

1 STATE OF OKLAHOMA

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

3 SENATE BILL 538

By: Corn

4
5
6 AS INTRODUCED

7 An Act relating to crimes and punishments;
8 criminalizing making a false reports to certain
9 agency; setting penalties; criminalizing falsifying
10 material fact or making false representation to
11 certain branches of government; setting penalty;
12 limiting certain application of offense; construing
13 application of offense to party of judicial
14 proceeding; providing for codification; providing an
15 effective date; and declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 540C of Title 21, unless there
19 is created a duplication in numbering, reads as follows:

20 A. It is unlawful for any person to file a report with any law
21 enforcement agency or prosecuting attorney's office of an alleged
22 criminal wrongdoing on the part of another person knowing that such
23 report is false. Except as otherwise provided in this section, a
24 person convicted of a violation of this section shall be guilty of a
misdemeanor punishable by imprisonment in the county jail for a term

1 not more than one (1) year, or by a fine not exceeding One Thousand
2 Dollars (\$1,000.00), or by both such fine and imprisonment.

3 B. A person convicted of a violation of subsection A of this
4 section shall be guilty of a felony punishable by imprisonment in
5 the custody of the Department of Corrections for a term not more
6 than two (2) years, or by a fine not exceeding Three Thousand
7 Dollars (\$3,000.00), or by both such fine and imprisonment when:

8 1. The alleged criminal wrongdoing is a capital offense or a
9 violent felony offense as defined by Section 571 of Title 57 of the
10 Oklahoma Statutes;

11 2. The law enforcement agency or prosecuting attorney's office
12 to which the false report is made has expended in excess of Five
13 Hundred Dollars (\$500.00) in order to investigate the false report,
14 including costs of labor;

15 3. Physical injury results to any person as a result of the
16 false report;

17 4. The false report is made in an effort by the person filing
18 the false report to conceal his or her own criminal activity; or

19 5. The false report results in another person being arrested.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 359.1 of Title 21, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Except as otherwise provided in this section, any person, in
24 any matter within the jurisdiction of the executive, legislative, or

1 judicial branch of this state's government, who knowingly and
2 willfully:

3 1. Falsifies, conceals, or covers up by any trick, scheme, or
4 device a material fact;

5 2. Makes any materially false, fictitious, or fraudulent
6 statement or representation; or

7 3. Makes or uses any false writing or document knowing the same
8 to contain any materially false, fictitious, or fraudulent statement
9 or entry,

10 shall, upon conviction, be punished by imprisonment in the custody
11 of the Department of Corrections for a term not more than two (2)
12 years, or by a fine not to exceed Three Thousand Dollars
13 (\$3,000.00), or by both such fine and imprisonment.

14 B. With respect to any matter within the jurisdiction of this
15 state's legislative branch, subsection A of this section shall only
16 apply to:

17 1. Administrative matters, including a claim for payment, a
18 matter related to the procurement of property or services, personnel
19 or employment practices, or support services, or a document required
20 by law, rule, or regulation to be submitted to the State Legislature
21 or any office or officer within the legislative branch; or

22 2. Any investigation or review, conducted pursuant to the
23 authority of any committee, subcommittee, commission or office of
24

1 the State Legislature, consistent with applicable rules of the State
2 Senate or the Oklahoma House of Representatives in this state.

3 C. The provisions of subsection A of this section shall not
4 apply to a party to a judicial proceeding, or that party's counsel,
5 for statements, representations, writings or documents submitted by
6 such party or counsel to a judge or magistrate in that proceeding.

7 SECTION 3. This act shall become effective July 1, 2009.

8 SECTION 4. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12

13 52-1-896 NP 3/6/2009 5:10:55 AM

14

15

16

17

18

19

20

21

22

23

24