

SHORT TITLE: Crimes and punishments; including electronic draft or debit card in certain definition. Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1362

By: Morgan

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1541.3, as last amended by Section 370, Chapter 133, O.S.L. 1997 and 1541.4 (21 O.S. Supp. 1997, Section 1541.3), which relate to false or bogus checks; including electronic draft or debit card in certain definition; stating penalty; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1541.3, as last amended by Section 370, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1541.3), is amended to read as follows:

Section 1541.3. Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts ~~or~~ orders, or electronic draft or debit card as defined by Section 1541.4 of this title, the total sum of which is Fifty Dollars (\$50.00) or more, even though each separate instrument is written for less than Fifty Dollars (\$50.00), all in pursuance of a common scheme or plan to cheat and defraud, shall be deemed guilty of a felony. The fine for a violation of this section shall not exceed Five Thousand Dollars (\$5,000.00).

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1541.4, is amended to read as follows:

Section 1541.4 The term "false or bogus check or checks" shall include checks, drafts or orders and electronic drafts or debit cards which are not honored on account of insufficient funds of the maker to pay same, or because the check ~~or~~, draft, order or electronic draft or debit card was drawn or used on a closed account or on a nonexistent account when such ~~checks or orders are~~ check, draft, order or electronic draft or debit card is given in exchange for money or property or in exchange for any benefit or thing of value, as against the maker or drawer thereof, the making, drawing, uttering or delivering of a check, draft ~~or~~, order or electronic draft or debit card, 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~~, draft, order or electronic draft or debit card is presented for payment within thirty (30) days after same is delivered and accepted.

SECTION 3. This act shall become effective July 1, 1998.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-2-2111

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