

THE HOUSE OF REPRESENTATIVES
Tuesday, February 10, 2009

Committee Substitute for
House Bill No. 2073

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2073 - By: MCNIEL AND SULLIVAN 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; prohibiting a bogus check from being considered credit in certain circumstances; amending 21 O.S. 2001, Section 1541.5, which relates to credit; modifying definition; and providing an effective date.

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

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

4 Section 1541.4 A. The term "false or bogus check or checks" shall include checks or
5 orders which are not honored on account of insufficient funds of the maker to pay same
6 or because the check or order was drawn on a closed account or on a nonexistent account
7 when such checks or orders are given ~~in~~:

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

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

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

3 B. The making, drawing, uttering, or delivering of a check, draft, or order, payment
4 of which is refused by the drawee, shall be prima facie evidence of intent to defraud and
5 the knowledge of insufficient funds in, or credit with, such bank or other depository;
6 provided, ~~such:~~

7 1. The maker or drawer shall not have paid the drawee ~~thereof~~ the amount due
8 thereon, together with the protest fees, within five (5) days from the date the same is
9 presented for payment; and ~~provided, further, that said~~

10 2. The check or order is presented for payment within thirty (30) days after same is
11 delivered and accepted.

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

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

17 Section 1541.5 The word "credit," as used herein, shall be construed to mean an
18 arrangement or understanding with the bank ~~or~~, depository, or seller of goods or
19 livestock for the payment of such check, draft, or order.

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

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-09-09 - DO PASS,
22 As Amended and Coauthored.