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CORRECTED
THE STATE SENATE
Monday, April 7, 2008

Committee Substitute for
ENGROSSED
House Bill No. 1622

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1622 - By: Derby, Kern, Terrill, Martin (Steve) and Sears of the House and Jolley and Johnson (Constance) of the Senate.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1550.2, which relates to unlawful use of credit or debit card; expanding scope of prohibited act; modifying penalties; amending 21 O.S. 2001, Section 1550.41, as amended by Section 1, Chapter 86, O.S.L. 2002 (21 O.S. Supp. 2006, Section 1550.41), which relates to identification documentation; modifying certain definition; and providing an effective date.

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1550.2, is amended to read as follows:

Section 1550.2 Any person who knowingly uses or attempts to use in person ~~or~~, by telephone or by the Internet, for the purpose of obtaining credit, or for the purchase of goods, property or services, or for the purpose of obtaining cash advances in lieu of these items, or to deposit, obtain or transfer funds, either a credit card or a debit card which has not been issued to such person or which is not used with the consent of the person to whom issued

1 or a credit card or a debit card which has been revoked or cancelled
2 by the issuer of such card and actual notice thereof has been given
3 to such person, or a credit card or a debit card which is false,
4 counterfeit or nonexistent is guilty of a misdemeanor and punishable
5 by a fine of not more than Five Hundred Dollars (\$500.00), or by
6 imprisonment in the county jail for not more than thirty (30) days,
7 or by both such fine and imprisonment if the amount of the credit or
8 purchase or funds deposited, obtained or transferred by such use
9 does not exceed Five Hundred Dollars (\$500.00); or, by a fine of not
10 less than Five Hundred Dollars (\$500.00) nor more than One Thousand
11 Dollars (\$1,000.00), or by imprisonment in the county jail for not
12 more than one (1) year, or by both such fine and imprisonment if the
13 amount of the credit or purchase or funds deposited, obtained or
14 transferred by such use exceeds Five Hundred Dollars (\$500.00).

15 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1550.41, as
16 amended by Section 1, Chapter 86, O.S.L. 2002 (21 O.S. Supp. 2006,
17 Section 1550.41), is amended to read as follows:

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

- 21 1. The name and photograph of a person; ~~or~~
- 22 2. The name and any physical description of a person; ~~or~~
- 23 3. The name and social security number of a person; or

1 4. Any combination of information provided for in paragraphs 1
2 ~~and 2~~ through 3 of this subsection; and
3 which by its format, is capable of leading a person to believe said
4 document, card, or certificate has been issued for the purpose of
5 identifying the person named thereon, but shall not include any
6 printed form which, on its face, conspicuously bears the term "NOT
7 FOR IDENTIFICATION" in not less than six-point type.

8 B. It is a misdemeanor for any person:

9 1. To purchase an identification document, identification card,
10 or identification certificate which bears altered or fictitious
11 information concerning the date of birth, sex, height, eye color,
12 weight, a fictitious or forged name or signature or a photograph of
13 any person, other than the person named thereon;

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

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

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

9 C. It is a felony for any person:

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

22 2. To sell or offer for sale an identification document,
23 identification card, or identification certificate or facsimile

1 thereof, which purports to identify the bearer of such document,
2 card, or certificate whether or not intended for use as
3 identification, and includes, but is not limited to, documents,
4 cards, and certificates purporting to be ~~driver's~~ driver licenses,
5 ~~nondriver's~~ nondriver identification cards, birth certificates,
6 social security cards, and employee identification cards, except as
7 authorized by state or federal law; or

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

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

16 D. 1. The violation of any of the provisions of subsection B
17 of this section shall constitute a misdemeanor and, upon conviction
18 thereof, shall be punishable by a fine of not less than Twenty-five
19 Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00).

20 2. The violation of any of the provisions of subsection C of
21 this section shall constitute a felony and, upon conviction thereof,
22 shall be punishable by a fine not exceeding Ten Thousand Dollars

1 (\$10,000.00) or a term of imprisonment in the State Penitentiary not
2 to exceed seven (7) years, or by both such fine and imprisonment.

3 E. Notwithstanding any provision of this section, the chief
4 administrator of a federal or state law enforcement, military, or
5 intelligence agency may request the Commissioner of the Department
6 of Public Safety to authorize the issuance of an identification
7 document, identification card, or identification certificate which
8 would otherwise be a violation of this section, to identify a law
9 enforcement officer or agent as another person for the sole purpose
10 of aiding in a criminal investigation or a military or intelligence
11 operation. A person displaying or possessing such identification
12 shall not be prosecuted for a violation of this section. Upon
13 termination of the investigation or operation, the person to whom
14 such identification document, identification card or identification
15 certificate was issued shall return such identification to the
16 Department of Public Safety.

17 SECTION 3. This act shall become effective November 1, 2008.

18 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JURISPRUDENCE, dated
19 4-2-08 - DO PASS, As Amended and Coauthored.