

1 ENGROSSED SENATE
2 BILL NO. 1013

By: Newberry of the Senate
and
Sullivan of the House

3
4
5
6
7 [trade secrets - larceny -
8 effective date]
9

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

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

13 Section 1732. A. Any person who, with intent to deprive or
14 withhold from the owner thereof the control of a trade secret, or
15 with an intent to appropriate a trade secret to his or her own use
16 or to the use of another:

17 (a) steals or embezzles an article representing a trade secret,
18 or,

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

21 shall be guilty of larceny under Section 1704 of this title. For
22 purposes of determining whether such larceny is grand larceny or
23 petit larceny under this section, the value of the trade secret and
24 not the value of the article shall be controlling.

1 B. (a) The word "article" means any object, material, device,
2 customer list, business records, or substance or copy thereof,
3 including any writing, record, recording, drawing, sample, specimen,
4 prototype, model, photograph, microorganism, blueprint, information
5 stored in any computer related format, or map.

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

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

11 1. derives independent economic value, actual or potential,
12 from not being generally known to, and not being readily
13 ascertainable by proper means by, other persons who can obtain
14 economic value from its disclosure or use; and

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

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

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

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

1 Passed the Senate the 26th day of February, 2009.

2
3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2009.

7
8 _____
9 Presiding Officer of the House
10 of Representatives