STATE OF OKLAHOMA

2nd Session of the 54th Legislature (2014)

HOUSE BILL 2341 By: Biggs

AS INTRODUCED

An Act relating to crimes and punishments; making certain acts unlawful; providing penalties; defining terms; providing for codification; and providing an effective date.

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

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

A. It is unlawful for a person to provide a false statement to law enforcement when, with intent to prevent, hinder or delay the investigation of any crime or offense by a law enforcement officer or agency, the person knowingly provides any false written, audio or video recorded statement to a law enforcement officer or agency when such statement is material to the investigation.

B. Any person who provides a false statement to law enforcement when the crime or offense being investigated is a misdemeanor shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a

fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

C. Any person who provides a false statement to law enforcement when the crime or offense being investigated is a felony shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. Any person who provides a false statement when the crime or offense being investigated is a felony enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

D. As used in this section:

1. A "statement" is any oral or written assertion and includes, but is not limited to, any oral utterance, any written document or instrument, any computer-generated document or instrument, any police report, or any representation that a person makes under circumstances evidencing an intent that such be used or knowledge that a law enforcement officer or agency may use such as an assertion of fact;

2. A statement is "false" when such statement contains untrue, incomplete or misleading information concerning any fact or thing

material to the investigation of a crime or offense by a law enforcement officer or agency;

3. A statement is "material" when, regardless of its eventual use or admissibility in an official proceeding, it could have affected the course or outcome of the investigation of a crime or offense by a law enforcement officer or agency; and

4. An "official proceeding" includes any action or proceeding conducted by or before a legally constituted judicial, administrative or other governmental agency or official, in which evidence or testimony of witnesses may properly be received.

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

54-2-8363 GRS 12/13/13