ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 2X

By: Haney and Hobson of the Senate

and

Mass and Bonny of the House

(Department of Corrections - effective date -

emergency)

AUTHORS: Remove Mass as principal House author and substitute Askins as principal House author and add the following House Coauthors: Morgan, Blackburn, Braddock, Deutschendorf, Easley, Fields, Gilbert, Kirby, Nations, Paulk, Pope (Clay), Smith (Dale) and Turner

AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 1541.1, which relates to obtaining property by trick or deception; raising misdemeanor limit; amending 47 O.S. 1991, Section 6-301, as last amended by Section 2, Chapter 216, O.S.L. 2001, which relates to use of driver license and identification cards; expanding authorization for issuance of false driver licenses; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, 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, of a value less than ~~Fifty Dollars ($50.00)~~ Five Hundred Dollars ($500.00), 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 47 O.S. 1991, Section 6-301, as last amended by Section 2, Chapter 216, O.S.L. 2001, is amended to read as follows:

Section 6-301. It shall be unlawful for any person to commit any of the acts specified in paragraph 1 or 2 of this section in relation to an Oklahoma driver's license or identification card authorized to be issued by the Department of Public Safety pursuant to the provisions of Sections 6-101 through 6-309 of this title or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.

1. It is a misdemeanor for any licensee:

   a. to display or cause or permit to be displayed one’s own license after such license has been suspended, revoked or canceled or to possess one’s own license after having received notice of its suspension, revocation, or cancellation,

   b. to lend one’s own license or identification card to any other person or knowingly permit the use thereof by another,

   c. to display or cause or permit to be displayed or to possess a license or identification card issued to oneself which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number,

   d. to fail or refuse to surrender to the Department upon its lawful demand any license or identification card which has been suspended, revoked or canceled,

e. to permit any unlawful use of a license or identification card issued to oneself,

f. to do any act forbidden or fail to perform any act required by this chapter, excepting those acts as provided in paragraph 2 of this section, or

g. to display or represent as one’s own, any license or identification card not issued to such person, unless under conditions provided in subparagraph e of paragraph 2 of this section.

2. It is a felony for any person:

a. to create, publish or otherwise manufacture an Oklahoma or other state license or identification card or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of an Oklahoma or other state license or identification card or facsimile thereof, except as authorized pursuant to this title,

b. to display or cause or permit to be displayed or to knowingly possess any state counterfeit or fictitious license or identification card,

c. to display or cause to be displayed or to knowingly possess any state license or identification card bearing a fictitious or forged name or signature,

d. to display or cause to be displayed or to knowingly possess any state license or identification card bearing the photograph of any person, other than the person named thereon as licensee,

e. to display or represent as one's own, any license or identification card not issued to him, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his duties, or

f. to use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

3. It is a felony for any employee or person authorized to issue licenses or identification cards under this title to knowingly issue a license or identification card or knowingly cause a license or identification card to be issued:

a. to a person not entitled thereto,

b. bearing erroneous information thereon, or

c. bearing the photograph of a person other than the person named thereon.

4. The violation of any of the provisions of paragraph 1 of this section shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00); the violation of any of the provisions of paragraph 2 or 3 of this section shall constitute a felony and shall, upon conviction thereof, be punishable by a fine not exceeding Ten Thousand Dollars ($10,000.00) or a term of imprisonment in the State Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment.

5. Notwithstanding any provision of this section, the Commissioner of the Department of Public Safety may, upon the request of the chief administrator of a law enforcement, military, or intelligence agency, authorize the issuance~~,~~ to and display, ~~manufacture~~ and possession by a person of a license which would otherwise be a violation of this section, for the sole purpose of aiding in a criminal investigation or a military or intelligence operation. While acting pursuant to such authorization by the Commissioner, such person shall not be prosecuted for a violation

under this section. Upon termination of such ~~criminal~~ investigation or operation or upon request of the Commissioner, the chief administrator shall forthwith cause such license to be returned to the Commissioner.

SECTION 3. 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."

Passed the House of Representatives the 2nd day of October, 2001.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2001.

_____
Presiding Officer of the Senate