

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1676

By: Coates

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Sections 1541.1 and 1541.4, as last
9 amended by Section 1, Chapter 428, O.S.L. 2009 (21
10 O.S. Supp. 2009, Section 1541.4), which relate to
11 obtaining property by trick or deception and false or
12 bogus checks; prohibiting obtaining labor by certain
13 means; expanding definition; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1541.1, is
17 amended to read as follows:

18 Section 1541.1 Every person who, with intent to cheat and
19 defraud, shall obtain or attempt to obtain from any person, firm or
20 corporation any money, property, labor or valuable thing, of a value
21 less than Five Hundred Dollars (\$500.00), by means or by use of any
22 trick or deception, or false or fraudulent representation or
23 statement or pretense, or by any other means or instruments or
24 device commonly called the "confidence game", or by means or use of
any false or bogus checks, or by any other written or printed or
engraved instrument or spurious coin, shall be guilty of a

1 misdemeanor and upon conviction thereof shall be punished by a fine
2 not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment
3 in the county jail for not more than one (1) year, or by both such
4 fine and imprisonment.

5 SECTION 2. AMENDATORY 21 O.S. 2001, Section 1541.4, as
6 last amended by Section 1, Chapter 428, O.S.L. 2009 (21 O.S. Supp.
7 2009, Section 1541.4), is amended to read as follows:

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

- 14 1. In exchange for money or property;
- 15 2. In exchange for any benefit or thing of value; ~~or~~
- 16 3. As a down payment for the purchase of any item of which the
17 purchaser is taking immediate possession, as against the maker or
18 drawer thereof; or
- 19 4. In exchange for labor.

20 B. The making, drawing, uttering, or delivering of a check,
21 draft, or order, payment of which is refused by the drawee, shall be
22 prima facie evidence of intent to defraud and the knowledge of
23 insufficient funds in, or credit with, such bank or other
24 depository; provided, such maker or drawer shall not have paid the

1 drawee thereof the amount due thereon, together with the protest
2 fees, within five (5) days from the date the same is presented for
3 payment; and provided, further, that ~~said~~ the check or order is
4 presented for payment within thirty (30) days after same is
5 delivered and accepted.

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

10 SECTION 3. This act shall become effective November 1, 2010.

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