

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 1013 By: Newberry of the Senate  
3 and  
4 Sullivan of the House  
5  
6

7 ( trade secrets - larceny -  
8 effective date )  
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11 AUTHORS: Add the following House Coauthors: Faught and Moore

12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
13 entire bill and insert

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15 "An Act relating to trade secrets; amending 21 O.S.  
16 2001, Section 1732, which relates to larceny;  
17 amending definitions; making it a crime to steal or  
18 embezzle or copy without authority certain business  
19 records and customer lists; providing exception; and  
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1732, is  
23 amended to read as follows:

24 Section 1732. A. Any person who, with intent to deprive or  
withhold from the owner thereof the control of a trade secret, or

1 with an intent to appropriate a trade secret to his or her own use  
2 or to the use of another:

3 (a) steals or embezzles an article representing a trade secret,  
4 or,

5 (b) without authority makes or causes to be made a copy of an  
6 article representing a trade secret,

7 shall be guilty of larceny under Section 1704 of this title. For  
8 purposes of determining whether such larceny is grand larceny or  
9 petit larceny under this section, the value of the trade secret and  
10 not the value of the article shall be controlling.

11 B. (a) The word "article" means any object, material, device,  
12 customer list, business records, or substance or copy thereof,  
13 including any writing, record, recording, drawing, sample, specimen,  
14 prototype, model, photograph, microorganism, blueprint, information  
15 stored in any computer-related format, or map.

16 (b) The word "representing" means describing, depleting,  
17 containing, constituting, reflecting or recording.

18 (c) The term "trade secret" means information, including a  
19 formula, pattern, compilation, program, device, method, technique,  
20 customer list, business records or process, that:

21 1. derives independent economic value, actual or potential,  
22 from not being generally known to, and not being readily  
23 ascertainable by proper means by, other persons who can obtain  
24 economic value from its disclosure or use; and

1        2. is the subject of efforts that are reasonable under the  
2 circumstances to maintain its secrecy.

3        (d) The word "copy" means any facsimile, replica, photograph or  
4 other reproduction of an article, including copying, transferring  
5 and e-mailing of computer data, and any note, drawing or sketch made  
6 of or from an article.

7        C. In a prosecution for a violation of this act, it shall be no  
8 defense that the person so charged returned or intended to return  
9 the article so stolen, embezzled or copied.

10        D. The provisions of this section shall not apply to any  
11 person who works in an industry that has arbitration or other  
12 dispute resolution procedures in place.

13        SECTION 2. This act shall become effective November 1, 2009."

14        Passed the House of Representatives the 13th day of April, 2009.

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Presiding Officer of the House of  
Representatives

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19        Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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Presiding Officer of the Senate

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