

ENROLLED SENATE  
BILL NO. 451

By: Shurden of the Senate

and

Cox and Liotta of the  
House

An Act relating to bogus checks; amending 22 O.S. 1991, Section 114, which relates to restitution agreements for bogus checks; extending maximum term of agreements; amending 22 O.S. 1991, Section 152, as last amended by Section 3, Chapter 245, O.S.L. 2000 (22 O.S. Supp. 2000, Section 152), which relates to statute of limitations for criminal prosecutions; extending statute of limitations for false or bogus checks; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 114, is amended to read as follows:

Section 114. A. The district attorney may enter into a written restitution agreement with the defendant to defer prosecution on ~~the~~ a false or bogus check for a period to be determined by the district attorney, not to exceed ~~six (6) months~~ two (2) years, pending full restitution being made to the victim of the bogus check.

B. Each restitution agreement shall include a provision requiring the defendant to pay a fee equal to the amount which would have been assessed as court costs upon filing of the case in district court to the district attorney for each check covered by the restitution agreement. This money shall be deposited in a special fund with the county treasurer to be known as the "Bogus Check Restitution Program Fund". This fund shall be used by the district attorney to defray the expense of the Bogus Check Restitution Program. The district attorney shall keep records of all monies deposited to and disbursed from this fund. The records of the fund shall be audited at the same time the records of county funds are audited.

C. Restitution paid by the defendant to the victim shall include the face amount of the check plus any charges the victim may have been required to pay to ~~his~~ a bank as the result of having received the bogus check. If, instead of paying restitution directly to the victim, the defendant delivers restitution funds to the office of the district attorney, the district attorney shall

deposit such funds in a depository account in the office of the county treasurer to be disbursed to the victim by a warrant signed by the district attorney or a member of ~~his~~ the staff assigned to the Bogus Check Restitution Program. The district attorney shall keep full records of all restitution monies received and disbursed. These records shall be audited at the same time the county funds are audited.

D. Restitution paid by the defendant to the Oklahoma Tax Commission shall include the face amount of the check plus the administrative service fee authorized pursuant to Section 218 of Title 68 of the Oklahoma Statutes. If the defendant delivers such restitution funds to the office of the district attorney instead of paying restitution directly to the Oklahoma Tax Commission, the district attorney shall deposit such funds in a depository account in the office of the county treasurer to be disbursed to the Oklahoma Tax Commission by warrant signed by the district attorney or a member of ~~his~~ the staff assigned to the Bogus Check Restitution Program or shall transmit the restitution funds directly to the Oklahoma Tax Commission.

E. If the defendant fails to comply with the restitution agreement, the district attorney may file an information and proceed with the prosecution of the defendant as provided by law.

SECTION 2. AMENDATORY 22 O.S. 1991, Section 152, as last amended by Section 3, Chapter 245, O.S.L. 2000 (22 O.S. Supp. 2000, Section 152), is amended to read as follows:

Section 152. A. Prosecutions for the crimes of bribery, embezzlement of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, or of any misappropriation of public money, bonds, securities, assets or property of the state or any county, school district, municipality or other subdivision thereof, falsification of public records of the state or any county, school district, municipality or other subdivision thereof, and conspiracy to defraud the State of Oklahoma or any county, school district, municipality or other subdivision thereof in any manner or for any purpose shall be commenced within seven (7) years after the discovery of the crime; provided, however, prosecutions for the crimes of embezzlement or misappropriation of public money, bonds, securities, assets or property of any school district, including those relating to student activity funds, or the crime of falsification of public records of any independent school district, the crime of criminal conspiracy, or the crime of embezzlement, pursuant to Sections 1451 through 1462 of Title 21 of the Oklahoma Statutes shall be commenced within five (5) years after the discovery of the crime.

B. Prosecutions for criminal violations of any state income tax laws shall be commenced within five (5) years after the commission of such violation.

C. Prosecutions for the crime of rape or forcible sodomy, sodomy, lewd or indecent proposals or acts against children, involving minors in pornography pursuant to Sections 886, 888, 1111,

1111.1, 1113, 1114, 1021.2, 1021.3 or 1123 of Title 21 of the Oklahoma Statutes, and child abuse pursuant to Section 7115 of Title 10 of the Oklahoma Statutes, shall be commenced within seven (7) years after the discovery of the crime.

D. Prosecutions for criminal violations of any provision of the Oklahoma Wildlife Conservation Code shall be commenced within three (3) years after the commission of such offense.

E. Prosecutions for the crime of criminal fraud or workers' compensation fraud pursuant to Sections 1541.1, 1541.2, 1662 or 1663 of Title 21 of the Oklahoma Statutes shall commence within three (3) years after the discovery of the crime, but in no event greater than seven (7) years after the commission of the crime.

F. Prosecution for the crime of false or bogus check, Section 1541.1, 1541.2, 1541.3 or 1541.4 of Title 21 of the Oklahoma Statutes, shall be commenced within five (5) years after the commission of such offense.

G. In all other cases a prosecution for a public offense must be commenced within three (3) years after its commission.

~~G.~~ H. As used in subsection C of this section, "discovery" means the date that a physical or sexually related crime involving a victim under the age of eighteen (18) years of age is reported to a law enforcement agency, up to and including one (1) year from the eighteenth birthday of the child.

SECTION 3. This act shall become effective July 1, 2001.

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.

Passed the Senate the 28th day of February, 2001.

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Presiding Officer of the Senate

Passed the House of Representatives the 26th day of March, 2001.

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of Representatives