

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

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

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 1592

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

and

Weaver of the Senate

8  
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10                                   COMMITTEE SUBSTITUTE

11           An Act relating to larceny; providing elements of  
12           organized retail crime; providing penalties; amending  
13           21 O.S. 2021, Section 425, which relates to patterns  
14           of criminal offenses; expanding scope of offense;  
15           amending 21 O.S. 2021, Section 792, which relates to  
16           robbery; deleting exception; amending 21 O.S. 2021,  
17           Section 1731, as amended by Section 1, Chapter 176,  
18           O.S.L. 2024 (21 O.S. Supp. 2024, Section 1731), which  
19           relates to larceny of merchandise; modifying period  
20           of aggregated offenses; amending Section 1, Chapter  
21           333, O.S.L. 2023 (21 O.S. Supp. 2024, Section 2200),  
22           which relates to the Oklahoma Organized Retail Crime  
23           Task Force; recreating Task Force; providing for the  
24           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; providing for codification; and  
          providing an effective date.

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.

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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  
8 OVERSIGHT, dated 02/25/2025 - DO PASS, As Amended and Coauthored.

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