

An Act

ENROLLED HOUSE
BILL NO. 1592

By: George, Turner, Cantrell,
and Wolfley of the House

and

Weaver and Hamilton of the
Senate

An Act relating to larceny; providing elements of organized retail crime; providing penalties; amending 21 O.S. 2021, Section 425, which relates to patterns of criminal offenses; expanding scope of offense; amending 21 O.S. 2021, Section 792, which relates to robbery; deleting exception; amending Section 1, Chapter 333, O.S.L. 2023 (21 O.S. Supp. 2024, Section 2200), which relates to the Oklahoma Organized Retail Crime Task Force; re-creating task force; providing for the continuation of appointment selections; authorizing the Office of the Attorney General to staff the task force and employ task force officers; stating duties of officers; updating statutory language; updating statutory references; providing for codification; and providing an effective date.

SUBJECT: Larceny

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 be sufficient to constitute organized retail crime when two or more of the following circumstances occur:

1. The property taken is intended for resale;
2. Such property is taken by two or more persons acting jointly;
3. The persons taking the property do so while possessing tools of theft including, but not limited to, tag cutters, foil-lined bags, weapons, or other means of evading detection;
4. The persons taking the property attempt to exit through fire escapes, employee exits, or other non-public means of entry or exit;
5. The persons taking such property remove, destroy, deactivate, or knowingly evade any component of an anti-shoplifting or inventory control device to prevent the activation of that device or to facilitate another person in committing retail crime;
6. A person receives, purchases, or possesses retail merchandise for sale or resale knowing or believing the retail merchandise was stolen from a retail merchant;
7. The persons use a getaway driver or the motor vehicle of another person or a rented or stolen motor vehicle when committing retail crime; or
8. The persons use a paper, fraudulent, altered, or obstructed license plate, use a license plate meant for a different vehicle, or do not have any license plate.

B. Any person found to be in violation of this section shall be punished as follows:

1. In the event the value of the property is less than Fifteen Thousand Dollars (\$15,000.00), the person shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed five (5) years or in the county jail for a term not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine; or
2. If the value of the property is Fifteen Thousand Dollars (\$15,000.00) or more, the person shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed eight (8) years, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such imprisonment and fine.

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

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

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

B. For purposes of this act this section and Section 125.1 of Title 22 of the Oklahoma Statutes, "pattern of criminal offenses" means:

1. Two or more criminal offenses are committed that are part of the same plan, scheme, or adventure; or
2. A sequence of two or more of the same criminal offenses are committed and are not separated by an interval of more than thirty (30) days between the first and second offense, the second and third, and so on; or
3. Two or more criminal offenses are committed, each proceeding from or having as an antecedent element a single prior incident or pattern of fraud, robbery, burglary, theft, identity theft, receipt of stolen property, false personation, false pretenses, obtaining property by trick or deception, taking a credit or debit card without consent, or the making, transferring, or receiving of a false or fraudulent identification card.

C. Jurisdiction and venue for a pattern of criminal offenses occurring in multiple counties in this state shall be determined as provided in Section 125.1 of this act Title 22 of the Oklahoma Statutes.

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

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

SECTION 4. AMENDATORY Section 1, Chapter 333, O.S.L. 2023 (21 O.S. Supp. 2024, Section 2200), is amended to read as follows:

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

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

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

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

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

4. One member appointed by the District Attorneys Council;

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

6. One member appointed by the State Chamber;

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

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

9. One member appointed by the Attorney General;

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

11. One member from the Oklahoma Grocers Association.

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

D. ~~Appointments to Members who were serving on the task force as of December 31, 2024, shall automatically be made by the appointing authority no later than sixty (60) days after the effective date of this act on the Oklahoma Organized Retail Crime Task Force. Appointed members shall, to the greatest extent practicable, have by education or experience, knowledge of organized retail theft. The chair shall hold the first meeting of the task force no later than ninety (90) days after the effective date of this act June 6, 2023. Any vacancies in the membership of the task force shall be filled in the same manner provided for in the initial appointment.~~

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

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

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

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

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

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

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

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

SECTION 5. This act shall become effective November 1, 2025.

Passed the House of Representatives the 14th day of May, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the 7th day of May, 2025.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____
day of _____, 20_____, at _____ o'clock _____. M.
By: _____

Approved by the Governor of the State of Oklahoma this _____
day of _____, 20_____, at _____ o'clock _____. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20_____, at _____ o'clock _____. M.
By: _____