

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3996

By: Fetgatter

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1451, which relates to the crime of embezzlement; reducing time limitation for certain embezzlement crime; 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
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1 intentionally not returned within ~~ten (10) days~~ forty-eight (48)
2 hours after the expiration of the agreement.

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

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