

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1503

By: Wilkerson of the Senate

and

Lamons of the House

COMMITTEE SUBSTITUTE

[crimes and punishments - creating the offense of
commercial bribery - securing credit fraudulently -
codification -
emergency]

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 380.1 of Title 21, unless there
is created a duplication in numbering, reads as follows:

A person commits the offense of commercial bribery involving an
insured depository institution or credit union when the person
gives, offers, promises, confers or agrees to confer any benefit to
any employee, agent or fiduciary without the consent of the employer
or principal and with intent to influence such person's conduct in
relation to the affairs of the employer or principal.

Any person convicted of commercial bribery involving an insured
depository institution shall be guilty of a misdemeanor punishable
by imprisonment in the county jail for a term not more than one (1)
year; or, if there was intent to defraud, the violator, upon
conviction, shall be guilty of a felony punishable by imprisonment

in the Department of Corrections for a term not more than ten (10) years.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1501, is amended to read as follows:

Section 1501. Any person who shall:

~~1st.~~ 1. Knowingly make or cause to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon, respecting the financial condition, or means or ability to pay, of ~~himself~~ such person, or any other person, firm or corporation, in whom ~~he~~ the person is interested, or for whom ~~he~~ the person is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note, for the benefit of either ~~himself~~ such person or ~~of such~~ any other person, firm or corporation; ~~or,~~

~~2nd. Who, knowing~~ 2. With knowledge that a false statement in writing has been made, respecting the financial condition or means or ability to pay, of ~~himself~~ such person, or ~~such~~ any other person, firm or corporation in which ~~he~~ the person is interested, or for whom ~~he~~ the person is acting, procures, upon the faith thereof, for the benefit of either ~~of himself~~ such person, or ~~of such~~ any other person, firm or corporation, either or any of the things of benefit mentioned in ~~subdivision one~~ paragraph 1 of this section; ~~or,~~

~~3rd. Who, knowing~~ 3. With knowledge that a statement in writing has been made, respecting the financial condition or means or ability to pay ~~for himself~~ of such person, or ~~such~~ any other person, firm or corporation, in which ~~he~~ the person is interested, or for whom ~~he~~ the person is acting, represents on a later date in writing, that ~~such~~ the statement theretofore made, if then again

made on said day, would be then true, when in fact, ~~said~~ the statement if then made would be false, and procures upon the faith thereof, for the benefit of either of himself such person or ~~of such any other person~~, firm or corporation, either or any of the things of benefit mentioned in ~~subdivision one~~ paragraph 1 of this section; or

4. Knowingly with intent to defraud, make any false statement or report or willfully falsify the value of any land, property or security for the purpose of influencing in any way the action taken or decision made on any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release or substitution of security;

shall be ~~deemed~~, upon conviction, guilty of a misdemeanor ~~and punished~~ punishable by imprisonment in the county jail for not more than six (6) months or by a fine ~~of not more than~~ not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1533.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. It is unlawful for any person to willfully and knowingly obtain, or attempt to obtain, another person's personal, financial or other information of a financial institution by means of any false or fraudulent statement made to any officer, employee, agent or customer of such financial institution.

B. It is unlawful for any person to willfully and knowingly present any false or fraudulent document or information, or any document or information obtained or used without lawful consent or authority, to any officer, employee, agent or another customer of such financial institution to obtain, or attempt to obtain, another

person's personal, financial or other information from a financial institution or to commit any crime.

C. Any person violating any provision of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the Department of Corrections for a term of not more than ten (10) years. In addition, the court may order restitution to be paid by the defendant to every customer whose information was obtained or otherwise utilized in violation of this provision.

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.

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