

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 564

6 By: Wyrick of the Senate

7 and

8 Glenn and Hoskin of the
9 House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2001, Section 1541.4, as amended by Section
13 1, Chapter 116, O.S.L. 2002 (21 O.S. Supp. 2008,
14 Section 1541.4), which relates to false or bogus
15 checks; modifying definition; prohibiting a bogus
16 check from being considered credit in certain
17 circumstances; amending 21 O.S. 2001, Section 1541.5,
18 which relates to credit; updating reference;
19 modifying definition; and providing an effective
20 date.

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

22 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1541.4, as
23 amended by Section 1, Chapter 116, O.S.L. 2002 (21 O.S. Supp. 2008,
24 Section 1541.4), is amended to read as follows:

25 Section 1541.4 A. The term "false or bogus check or checks"
26 shall include checks or orders, including those converted to
27 electronic fund transfer, which are not honored on account of

1 insufficient funds of the maker to pay same or because the check or
2 order was drawn on a closed account or on a nonexistent account when
3 such checks or orders are given ~~in~~:

4 1. In exchange for money or property,~~in~~;

5 2. In exchange for any benefit or thing of value; or ~~as~~

6 3. As a down payment for the purchase of any item of which the
7 purchaser is taking immediate possession, as against the maker or
8 drawer thereof.

9 B. The making, drawing, uttering, or delivering of a check,
10 draft, or order, payment of which is refused by the drawee, shall be
11 prima facie evidence of intent to defraud and the knowledge of
12 insufficient funds in, or credit with, such bank or other
13 depository; provided, such maker or drawer shall not have paid the
14 drawee thereof the amount due thereon, together with the protest
15 fees, within five (5) days from the date the same is presented for
16 payment; and provided, further, that said check or order is
17 presented for payment within thirty (30) days after same is
18 delivered and accepted.

19 C. A check offered for the purchase of goods or livestock that
20 is refused by a drawee shall not be considered to be an extension of
21 credit by the seller of goods or livestock to the maker or drawer of
22 the check.

23 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1541.5, is
24 amended to read as follows:

1 Section 1541.5 The word "credit," as used ~~herein~~ in Section
2 1541.1 through 1541.4 of this title, shall be construed to mean an
3 arrangement or understanding with the bank ~~or~~, depository, or seller
4 of goods or livestock for the payment of such check, draft, or
5 order.

6 SECTION 3. This act shall become effective November 1, 2009.

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