

THE HOUSE OF REPRESENTATIVES  
Monday, April 6, 2009

Committee Substitute for  
ENGROSSED  
Senate Bill No. 1013

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1013 - By:  
NEWBERRY of the Senate and SULLIVAN of the House.

An Act relating to trade secrets; amending 21 O.S. 2001, Section 1732, which relates to larceny; amending definitions; making it a crime to steal or embezzle or copy without authority certain business records and customer lists; 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 1732, is amended to read

2 as follows:

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

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

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

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

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

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

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

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

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

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

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

1           SECTION 2. This act shall become effective November 1, 2009.  
2           COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND  
3           FINANCIAL SERVICES, dated 04-02-09 - DO PASS, As Amended.