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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 1013
As Amended

SENATE BILL NO. 1013 - By: Newberry of the Senate and Sullivan of the House.

[trade secrets - larceny - effective date]

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

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

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

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

(b) without authority makes or causes to be made a copy of an article representing a trade secret, shall be guilty of larceny under Section 1704 of this title. For purposes of determining whether such larceny is grand larceny or petit larceny under this section, the value of the trade secret and not the value of the article shall be controlling.

B. (a) The word "article" means any object, material, device, customer list, business records, or substance or copy thereof,

1 including any writing, record, recording, drawing, sample, specimen,
2 prototype, model, photograph, microorganism, blueprint, information
3 stored in any computer related format, or map.

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

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

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

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-17-09 - DO
24 PASS, As Amended and Coauthored.