

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 989

By: Justice and Shortey of the
Senate

and

Biggs of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to bogus checks; amending 21 O.S.
12 2011, Section 1541.4, which relates to false or bogus
13 checks; modifying 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. 2011, Section 1541.4, is
17 amended to read as follows:

18 Section 1541.4 A. The term "false or bogus check or checks"
19 shall include checks or orders, including those converted to
20 electronic fund transfer, which are not honored on account of
21 insufficient funds of the maker to pay same or because the check or
22 order was drawn on a closed account or on a nonexistent account when
23 such checks or orders are given:

- 24 1. In exchange for money or property;

1 2. In exchange for any benefit or thing of value; ~~or~~

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

5 4. As payment made to a landlord under a lease or rental
6 agreement.

7 B. The making, drawing, uttering, or delivering of a check,
8 draft, or order, payment of which is refused by the drawee, shall be
9 prima facie evidence of intent to defraud and the knowledge of
10 insufficient funds in, or credit with, such bank or other
11 depository; provided, such maker or drawer shall not have paid the
12 drawee thereof the amount due thereon, together with the protest
13 fees, within five (5) days from the date the same is presented for
14 payment; and provided, further, that ~~said~~ the check or order is
15 presented for payment within thirty (30) days after same is
16 delivered and accepted.

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

21 SECTION 2. This act shall become effective November 1, 2014.

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/02/2014 - DO
24 PASS, As Amended.