

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3996

By: Fetgatter of the House

and

7 **Rader** of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to crimes and punishments; amending
12 21 O.S. 2021, Section 1451, which relates to the
13 crime of embezzlement; modifying time limitation for
 certain circumstance; and providing an effective
 date.

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

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

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

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

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

7 3. Where the property is possessed or controlled for the use of
8 another person;

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

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

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

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

21 8. Where any person removes crops from any leased or rented
22 premises with the intent to deprive the owner or landlord interested
23 in the land of any of the rent due from that land, or who
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1 fraudulently appropriates the rent to that person or any other
2 person; or

3 9. Where the property is possessed or controlled by virtue of a
4 lease or rental agreement, and the property is willfully or
5 intentionally not returned within ~~ten (10) days~~ five (5) days after
6 the expiration of the agreement or forty-eight (48) hours for heavy
7 equipment.

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

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

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

20 2. If the value of the property embezzled is One Thousand
21 Dollars (\$1,000.00) or more but less than Two Thousand Five Hundred
22 Dollars (\$2,500.00), any person convicted shall be guilty of a
23 felony punishable by imprisonment in the custody of the Department
24 of Corrections for a term not to exceed two (2) years or in the

1 county jail for a term not to exceed one (1) year, shall be subject
2 to a fine not exceeding Five Thousand Dollars (\$5,000.00), and
3 ordered to pay restitution to the victim as provided in Section 991f
4 of Title 22 of the Oklahoma Statutes;

5 3. If the value of the property embezzled is Two Thousand Five
6 Hundred Dollars (\$2,500.00) or more but less than Fifteen Thousand
7 Dollars (\$15,000.00), any person convicted shall be guilty of a
8 felony punishable by imprisonment in the custody of the Department
9 of Corrections for a term not to exceed five (5) years, shall be
10 subject to a fine not exceeding Five Thousand Dollars (\$5,000.00),
11 and ordered to pay restitution to the victim as provided in Section
12 991f of Title 22 of the Oklahoma Statutes; or

13 4. If the value of the property embezzled is Fifteen Thousand
14 Dollars (\$15,000.00) or more, any person convicted shall be guilty
15 of a felony punishable by imprisonment in the custody of the
16 Department of Corrections for a term not to exceed eight (8) years,
17 subject to a fine not exceeding Ten Thousand Dollars (\$10,000.00),
18 and ordered to pay restitution to the victim as provided in Section
19 991f of Title 22 of the Oklahoma Statutes.

20 For purposes of this subsection, a series of offenses may be
21 aggregated into one offense when they are the result of the
22 formulation of a plan or scheme or the setting up of a mechanism
23 which, when put into operation, results in the taking or diversion
24 of money or property on a recurring basis. When all acts result

1 from a continuing course of conduct, they may be aggregated into one
2 crime. Acts forming an integral part of the first taking which
3 facilitate subsequent takings, or acts taken in preparation of
4 several takings which facilitate subsequent takings, are relevant to
5 determine the intent of the party to commit a continuing crime.

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

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

3 SECTION 2. This act shall become effective November 1, 2024.
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
6 02/15/2024 - DO PASS, As Amended and Coauthored.
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