

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1438

By: Nations

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1541.1, 1541.2 and 1541.3, as last amended by Sections 262 and 263, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Sections 1541.2 and 1541.3), which relate to false and bogus checks; modifying amount which shall constitute a felony violation; and providing an effective date.

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)~~ One Thousand Dollars (\$1,000.00), 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. 1991, Section 1541.2, as last amended by Section 262, Chapter 5, 1st Extraordinary Session,

O.S.L. 1999 (21 O.S. Supp. 2000, Section 1541.2), is amended to read as follows:

Section 1541.2 If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is ~~Fifty Dollars (\$50.00) or more but less than Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), any person convicted pursuant to this section shall be guilty of a felony and shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes, ~~and if the value is Five Hundred Dollars (\$500.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished~~ or 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. 1991, Section 1541.3, as last amended by Section 263, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, 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, as defined by Section 1541.4 of this title, the total sum of which is ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00) or more, even though each separate instrument is written for less than ~~Five Hundred Dollars (\$500.00)~~ One Thousand Dollars (\$1,000.00), all in pursuance of a common scheme or plan to cheat and defraud, 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. ~~If the total sum of two or more false or bogus checks, drafts or orders is Fifty Dollars (\$50.00) or more, but less than Five Hundred Dollars (\$500.00), the person shall be guilty of a felony and shall be punished~~ or punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars (\$5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 4. This act shall become effective November 1, 2001.

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