

An Act

ENROLLED SENATE
BILL NO. 177

By: Coates of the Senate

and

Newell, McDaniel (Randy),
Sherrer and Biggs of the
House

An Act relating to fraud; amending 21 O.S. 2011, Section 1541.4, which relates to certain false or bogus checks; making certain check or order a check or order given in exchange for a benefit or thing of value; allowing for certain debit or charges under certain circumstances; and providing an effective date.

SUBJECT: Bogus checks

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1541.4, is amended to read as follows:

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

1. In exchange for money or property;

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

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

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

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

D. A check or order offered to a merchant in payment on an open account of the maker with the merchant shall mean "a check or order given in exchange for a benefit or thing of value", notwithstanding that the merchant may debit the account of the maker or impose other charges pursuant to applicable law in the event the check or order is not honored.

SECTION 2. This act shall become effective November 1, 2013.

Passed the Senate the 5th day of March, 2013.


Presiding Officer of the Senate

Passed the House of Representatives the 16th day of April, 2013.


Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 17th
day of April, 20 13, at 3:18 o'clock P M.
By: Audrey Lockwell

Approved by the Governor of the State of Oklahoma this 23rd
day of April, 20 13, at 3:59 o'clock P M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 23rd
day of April, 20 13, at 4:17 o'clock P M.
By: Christy Parrish