

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 70

BY: BROWN

AS INTRODUCED

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING  
21 O.S. 1981, SECTIONS 1541.1 AND 1541.2, AS  
AMENDED BY SECTIONS 1 AND 2, CHAPTER 277, O.S.L.  
1982, AND 1541.4 (21 O.S. SUPP. 1990, SECTIONS  
1541.1 AND 1541.2), WHICH RELATE TO FALSE OR BOGUS  
CHECKS, PENALTY AND DEFINITIONS; MAKING PAYMENT OR  
ATTEMPTED PAYMENT OF CHILD SUPPORT WITH FALSE OR  
BOGUS CHECK A CRIME; MODIFYING DEFINITION TO  
INCLUDE CHILD SUPPORT; AND PROVIDING AN EFFECTIVE  
DATE.

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

SECTION 1. AMENDATORY 21 O.S. 1981, Section 1541.1, as amended by Section 1, Chapter 277, O.S.L. 1982 (21 O.S. Supp. 1990, Section 1541.1), is amended to read as follows:

Section 1541.1 Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, or pay an obligation or attempt to pay an obligation for child support, of a value less than Fifty Dollars (\$50.00), by means or by use of any trick or deception, or false or fraudulent representation or

statement or pretense, or by any other means or instruments or device commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

SECTION 2. AMENDATORY 21 O.S. 1981, Section 1541.2, as amended by Section 2, Chapter 277, O.S.L. 1982 (21 O.S. Supp. 1990, Section 1541.2), is amended to read as follows:

Section 1541.2 If the value of the money, property, child support obligation or valuable thing referred to in Section 1541.1 of this title is Fifty Dollars (\$50.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary, for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 3. AMENDATORY 21 O.S. 1981, Section 1541.4, is amended to read as follows:

Section 1541.4 The term "false or bogus check or checks" shall include checks or orders which are not honored on account of insufficient funds of the maker to pay same, or because the check or order was drawn on a closed account or on a nonexistent account when such checks or orders are given for child support or in exchange for money or property or in exchange for any benefit or thing of value, as against the maker or drawer thereof, ~~the~~. The making, drawing, uttering or delivering of a check, draft or order, payment of which is refused by the drawee, shall be prima facie evidence of intent to defraud and the knowledge of insufficient funds in, or credit with, such bank or other depository; provided, such maker or drawer shall not have paid the drawee thereof the amount due thereon, together

with the protest fees, within five (5) days from the date the same is presented for payment; and provided, further, that said check or order is presented for payment within thirty (30) days after same is delivered and accepted.

SECTION 4. This act shall become effective September 1, 1991.

43-1-294

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