

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2073

By: McNiel

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 1541.4, as amended by Section
9 1, Chapter 116, O.S.L. 2002 (21 O.S. Supp. 2008,
10 Section 1541.4), which relates to false or bogus
11 checks; prohibiting a bogus check from being
12 considered credit in certain circumstances; amending
13 21 O.S. 2001, Section 1541.5, which relates to
14 credit; modifying definition; and providing an
15 effective date.

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

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

20 Section 1541.4 A. The term "false or bogus check or checks"
21 shall include checks or orders which are not honored on account of
22 insufficient funds of the maker to pay same or because the check or
23 order was drawn on a closed account or on a nonexistent account when
24 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

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

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

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

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

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

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

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

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

52-1-6159 SAB 01/08/09