

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1013

By: Newberry of the Senate

and

Sullivan of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to trade secrets; amending 21 O.S.
11 2001, Section 1732, which relates to larceny;
12 amending definitions; making it a crime to steal or
13 embezzle or copy without authority certain business
14 records and customer lists; and providing an
15 effective date.

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

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

19 Section 1732. A. Any person who, with intent to deprive or
20 withhold from the owner thereof the control of a trade secret, or
21 with an intent to appropriate a trade secret to his or her own use
22 or to the use of another:

23 (a) steals or embezzles an article representing a trade secret,
24 or,

1 (b) without authority makes or causes to be made a copy of an
2 article representing a trade secret,
3 shall be guilty of larceny under Section 1704 of this title. For
4 purposes of determining whether such larceny is grand larceny or
5 petit larceny under this section, the value of the trade secret and
6 not the value of the article shall be controlling.

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

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

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

17 1. derives independent economic value, actual or potential,
18 from not being generally known to, and not being readily
19 ascertainable by proper means by, other persons who can obtain
20 economic value from its disclosure or use; and

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

23 (d) The word "copy" means any facsimile, replica, photograph or
24 other reproduction of an article, including copying, transferring

1 and e-mailing of computer data, and any note, drawing or sketch made
2 of or from an article.

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

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

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