

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
FOR
5 HOUSE BILL NO. 1592

By: George and **Turner** of the
House

6 and

7 Weaver of the Senate

10 COMMITTEE SUBSTITUTE

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

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

1 SECTION 1. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 1731.2 of Title 21, unless there
3 is created a duplication in numbering, reads as follows:

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

7 1. The property taken is intended for resale;

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

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

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

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

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

21 7. A person receives, purchases, or possesses retail
22 merchandise for sale or resale knowing or believing the retail
23 merchandise was stolen from a retail merchant;

24

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

3 9. The persons use the motor vehicle of another person or a
4 rented or stolen motor vehicle when committing retail crime; or

5 10. The persons use a paper, fraudulent, altered, or obstructed
6 license plate, use a license plate meant for a different vehicle, or
7 do not have any license plate.

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

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

15 2. If the value of the property is Fifteen Thousand Dollars
16 (\$15,000.00) or more, the person shall be punished by imprisonment
17 in the custody of the Department of Corrections for a term not to
18 exceed eight (8) years, or by a fine not to exceed One Thousand
19 Dollars (\$1,000.00), or by both such imprisonment and fine.

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

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

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

12 B. For purposes of this act, "pattern of criminal offenses"
13 means:

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

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

20 3. Two or more criminal offenses are committed, each proceeding
21 from or having as an antecedent element a single prior incident or
22 pattern of fraud, robbery, burglary, theft, identity theft, receipt
23 of stolen property, false personation, false pretenses, obtaining
24 property by trick or deception, taking a credit or debit card

1 without consent, or the making, transferring or receiving of a false
2 or fraudulent identification card.

3 C. Jurisdiction and venue for a pattern of criminal offenses
4 occurring in multiple counties in this state shall be determined as
5 provided in Section 4 125.1 of ~~this act~~ Title 22 of the Oklahoma
6 Statutes.

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

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

13 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1731, as
14 amended by Section 1, Chapter 176, O.S.L. 2024 (21 O.S. Supp. 2024,
15 Section 1731), is amended to read as 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)~~ Five
21 Hundred Dollars (\$500.00), the person shall be guilty of a
22 misdemeanor punishable by imprisonment in the county jail for a term
23 not exceeding thirty (30) days, and by a fine not less than Ten
24 Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00);

1 provided, for the first or second conviction, in the event more than
2 one item of goods, edible meat, or other corporeal property has been
3 taken, punishment shall be by imprisonment in the county jail for a
4 term not to exceed thirty (30) days, and by a fine not less than
5 Fifty Dollars (\$50.00) nor more 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)~~ Five
9 Hundred Dollars (\$500.00), the person shall be guilty of a
10 misdemeanor and shall be punished by imprisonment in the county jail
11 for a term not to exceed one (1) year, and by a fine not exceeding
12 One Thousand Dollars (\$1,000.00);

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

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

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 ~~one-hundred-eighty-day~~ one-year period, the value
11 of the goods, edible meat, or other corporeal property involved in
12 each larceny offense may be aggregated to determine the total value
13 for 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.

1 SECTION 5. AMENDATORY Section 1, Chapter 333, O.S.L.

2 2023 (21 O.S. Supp. 2024, Section 2200), is amended to read as
3 follows:

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

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

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

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

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

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

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

22 6. One member appointed by the State Chamber;

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

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

3 9. One member appointed by the Attorney General;

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

6 11. One member from the Oklahoma Grocers Association.

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

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

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

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

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

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

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

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

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

23 H. The Office of the Attorney General may employ, either
24 directly or through memorandums of understanding or cross-

1 deputization agreements, persons to serve as Oklahoma Organized
2 Retail Crime Task Force officers whose primary responsibility shall
3 be to prevent, respond to, investigate, and prosecute criminal
4 violations related to organized retail crime.

5 SECTION 6. This act shall become effective November 1, 2025.
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7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
OVERSIGHT, dated 02/25/2025 - DO PASS, As Amended and Coauthored.
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