

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 4069

By: Wallace

AS INTRODUCED

An Act relating to crimes and punishment; amending 21 O.S. 2021, Section 1731, which relates to larceny of merchandise; clarifying the application to gift cards; providing for aggregation of value; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1731, is amended to read as follows:

Section 1731.

Larceny of merchandise from retailer or wholesaler - Punishment -  
Recidivists.

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

1. For the first or second conviction, in the event the value of the goods, edible meat, gift cards, or other corporeal property which has been taken is less than One Thousand Dollars (\$1,000.00), the person shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding thirty (30)

1 days, and by a fine not less than Ten Dollars (\$10.00) nor more than  
2 Five Hundred Dollars (\$500.00); provided, for the first or second  
3 conviction, in the event more than one item of goods, edible meat,  
4 gift cards, or other corporeal property has been taken, punishment  
5 shall be by imprisonment in the county jail for a term not to exceed  
6 thirty (30) days, and by a fine not less than Fifty Dollars (\$50.00)  
7 nor more than Five Hundred Dollars (\$500.00);

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

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

21 4. In the event the value of the goods, edible meat, gift  
22 cards, or other corporeal property is Two Thousand Five Hundred  
23 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars  
24 (\$15,000.00), the person shall be guilty of a felony and shall be  
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1 punished by imprisonment in the custody of the Department of  
2 Corrections for a term not to exceed five (5) years, and by a fine  
3 not to exceed One Thousand Dollars (\$1,000.00); or

4 5. In the event the value of the goods, edible meat or other  
5 corporeal property is Fifteen Thousand Dollars (\$15,000.00) or more,  
6 the 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 eight (8) years, and by a fine not to exceed One  
9 Thousand Dollars (\$ 1,000.00).

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

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

22 D. In the event any person is in possession of gift cards in a  
23 manner that is a violation of this section, the aggregate value of  
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1 all such gift cards in possession may be utilized for determining  
2 the applicable punishment as otherwise provided in this section.

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

6 SECTION 2. This act shall become effective November 1, 2024.

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