

ENROLLED SENATE
BILL NO. 564

By: Wyrick of the Senate

and

Glenn and Hoskin of the
House

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

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

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

Section 1541.4 A. The term "false or bogus check or checks" shall include checks or orders, including those converted to electronic fund transfer, which are not honored on account of insufficient funds of the maker to pay same or because the check or order was drawn on a closed account or on a nonexistent account when such checks or orders are given ~~in~~;

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

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

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

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

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

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

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

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

Passed the Senate the 21st day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of May, 2009.

Presiding Officer of the House
of Representatives