

SQ 780 Property Crimes and Repeat Offenses

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Criminal justice reforms

- Oklahoma, like many other states, have increased felony dollar thresholds for property crimes (\$500-\$1,000, with increasing penalty based on value range)
- Oklahoma's rate of property crimes is higher than the national average (FBI report)
- OSBI report – Larcenies make up 64.3% of all non-violent crimes, yet clearance rate for larcenies is low - 16%

SQ 780 Property Crimes

- 21 O.S. § 1704 – Grand Larceny and Petit Larceny *
- 21 O.S. § 1705 – Grand Larceny – Penalty *
- 21 O.S. § 1713 – Knowingly Concealing Stolen Property –
- 21 O.S. § 1719.1 – Larceny of Domesticated Fish and Game
- 21 O.S. § 1722 – Larceny of Oil, Gas, Gasoline
- 21 O.S. § 1731 – Larceny of Merchandise from Retailer or Wholesaler *
- 21 O.S. § 1451 – Embezzlement*
- 21 O.S. § 1503 – Defrauding Hotels, Inns, Restaurants, etc.
- 21 O.S. § 1521 – Payment of Vehicle Lease or Rental by False of Bogus Check – Penalties*
- 21 O.S. § 1541.1 – Bogus Check (Misdemeanor)
- 21 O.S. § 1541.2 – Bogus Check (Felony)
- 21 O.S. § 1541.3 – 2 or more Bogus Checks Totaling \$1,000 or More *
- 59 O.S. § 1512 – Administration and Enforcement of Oklahoma Pawnshop Act
- 21 O.S. § 1577 – Uttering a Forged Instrument*
- 21 O.S. § 1578 – Possession of Certain Forged Instruments*
- 21 O.S. § 1579 – Possession of Other Forged Instruments *
- 21 O.S. § 1621 – Penalty for Forgery*
- 21 O.S. § 51.3 REPEALED – Punishment for Second and Subsequent Offenses
- 59 O.S. § 1512 False Declaration of Ownership to a Pawn Broker (\$1,000 or more)

*(previously changed by HB 2751)

Options to address Repeat Offenders

Aggregate amounts, current Oklahoma law for LMFR allows :

- Three or more separate offenses committed within a 90-day period, the value may be aggregated to determine the total value for purposes of determining the range of punishment
- If acting in concert with at least one other individual, such person will be liable for the aggregate value of all items taken by all individuals.
- May additionally be subject to a conspiracy charge;
- Any person convicted pursuant to the provisions of this law will also be ordered to pay restitution to the victim.

Other States/Aggregate amounts

- Arkansas Code Section 5-36-102
- Combined crimes to an overall title of Theft
 - (Larceny, embezzlement, receiving stolen property, etc.)
 - (e)(1) The amount involved in a theft is deemed to be the highest value, by any reasonable standard, of the property or service that the actor obtained or attempted to obtain
 - (e)(2) An amount involved in a theft committed pursuant to one(1) scheme or course of conduct, whether from one (1) or more persons, may be aggregated in determining the grade of the offense

Municipal charges

- Currently, misdemeanor charges may be handled by a municipality as a ticket in City Court.
 - limit the number of times a an offense can be charged by a municipality before requiring State Court prosecution.
- Use DUI Law as a model:
 - “In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance offense within any municipality with a municipal court other than a court of record, the charge shall be presented to the county's district attorney and filed with the district court of the county within which the municipality is located.”

Graduated penalty based on repeat misdemeanor offenses

- For repeat offenses, mandatory minimum jail time. (graduated per offense - 30 days county jail, 60, 90);
Misdemeanor classifications - Prior offenses can bump you up a class level or include a mandatory period of confinement.
- Persistent larceny offender, two prior convictions makes it a felony offense with mandatory jail time.
- State Jail felonies (up to 2 years in county jail) or Gross Misdemeanors that carry a higher range of punishment based on repeat offenses

Address root causes

- Mental health programs/Court ordered treatment plans
 - Why are offenses being committed? Why do people steal? Treat underlying issues
 - Mental health issues – depression, anxiety,
 - Substance abuse or other addiction;
 - Rush of stealing/lack of empathy/Opportunity
 - Basic needs
 - Give communities tools to address the problem
 - Do you feel safe? Public Safety impact, Community policing, Neighborhood Watch, Town Hall Forums
 - Focus on Restitution

Target profiteers

- Tennessee 39-14-113: “Organized Retail Crime Prevention Act” - Holds those profiting from theft accountable:
- (c) A person commits the offense of organized retail crime when the person:
 - (1) Works with one (1) or more persons to commit theft of any merchandise with a value exceeding one thousand dollars (\$1,000) aggregated over a ninety-day period with the intent to sell that property for monetary or other gain, or to fraudulently return the merchandise to a retail merchant; or
 - (2) Receives, possesses, or purchases any merchandise or stored value cards obtained from a fraudulent return with the knowledge that the property was obtained in violation of § 39-14-103 or § 39-14-146.
- Property acquired shall be subject to forfeiture
- Sale or purchase of store cards by person’s other than initial merchant or issuer is subject to recording rules under the Pawnbroker’s Act