

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 3996

By: Fetgatter

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending  
21 O.S. 2021, Section 1451, which relates to the  
crime of embezzlement; modifying time limitation for  
certain circumstance; and providing an effective  
date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1451, is  
amended to read as follows:

Section 1451. A. Embezzlement is the fraudulent appropriation  
of property of any person or legal entity, legally obtained, to any  
use or purpose not intended or authorized by its owner, or the  
secretion of the property with the fraudulent intent to appropriate  
it to such use or purpose, under any of the following circumstances:

1. Where the property was obtained by being entrusted to that  
person for a specific purpose, use, or disposition and shall  
include, but not be limited to, any funds "held in trust" for any  
purpose;

- 1        2. Where the property was obtained by virtue of a power of  
2 attorney being granted for the sale or transfer of the property;
- 3        3. Where the property is possessed or controlled for the use of  
4 another person;
- 5        4. Where the property is to be used for a public or benevolent  
6 purpose;
- 7        5. Where any person diverts any money appropriated by law from  
8 the purpose and object of the appropriation;
- 9        6. Where any person fails or refuses to pay over to the state,  
10 or appropriate authority, any tax or other monies collected in  
11 accordance with state law, and who appropriates the tax or monies to  
12 the use of that person, or to the use of any other person not  
13 entitled to the tax or monies;
- 14        7. Where the property is possessed for the purpose of  
15 transportation, without regard to whether packages containing the  
16 property have been broken;
- 17        8. Where any person removes crops from any leased or rented  
18 premises with the intent to deprive the owner or landlord interested  
19 in the land of any of the rent due from that land, or who  
20 fraudulently appropriates the rent to that person or any other  
21 person; or
- 22        9. Where the property is possessed or controlled by virtue of a  
23 lease or rental agreement, and the property is willfully or  
24 intentionally not returned within ~~ten (10) days~~ five (5) days after

1 the expiration of the agreement or forty-eight (48) hours for heavy  
2 equipment.

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

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

7 1. If the value of the property embezzled is less than One  
8 Thousand Dollars (\$1,000.00), any person convicted shall be guilty  
9 of a misdemeanor punishable by a fine not exceeding One Thousand  
10 Dollars (\$1,000.00), by imprisonment in the county jail for a term  
11 not to exceed one (1) year or, at the discretion of the court, by  
12 imprisonment in the county jail for one or more nights or weekends  
13 pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, or  
14 by both such fine and imprisonment;

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

1        3. If the value of the property embezzled is Two Thousand Five  
2 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand  
3 Dollars (\$15,000.00), any person convicted shall be guilty of a  
4 felony punishable by imprisonment in the custody of the Department  
5 of Corrections for a term not to exceed five (5) years, shall be  
6 subject to a fine not exceeding Five Thousand Dollars (\$5,000.00),  
7 and ordered to pay restitution to the victim as provided in Section  
8 991f of Title 22 of the Oklahoma Statutes; or

9        4. If the value of the property embezzled is Fifteen Thousand  
10 Dollars (\$15,000.00) or more, any person convicted shall be guilty  
11 of a felony punishable by imprisonment in the custody of the  
12 Department of Corrections for a term not to exceed eight (8) years,  
13 subject to a fine not exceeding Ten Thousand Dollars (\$10,000.00),  
14 and ordered to pay restitution to the victim as provided in Section  
15 991f of Title 22 of the Oklahoma Statutes.

16        For purposes of this subsection, a series of offenses may be  
17 aggregated into one offense when they are the result of the  
18 formulation of a plan or scheme or the setting up of a mechanism  
19 which, when put into operation, results in the taking or diversion  
20 of money or property on a recurring basis. When all acts result  
21 from a continuing course of conduct, they may be aggregated into one  
22 crime. Acts forming an integral part of the first taking which  
23 facilitate subsequent takings, or acts taken in preparation of  
24

1 several takings which facilitate subsequent takings, are relevant to  
2 determine the intent of the party to commit a continuing crime.

3 C. Any county or state officer, deputy or employee of such  
4 officer, who shall divert any money appropriated by law from the  
5 purpose and object of the appropriation shall, upon conviction, be  
6 guilty of a felony punishable by imprisonment in the custody of the  
7 Department of Corrections for a term not less than one (1) year nor  
8 more than ten (10) years, and a fine equal to triple the amount of  
9 money so embezzled and ordered to pay restitution to the victim as  
10 provided in Section 991f of Title 22 of the Oklahoma Statutes. The  
11 fine shall operate as a judgment lien at law on all estate of the  
12 party so convicted and sentenced, and shall be enforced by execution  
13 or other process for the use of the person whose money or other  
14 funds or property were embezzled. In all cases the fine, so  
15 operating as a judgment lien, shall be released or entered as  
16 satisfied only by the person in interest.

17 D. Any executor, administrator, trustee, beneficiary or other  
18 person benefiting from, acting in a fiduciary capacity for, or  
19 otherwise administering a probate, intestate, or trust estate,  
20 whether the trust is inter vivos or testamentary, upon conviction of  
21 embezzlement from the estate shall not receive any portion, share,  
22 gift or otherwise benefit from the estate.

SECTION 2. This act shall become effective November 1, 2024.

59-2-10183        GRS        02/14/24