

ENGROSSED HOUSE
BILL NO. 2206

By: Settle of the House

and

Dickerson of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 101, which relates to the definition of the word writing; modifying definition; creating a new Chapter 63A, which relates to forgery and counterfeiting devices; defining terms; providing for crimes of forgery, uttering a forged instrument, possession of a forged instrument, and possessing or manufacturing a counterfeit device; providing penalties; providing for codification; repealing 21 O.S. 1991, Sections 463, 464, 1561, 1562, 1571, 1572, 1573, 1575, 1576, 1577, 1578, 1579, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1622, 1623, 1624, 1625, 1626 and 1628, which relate to forgery or counterfeiting; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 101, is amended to read as follows:

Section 101. The term "writing" ~~includes printing~~ consists of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, laser printing, printing, impression, seal, photostatting, magnetic impulse, mechanical or electronic recording, or other form of data compilation.

Chapter 63A. Forgery and Counterfeiting Devices

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1630-1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. In forgery and related crimes:

1. "Apparent legal significance" means that it seems to be legal. Such an instrument need not create a valid and enforceable obligation. It is sufficient that the instrument could reasonably deceive another person;

2. "Defraud" means to misrepresent the validity of a writing;

3. "False writing" means one which was false from its inception or which became false through tampering with what was originally genuine. It is not a true and genuine instrument which merely contains false statements. A writing consists of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, impression, seal, photostatting, photographing, magnetic impulse, mechanical or electronic recording or other form of data compilation; and

4. "Making" means to create, sign, procure to be signed, or to falsify by materially altering, erasing, marking or obliterating.

B. In the crimes of possessing or manufacturing a counterfeiting device:

1. "Counterfeit" means an imitation of something genuine, including a simulation, forgery or alteration;

2 "Counterfeiting device" means any apparatus capable of producing counterfeit official documentation or counterfeit official insignia through printing, engraving or any other method;

3. "Official documentation" means a certificate, form, label, letterhead or other similar material used by a governmental entity;

4. "Official insignia" means any mark, seal, stamp or other symbol of a governmental entity; and

5. "Relevant governmental entity" means that governmental entity of which the official documentation or official insignia has been counterfeited.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1630-2 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Forgery occurs when a person makes a false writing which has apparent legal significance and which is made with the intent to defraud.

B. Any person convicted of forgery shall be guilty of a felony punishable by imprisonment for not more than twenty (20) years.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1630-3 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Uttering a forged instrument occurs when a person offers as genuine a false writing which the actor knows is false and which is offered with the intent to defraud.

B. Any person convicted of uttering a forged instrument shall be guilty of a felony punishable by imprisonment for not more than twenty (20) years.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1630-4 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Possession of a forged instrument occurs when a person knowingly possesses with the intent to defraud a false writing which the actor knows is false.

B. Any person convicted of possession of a forged instrument shall be guilty of a felony punishable by imprisonment for not more than seven (7) years.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1630-5 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Possessing or manufacturing counterfeiting devices occurs when a person knowingly manufactures or possesses any counterfeit device without the authorization of the relevant governmental entity.

B. Any person convicted of possessing or manufacturing counterfeiting shall be guilty of a felony punishable by imprisonment for not more than seven (7) years.

SECTION 7. REPEALER 21 O.S. 1991, Sections 463, 464, 1561, 1562, 1571, 1572, 1573, 1575, 1576, 1577, 1578, 1579, 1583, 1584, 1585, 1586, 1587, 1588, 1589, 1590, 1591, 1592, 1593, 1622, 1623, 1624, 1625, 1626 and 1628, are hereby repealed.

SECTION 8. This act shall become effective July 1, 2000.

Passed the House of Representatives the 6th day of March, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate