

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2166

By: Branan

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 1451, as last amended by
9 Section 7, Chapter 275, O.S.L. 2004 (21 O.S. Supp.
10 2009, Section 1451), which relates to embezzlement;
11 modifying circumstances constituting embezzlement;
12 providing an effective date; and declaring an
13 emergency.

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

15 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1451, as
16 last amended by Section 7, Chapter 275, O.S.L. 2004 (21 O.S. Supp.
17 2009, Section 7), is amended to read as follows:

18 Section 7. A. Embezzlement is the fraudulent appropriation of
19 property of any person or legal entity, legally obtained, to any use
20 or purpose not intended or authorized by its owner, or the secretion
21 of the property with the fraudulent intent to appropriate it to such
22 use or purpose, under any of the following circumstances:

23 1. Where the property was obtained by being entrusted to that
24 person for a specific purpose, use, or disposition and shall

1 include, but not be limited to, any funds "held in trust" for any
2 purpose;

3 2. Where the property was obtained by virtue of a power of
4 attorney being granted for the sale or transfer of the property;

5 3. Where the property is possessed or controlled for the use of
6 another person;

7 4. Where the property is to be used for a public or benevolent
8 purpose;

9 5. Where any person diverts any money appropriated by law from
10 the purpose and object of the appropriation;

11 6. Where any person fails or refuses to pay over to the state,
12 or appropriate authority, any tax or other monies collected in
13 accordance with state law or municipal ordinance, and who
14 appropriates the tax or monies to the use of that person, or to the
15 use of any other person not entitled to the tax or monies;

16 7. Where the property is possessed for the purpose of
17 transportation, without regard to whether packages containing the
18 property have been broken;

19 8. Where any person removes crops from any leased or rented
20 premises with the intent to deprive the owner or landlord interested
21 in the land of any of the rent due from that land, or who
22 fraudulently appropriates the rent to that person or any other
23 person; or
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1 9. Where the property is possessed or controlled by virtue of a
2 lease or rental agreement, and the property is willfully or
3 intentionally not returned within ten (10) days after the expiration
4 of the agreement.

5 Embezzlement does not require a distinct act of taking, but only
6 a fraudulent appropriation, conversion or use of property.

7 B. Except as provided in subsection C of this section,
8 embezzlement shall be punished as follows:

9 1. If the value of the property embezzled is less than Five
10 Hundred Dollars (\$500.00), any person convicted shall be punished by
11 a fine not exceeding One Thousand Dollars (\$1,000.00), or by
12 imprisonment in the county jail for a term not more than one (1)
13 year, or by both such fine and imprisonment;

14 2. If the value of the property embezzled is Five Hundred
15 Dollars (\$500.00), or more but less than One Thousand Dollars
16 (\$1,000.00), any person convicted shall be guilty of a felony and
17 shall be punished by imprisonment in the county jail for not more
18 than one (1) year or by imprisonment in the county jail for one or
19 more nights or weekends pursuant to Section 991a-2 of Title 22 of
20 the Oklahoma Statutes, at the discretion of the court, and shall be
21 subject to a fine not exceeding Five Thousand Dollars (\$5,000.00),
22 and ordered to pay restitution to the victim as provided in Section
23 991f of Title 22 of the Oklahoma Statutes;

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1 3. If the value of the property embezzled is One Thousand
2 Dollars (\$1,000.00) or more but less than Twenty-five Thousand
3 Dollars (\$25,000.00), any person convicted shall be guilty of a
4 felony and shall be punished by imprisonment in the State
5 Penitentiary for a term of not more than five (5) years, and a fine
6 of not exceeding Five Thousand Dollars (\$5,000.00), and ordered to
7 pay restitution to the victim as provided in Section 991f of Title
8 22 of the Oklahoma Statutes; or

9 4. If the value of the property embezzled is Twenty-five
10 Thousand Dollars (\$25,000.00) or more, any person convicted shall be
11 guilty of a felony and shall be punished by imprisonment in the
12 State Penitentiary for a term of not more than ten (10) years, and a
13 fine not exceeding Ten Thousand Dollars (\$10,000.00), and ordered to
14 pay restitution to the victim as provided in Section 991f of Title
15 22 of the Oklahoma Statutes.

16 C. Any county or state officer, deputy or employee of such
17 officer, who shall divert any money appropriated by law from the
18 purpose and object of the appropriation, shall, upon conviction, be
19 guilty of a felony punishable by imprisonment in the State
20 Penitentiary for a term not less than one (1) year nor more than ten
21 (10) years, and a fine equal to triple the amount of money so
22 embezzled and ordered to pay restitution to the victim as provided
23 in Section 991f of Title 22 of the Oklahoma Statutes. The fine
24 shall operate as a judgment lien at law on all estate of the party

1 | so convicted and sentenced, and shall be enforced by execution or
2 | other process for the use of the person whose money or other funds
3 | or property were embezzled. In all cases the fine, so operating as
4 | a judgment lien, shall be released or entered as satisfied only by
5 | the person in interest.

6 | SECTION 2. This act shall become effective July 1, 2010.

7 | SECTION 3. It being immediately necessary for the preservation
8 | of the public peace, health and safety, an emergency is hereby
9 | declared to exist, by reason whereof this act shall take effect and
10 | be in full force from and after its passage and approval.

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