

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

HOUSE BILL HB2277

By: Sullivan (Leonard)

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1550.41, which relates to identification documents; modifying penalty; amending 47 O.S. 2001, Section 6-301, which relates to unlawful use of driver license or identification card; modifying penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1550.41, is amended to read as follows:

Section 1550.41 A. As used in this section and Section 1550.42 of this title, "identification document", "identification card", or "identification certificate" means any printed form which contains:

1. The name and photograph of a person; or
2. The name and any physical description of a person; or
3. Any combination of information provided for in paragraphs 1

and 2 of this subsection; and

which by its format, is capable of leading a person to believe said document, card, or certificate has been issued for the purpose of identifying the person named thereon, but shall not include any printed form which, on its face, conspicuously bears the term "NOT FOR IDENTIFICATION" in not less than six-point type.

B. It is a misdemeanor for any person:

1. To purchase an identification document, identification card, or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color,

weight, a fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

2. To display or cause or permit to be displayed or to knowingly possess an identification document, identification card or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color, weight, or fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

3. To display or cause or permit to be displayed or to knowingly possess any counterfeit or fictitious identification document, identification card, or identification certificate; or

4. To use the "Great Seal of the State of Oklahoma" or facsimile thereof, on any identification document, identification card, or identification certificate which is not issued by an entity of this state or political subdivision thereof, or by the United States. Provided, nothing in this paragraph shall be construed to prohibit the use of the "Great Seal of the State of Oklahoma" for authorized advertising, including but not limited to, business cards, calling cards and stationery.

C. It is a felony for any person:

1. To create, publish or otherwise manufacture an identification document, identification card or identification certificate or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of an identification document, identification card or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver's licenses, nondriver's identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law;

2. To sell or offer for sale an identification document, identification card, or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver's licenses, nondriver's identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law; or

3. To display or present an identification document, identification card or identification certificate which bears altered, false or fictitious information for the purpose of:

- a. committing or aiding in the commission of a felony in any commercial or financial transaction,
- b. misleading a peace officer in the performance of his duties, or
- c. avoiding prosecution.

D. 1. The violation of any of the provisions of subsection B of this section shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than ~~Twenty-five Dollars (\$25.00)~~ One Hundred Dollars (\$100.00), nor more than ~~Two Hundred Dollars (\$200.00)~~ Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment.

2. The violation of any of the provisions of subsection C of this section shall constitute a felony and, upon conviction thereof, shall be punishable by a fine not less than One Thousand Dollars (\$1,000.00) and not exceeding Ten Thousand Dollars (\$10,000.00) or a term of imprisonment in the State Penitentiary of not less than one (1) year and not to exceed seven (7) years, or by both such fine and imprisonment.

E. Notwithstanding any provision of this section, the chief administrator of a federal or state law enforcement agency may request the Commissioner of the Department of Public Safety to authorize the issuance of an identification document, identification card, or identification certificate which would otherwise be a violation of this section, to identify a police officer or agent as another person for the sole purpose of aiding in a criminal investigation. A person displaying or possessing such identification shall not be prosecuted for a violation of this section. Upon termination of the criminal investigation, the person to whom such identification document, identification card or identification certificate was issued shall return such identification to the Department of Public Safety.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-301, 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~~ driver 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)~~ One Hundred Dollars (\$100.00), nor more than ~~Two Hundred Dollars (\$200.00)~~ Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not to exceed six (6) months or by both such fine and imprisonment; 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 less than One Thousand Dollars (\$1,000.00) and not exceeding Ten

Thousand Dollars (\$10,000.00) or a term of imprisonment in the State Penitentiary not less than one (1) year and 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, 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 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. This act shall become effective November 1, 2002.

48-2-7852 LAC 6/12/15