore~~ has previously been declared to be punishable, other than such as are enumerated in ~~the last section~~ Section 1578 of this title, 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 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).

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 14. AMENDATORY 21 O.S. 2011, Section 1592, is amended to read as follows:

Section 1592. 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 ~~is hereinbefore~~ 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).

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 15. AMENDATORY 21 O.S. 2011, Section 1621, is amended to read as follows:

Section 1621. A. Forgery in the first degree is a felony punishable by imprisonment in the ~~State Penitentiary as follows:~~

~~1. Forgery in the first degree by imprisonment~~ custody of the Department of Corrections for not less than seven (7) years nor more than twenty (20) years~~; and~~.

~~2.~~ B. Forgery in the second degree is a felony punishable by imprisonment in the custody of the Department of Corrections for not ~~exceeding~~ more than seven (7) years.

C. Forgery in the third degree is a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year and a fine of One Thousand Dollars ($1,000.00).

SECTION 16. AMENDATORY 21 O.S. 2011, 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 value exceeding ~~Five Hundred Dollars ($500.00).~~ One Thousand Dollars ($1,000.00); or

2. When such property, although not of value exceeding ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00), is taken from the person of another.

Larceny in other cases is petit larceny.

SECTION 17. AMENDATORY 21 O.S. 2011, Section 1705, is amended to read as follows:

Section 1705. Grand larceny is a felony punishable by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections not exceeding five (5) years, a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment if the value of the property is ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00) or more and if the value of the property is less than ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00) punishable by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail 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~~ a fine ~~of~~ not ~~more than Five Thousand Dollars ($5,000.00) and~~ exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. The defendant shall also be ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 18. AMENDATORY 21 O.S. 2011, Section 1713, is amended to read as follows:

Section 1713. A. Every person who buys or receives, in any manner, upon any consideration, ~~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, upon conviction, be guilty of a felony punishable by imprisonment in the ~~State Penitentiary~~ 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 Hundred Dollars ($500.00), or by both such fine and imprisonment. 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 not to exceed one (1) year.

B. 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 19. AMENDATORY 21 O.S. 2011, Section 1731, is amended to read as follows:

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

1. For the first conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken is less than ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00), the ~~violator~~ defendant shall be ~~punishable~~ guilty of a misdemeanor and shall be punished 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 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 the value of the goods, edible meat or other corporeal property is less than ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00), that the defendant has been once before convicted of the same offense, the defendant shall, on a second conviction, be guilty of a misdemeanor and shall be punished by ~~confinement~~ imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, and by a fine not exceeding One Thousand Dollars ($1,000.00)~~.~~;

3. If it be shown, upon the trial of a case where the value of the goods, edible meat or other corporeal personal property is less than ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00), that the defendant has two or more times before been convicted of the same offense, regardless of the value of the goods, edible meat or other corporeal personal property involved in the first two convictions, upon the third or any subsequent conviction, the ~~punishment~~ defendant 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 less than two (2) nor more than five (5) years~~.~~; and

4. In the event the value of the goods, edible meat or other corporeal property is ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00) or more, ~~but is less than One Thousand Dollars ($1,000.00),~~ the defendant shall be guilty of a felony and shall be punished by imprisonment in the ~~county jail for a term of not more than one (1) year or 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, at the option of the court, and~~ custody of the Department of Corrections for a term of not less than two (2) years nor more than five (5) years. The defendant shall also be subject to 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.

~~5. In the event the value of the goods, edible meat or other corporeal property is One Thousand Dollars ($1,000.00) or more, punishment shall be imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.~~

SECTION 20. AMENDATORY 21 O.S. 2011, Section 1834, is amended to read as follows:

Section 1834. Any mortgagor ~~or~~, conditional sales contract vendee ~~or~~, pledgor or debtor under a security agreement of personal property, or his or her legal representative, who, while such mortgage, security agreement or conditional sales contract remains in force and unsatisfied, conceals, sells~~,~~ or in any manner disposes of such property, or any part thereof, or removes such property, or any part thereof, beyond the limits of the county, or materially injures or willfully destroys such property, or any part thereof, without the written consent of the holder of such mortgage or conditional sales contract, secured party or pledgee under a security agreement~~,~~ shall, upon conviction, be ~~deemed~~ guilty of a felony~~, and shall, upon conviction, be~~ if the value of the property is One Thousand Dollars ($1,000.00) or more and shall be punished by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a period not exceeding three (3) years or in the county jail not exceeding one (1) year, or by a fine of not to exceed Five Hundred Dollars ($500.00)~~; provided, that the~~. If the value of the property is 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 not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00). Provided, however, the writing containing the consent of the holder of the mortgage or conditional sales contract, secured party or pledgee under a security agreement, as before specified, shall be the only competent evidence of such consent, unless it appears that such writing has been lost or destroyed.

SECTION 21. This act shall become effective November 1, 2016.

Passed the House of Representatives the 7th day of March, 2016.

Presiding Officer of the House
of Representatives

Passed the Senate the 20th day of April, 2016.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 21st

day of April, 2016, at 4:49 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 27th

day of April, 2016, at 2:43 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 27th

day of April, 2016, at 3:00 o'clock P. M.

By: