§21-1. Title of code.

This chapter shall be known as the penal code of the State of Oklahoma.

R.L.1910, § 2082.

§21-2. Criminal acts are only those prescribed - "This code" defined.

No act or omission shall be deemed criminal or punishable except as prescribed or authorized by this code. The words "this code" as used in the "penal code" shall be construed to mean "Statutes of this State."

R.L.1910, § 2083.

§21-3. Crime and public offense defined.

A crime or public offense is an act or omission forbidden by law, and to which is annexed, upon conviction, either of the following punishments:

1. Death;
2. Imprisonment;
3. Fine;
4. Removal from office; or
5. Disqualification to hold and enjoy any office of honor, trust, or profit, under this state.

R.L. 1910, § 2084. Amended by Laws 1997, c. 133, § 10, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 1, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 10 from July 1, 1998, to July 1, 1999.

§21-4. Crimes classified.

Crimes are divided into:

1. Felonies;
2. Misdemeanors.

R.L.1910, § 2085.

§21-5. Felony defined.

A felony is a crime which is, or may be, punishable with death, or by imprisonment in the penitentiary.

R.L. 1910, § 2086. Amended by Laws 1997, c. 133, § 11, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 2, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 11 from July 1, 1998, to July 1, 1999.

§21-6. Misdemeanor defined.

Every other crime is a misdemeanor.

R.L.1910, § 2087. R.L.1910, § 2087.

§21-7. Objects of penal code.

This title specifies the classes of persons who are deemed capable of crimes, and liable to punishment therefor. This title defines the nature of various crimes and prescribes the kind and measure of punishment to be inflicted for each. The manner of prosecuting and convicting criminals is regulated by the code of criminal procedure.

R.L. 1910, § 2088. Amended by Laws 1997, c. 133, § 12, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 3, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 12 from July 1, 1998, to July 1, 1999.

§21-8. Conviction must precede punishment.

The punishments prescribed by this chapter can be inflicted only upon a legal conviction in a court having jurisdiction.

R.L.1910, § 2090.

§21-9. Punishment of felonies.

Except in cases where a different punishment is prescribed by this title, or by some existing provision of law, every offense declared to be a felony is punishable by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

R.L. 1910, § 2090. Amended by Laws 1997, c. 133, § 13, eff. July 1, 1999; Laws 1998, 1st Ex.Sess., c. 2, § 1, emerg. eff. June 19, 1998; Laws 1999, 1st Ex.Sess., c. 5, § 4, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 13 from July 1, 1998, to July 1, 1999.

§21-10. Punishment of misdemeanor.

Except in cases where a different punishment is prescribed by this chapter or by some existing provisions of law, every offense declared to be a misdemeanor is punishable by imprisonment in the

county jail not exceeding one year or by a fine not exceeding five hundred dollars, or both such fine and imprisonment.
R.L.1910, § 2091.

§21-11. Special provisions as governing - Acts punishable in different ways - Acts not otherwise punishable by imprisonment.

A. If there be in any other provision of the laws of this state a provision making any specific act or omission criminal and providing the punishment therefor, and there be in this title any provision or section making the same act or omission a criminal offense or prescribing the punishment therefor, that offense and the punishment thereof, shall be governed by the special provisions made in relation thereto, and not by the provisions of this title. But an act or omission which is made punishable in different ways by different provisions of this title may be punished under any of such provisions, except that in cases specified in Section 434 of this act or Section 54 of this title, the punishments therein prescribed are substituted for those prescribed for a first offense, but in no case can a criminal act or omission be punished under more than one section of law; and an acquittal or conviction and sentence under one section of law, bars the prosecution for the same act or omission under any other section of law.

B. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of the laws of this state which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.
R.L. 1910, § 2092. Amended by Laws 1970, c. 199, § 1; Laws 1987, c. 226, § 1, operative July 1, 1987; Laws 1997, c. 133, § 14, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 5, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 14 from July 1, 1998, to July 1, 1999.

§21-12. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-12.1. Required service of minimum percentage of sentence – Effective date.

A person committing a felony offense listed in Section 30 of this act on or after March 1, 2000, and convicted of the offense shall serve not less than eighty-five percent (85%) of the sentence of imprisonment imposed within the Department of Corrections. Such person shall not be eligible for parole consideration prior to serving eighty-five percent (85%) of the sentence imposed and such person shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of the sentence

to less than eighty-five percent (85%) of the sentence imposed. Added by Laws 1999, 1st Ex.Sess., c. 4, § 29, eff. July 1, 1999.

§21-13. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-13.1. Required service of minimum percentage of sentence - Offenses specified.

Persons convicted of:

1. First degree murder as defined in Section 701.7 of this title;

2. Second degree murder as defined by Section 701.8 of this title;

3. Manslaughter in the first degree as defined by Section 711 of this title;

4. Poisoning with intent to kill as defined by Section 651 of this title;

5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of this title;

6. Assault with intent to kill as provided for in Section 653 of this title;

7. Conjoint robbery as defined by Section 800 of this title;

8. Robbery with a dangerous weapon as defined in Section 801 of this title;

9. First degree robbery as defined in Section 797 of this title;

10. First degree rape as provided for in Section 1111, 1114 or 1115 of this title;

11. First degree arson as defined in Section 1401 of this title;

12. First degree burglary as provided for in Section 1436 of this title;

13. Bombing as defined in Section 1767.1 of this title;

14. Any crime against a child provided for in Section 843.5 of this title;

15. Forcible sodomy as defined in Section 888 of this title;

16. Child pornography or aggravated child pornography as defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of this title;

17. Child prostitution as defined in Section 1030 of this title;

18. Lewd molestation of a child as defined in Section 1123 of this title;

19. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes who is a resident of a nursing facility;

20. Aggravated trafficking as provided for in subsection C of

Section 2-415 of Title 63 of the Oklahoma Statutes;

21. Aggravated assault and battery upon any person defending another person from assault and battery; or

22. Human trafficking as provided for in Section 748 of this title,

shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial system prior to becoming eligible for consideration for parole. Persons convicted of these offenses shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of the sentence to less than eighty-five percent (85%) of the sentence imposed.

Added by Laws 1999, 1st Ex. Sess., c. 4, § 30, eff. July 1, 1999. Amended by Laws 2000, c. 291, § 2, eff. Nov. 1, 2000; Laws 2001, c. 437, § 2, eff. July 1, 2001; Laws 2002, c. 22, § 7, emerg. eff. March 8, 2002; Laws 2007, c. 199, § 1, eff. Nov. 1, 2007; Laws 2009, c. 234, § 117, emerg. eff. May 21, 2009; Laws 2011, c. 385, § 1, eff. Nov. 1, 2011; Laws 2014, c. 147, § 1, eff. Nov. 1, 2014, and Laws 2014, c. 231, § 1, eff. Nov. 1, 2014; Laws 2015, c. 290, § 1, eff. Nov. 1, 2015.

NOTE: Laws 2014, c. 147, § 1 and Laws 2014, c. 231, § 1 made identical changes to this section.

NOTE: Laws 2001, c. 428, § 2 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§21-14. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-15. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-16. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-17. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-18. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-19. Uniform reporting system to be used by criminal and juvenile justice information systems.

For purposes of any crime specified by the criminal code of this title or any provision of the law in this state, all criminal and juvenile justice information systems shall adopt and use the uniform reporting standard created and published by the Oklahoma State Bureau of Investigation as provided by Section 1517 of Title 22 of

the Oklahoma Statutes. The uniform reporting standard shall insure the accurate reporting of all criminal and juvenile delinquency information relating to arrests, charges, custody records, dispositions, and any other information record purporting to identify a criminal or juvenile delinquency history record or information to be maintained by any criminal or juvenile justice information system within this state. Every district court, criminal justice agency, and juvenile delinquency agency of this state is hereby directed to comply with and use the uniform reporting standard for reporting and maintaining all criminal justice information systems of this state.
Added by Laws 2001, c. 122, § 2, eff. July 1, 2001. Amended by Laws 2009, c. 178, § 5.

§21-20.1. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-20.2. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-20.3. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-20.4. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-21. Prohibited act a misdemeanor, when.
Where the performance of an act is prohibited by any statute, and no penalty for the violation of such statute is imposed in any statute, the doing of such act is a misdemeanor.
R.L.1910, § 2792.

§21-22. Gross injuries - Grossly disturbing peace - Openly outraging public decency - Injurious acts not expressly forbidden.
Every person who willfully and wrongfully commits any act which grossly injures the person or property of another, or which grossly disturbs the public peace or health, or which openly outrages public decency, including but not limited to urination in a public place, and is injurious to public morals, although no punishment is expressly prescribed therefor by this code, is guilty of a misdemeanor.
R.L.1910, § 2793. Amended by Laws 2007, c. 358, § 1, eff. July 1, 2007.

§21-23. Repealed by Laws 1970, c. 199, § 2.

§21-24. Acts punishable under foreign laws.

An act or omission declared punishable by this chapter, is not less so because it is also punishable under the laws of another State, government or country, unless the contrary is expressly declared in this chapter.
R.L.1910, § 2795.

§21-25. Repealed by Laws 1986, c. 178, § 1, eff. Nov. 1, 1986.

§21-26. Contempts, criminal acts which are also punishable as.
A criminal act is not the less punishable as a crime because it is also declared to be punishable as a contempt.
R.L.1910, § 2797.

§21-27. Mitigation of punishment.
Where it is made to appear at the time of passing sentence upon a person convicted, that such person has already paid a fine or suffered an imprisonment for the act which he stands convicted, under an order adjudging it a contempt, the court authorized to pass sentence may mitigate the punishment to be imposed, in its discretion.
R.L.1910, § 2798.

§21-28. Aiding in a misdemeanor.
Whenever an act is declared a misdemeanor, and no punishment for counseling or aiding in the commission of such act is expressly prescribed by law, every person who counsels or aids another in the commission of such act, is guilty of a misdemeanor, and punishable in the same manner as the principal offender.
R.L.1910, § 2799.

§21-29. Sending letter - When complete - Place of prosecution.
In the various cases in which the sending of a letter is made criminal by this chapter, the offense is deemed complete from the time when such letter is deposited in any post office or any other place, or delivered to any person with intent that it shall be forwarded. And the party may be indicted and tried in any county wherein such letter is so deposited or delivered, or in which it shall be received by the person to whom it is addressed.
R.L.1910, § 2800.

§21-30. Failure to perform duty.
No person is punishable for an omission to perform an act, where such act has been performed by another person acting in his behalf, and competent by law to perform it.
R.L.1910, § 2801.

§21-41. Conviction for attempt not permitted where crime is

perpetrated.

No person can be convicted of an attempt to commit a crime when it appears that the crime intended or attempted was perpetrated by such person in pursuance of such attempt.

R.L.1910, § 2802.

§21-42. Attempts to commit crimes - Punishment.

Every person who attempts to commit any crime, and in such attempt does any act toward the commission of such crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempt, as follows:

1. If the offense so attempted be punishable by imprisonment in the penitentiary for four (4) years or more, or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the penitentiary, or in a county jail, as the case may be, for a term not exceeding one-half (1/2) the longest term of imprisonment prescribed upon a conviction for the offense so attempted.

2. If the offense so attempted be punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of such attempt is punishable by imprisonment in a county jail for not more than one (1) year.

3. If the offense so attempted be punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction of the offense so attempted.

4. If the offense so attempted be punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half (1/2) the longest term of imprisonment and the fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction for the offense so attempted.

R.L. 1910, § 2803. Amended by Laws 1997, c. 133, § 21, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 10, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 21 from July 1, 1998, to July 1, 1999.

§21-43. Unsuccessful attempt - Another crime committed.

The last two sections do not protect a person who in attempting unsuccessfully to commit a crime, accomplishes the commission of another and different crime, whether greater or less in guilt, from suffering the punishment prescribed by law for the crime committed.

R.L.1910, § 2804.

§21-44. Attempt defined.

A person is guilty of an attempt to commit a crime if, acting

with the kind of culpability otherwise required for commission of the crime, he:

(a) purposely engages in conduct which would constitute the crime if the attendant circumstances were as he believes them to be; or,

(b) when causing a particular result in an element of the crime, does anything with the purpose of causing or with the belief that it will cause such result, without further conduct on his part.
Added by Laws 1965, c. 220, § 1.

§21-51. Repealed by Laws 1997, c. 133, § 602, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 602 from July 1, 1998, to July 1, 1999.

§21-51.1. Second and subsequent offenses after conviction of offense punishable by imprisonment in the State Penitentiary.

A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program and Section 3 of this act, every person who, having been convicted of any offense punishable by imprisonment in the State Penitentiary, commits any crime after such conviction, within ten (10) years of the date following the completion of the execution of the sentence, and against whom the District Attorney seeks to enhance punishment pursuant to this section of law, is punishable therefor as follows:

1. If the offense for which the person is subsequently convicted is an offense enumerated in Section 571 of Title 57 of the Oklahoma Statutes and the offense is punishable by imprisonment in the State Penitentiary for a term exceeding five (5) years, such person is punishable by imprisonment in the State Penitentiary for a term in the range of ten (10) years to life imprisonment.

2. If the offense of which such person is subsequently convicted is such that upon a first conviction an offender would be punishable by imprisonment in the State Penitentiary for any term exceeding five (5) years, such person is punishable by imprisonment in the State Penitentiary for a term in the range of twice the minimum term for a first time offender to life imprisonment. If the subsequent felony offense does not carry a minimum sentence as a first time offender, such person is punishable by imprisonment in the State Penitentiary for a term in the range of two (2) years to life imprisonment.

3. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the State Penitentiary for five (5) years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the State Penitentiary for a term not exceeding ten (10) years.

4. If such subsequent conviction is for petit larceny, the

person convicted of such subsequent offense is punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years.

B. Every person who, having been twice convicted of felony offenses, commits a subsequent felony offense which is an offense enumerated in Section 571 of Title 57 of the Oklahoma Statutes, within ten (10) years of the date following the completion of the execution of the sentence, and against whom the District Attorney seeks to enhance punishment pursuant to this section of law, is punishable by imprisonment in the State Penitentiary for a term in the range of twenty (20) years to life imprisonment. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location. Nothing in this section shall abrogate or affect the punishment by death in all crimes now or hereafter made punishable by death.

C. Every person who, having been twice convicted of felony offenses, commits a subsequent felony offense within ten (10) years of the date following the completion of the execution of the sentence, and against whom the District Attorney seeks to enhance punishment pursuant to this section of law, is punishable by imprisonment in the State Penitentiary for a term in the range of three times the minimum term for a first time offender to life imprisonment. If the subsequent felony offense does not carry a minimum sentence as a first time offender, the person is punishable by imprisonment in the State Penitentiary for a term in the range of four (4) years to life imprisonment. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location. Nothing in this section shall abrogate or affect the punishment by death in all crimes now or hereafter made punishable by death.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 434, eff. July 1, 1999. Amended by Laws 2001, c. 437, § 3, eff. July 1, 2001; Laws 2002, c. 455, § 1, emerg. eff. June 5, 2002.

§21-51.1a. Second offense of rape in the first degree, forcible sodomy, lewd molestation or sexual abuse of a child.

Any person convicted of rape in the first degree, forcible sodomy, lewd molestation or sexual abuse of a child after having been convicted of either rape in the first degree, forcible sodomy, lewd molestation or sexual abuse of a child shall be sentenced to life without parole.

Added by Laws 2002, c. 455, § 3, emerg. eff. June 5, 2002.

§21-51.2. Second and subsequent offenses 10 years after completion of sentence.

Except as provided in Section 3 of this act, no person shall be

sentenced as a second and subsequent offender under Section 51.1 of this title, or any other section of the Oklahoma Statutes, when a period of ten (10) years has elapsed since the completion of the sentence imposed on the former conviction; provided, said person has not, in the meantime, been convicted of a misdemeanor involving moral turpitude or a felony. Nothing in this section shall prohibit the use of a prior conviction for physical or sexually related child abuse as a prior conviction for second and subsequent offender purposes if the person is presently charged with a felony crime involving physical or sexually related child abuse.
Added by Laws 1999, 1st Ex.Sess., c. 5, § 435, eff. July 1, 1999. Amended by Laws 2000, c. 245, § 2, eff. Nov. 1, 2000; Laws 2002, c. 455, § 2, emerg. eff. June 5, 2002.

§21-51.3. Repealed by State Question No. 780, Initiative Petition No. 404, § 21, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

§21-51A. Repealed by Laws 1997, c. 133, § 602, eff. July 1, 1999. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 602 from July 1, 1998, to July 1, 1999.

§21-52. Repealed by Laws 1998, c. 133, § 602, eff. July 1, 1999. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 602 from July 1, 1998, to July 1, 1999.

§21-53. Attempt to conceal death of child - Felony on subsequent conviction.

Every woman who, having been convicted of endeavoring to conceal the birth of an issue of her body, which, if born alive, would be a bastard, or the death of any such issue under the age of two (2) years, subsequently to such conviction endeavors to conceal any such birth or death of issue of her body, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years and not less than two (2) years.
R.L. 1910, § 2807. Amended by Laws 1997, c. 133, § 153, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 73, eff. July 1, 1999. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 153 from July 1, 1998, to July 1, 1999.

§21-54. When first conviction was foreign.

Every person who has been convicted in any other state, government or country of an offense which, if committed within this state, would be punishable by the laws of this state by imprisonment in the penitentiary, is punishable for any subsequent crime committed within this state, in the manner prescribed in Section 434, 435 or 436 of this act, and to the same extent as if such first

conviction had taken place in a court of this state.
R.L. 1910, § 2808. Amended by Laws 1997, c. 133, § 15, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 6, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 15 from July 1, 1998, to July 1, 1999.

§21-61. Repealed by Laws 1979, c. 135, § 7, emerg. eff. May 3, 1979.

§21-61.1. Sentences to be served in order received by penal institution - Concurrent sentences - Credit for good conduct.

When any person is convicted of two (2) or more crimes in the same proceeding or court or in different proceedings or courts, and the judgment and sentence for each conviction arrives at a state penal institution on different dates, the sentence which is first received at the institution shall commence and be followed by those sentences which are subsequently received at the institution, in the order in which they are received by the institution, regardless of the order in which the judgments and sentences were rendered by the respective courts, unless a judgment and sentence provides that it is to run concurrently with another judgment and sentence. This section shall not affect the credits allowed under Section 138 of Title 57.
Laws 1979, c. 135, § 1, emerg. eff. May 3, 1979; Laws 1980, c. 222, § 1, emerg. eff. May 30, 1980.

§21-61.2. Sentences to run concurrent with federal court or another state's court sentence.

When a defendant is sentenced in an Oklahoma state court and is also under sentence from a federal court or another state's court, the court may direct that custody of the defendant be relinquished to the federal or another state's authorities and that such Oklahoma state court sentences as are imposed may run concurrently with the federal or another state's sentence imposed.
Laws 1979, c. 135, § 2, emerg. eff. May 3, 1979; Laws 1980, c. 222, § 2, emerg. eff. May 30, 1980.

§21-61.3. Parole - Revocation - Relinquishment of custody.

When a defendant is on parole from a sentence rendered by an Oklahoma state court and is also under sentence from a federal court or another state's court, the Governor may revoke the defendant's parole and direct that custody of the defendant be relinquished to the federal or another state's authorities and that such parole revocation may run concurrently with the federal or another state's sentence which has been imposed. The Governor may also order that a parole revocation run concurrently with any other sentence rendered by an Oklahoma state court.
Amended by Laws 1988, c. 141, § 1, eff. Nov. 1, 1988.

§21-61.4. Suspended sentence - Revocation - Relinquishment of custody.

When a defendant has received a suspended sentence from an Oklahoma state court and is also under sentence from a federal court or another state's court, the court may revoke the suspended sentence and direct that custody of the defendant be relinquished to the federal or another state's authorities and that the sentence may run concurrently with the federal or other state's sentence which has been imposed.

Laws 1979, c. 135, § 4, emerg. eff. May 3, 1979; Laws 1980, c. 222, § 4, emerg. eff. May 30, 1980.

§21-61.5. Return to State to complete sentence.

Provided, that, after a defendant has been transferred to another jurisdiction pursuant to the provisions of this act, if any sentence remains to be served in the State of Oklahoma, such defendant shall be returned by the sentencing court to the State of Oklahoma to complete his sentence.

Laws 1979, c. 135, § 5, emerg. eff. May 3, 1979; Laws 1980, c. 222, § 5, emerg. eff. May 30, 1980.

§21-62. Repealed by Laws 1997, c. 133, § 602, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 602 from July 1, 1998, to July 1, 1999.

§21-62.1. Imprisonment where no maximum.

Whenever any person is declared punishable for a crime by imprisonment in the penitentiary for a term not less than any specified number of years, and no limit to the duration of such imprisonment is declared, the court authorized to pronounce judgment upon such conviction may, in its discretion, sentence such offender to imprisonment during the natural life of the offender, or for any number of years not less than such as are prescribed.

Added by Laws 1999, 1st Ex.Sess., c. 5, § 437, eff. July 1, 1999.

§21-63. Repealed by Laws 1978, c. 74, § 1.

§21-64. Imposition of fine in addition to imprisonment.

A. Upon a conviction for any misdemeanor punishable by imprisonment in any jail, in relation to which no fine is prescribed by law, the court or a jury may impose a fine on the offender not exceeding One Thousand Dollars ($1,000.00) in addition to the imprisonment prescribed.

B. Upon a conviction for any felony punishable by imprisonment in any jail or prison, in relation to which no fine is prescribed by law, the court or a jury may impose a fine on the offender not

exceeding Ten Thousand Dollars ($10,000.00) in addition to the imprisonment prescribed.
R.L. 1910, § 2812. Amended by Laws 1983, c. 75, § 1, emerg. eff. April 29, 1983; Laws 1993, c. 51, § 1, eff. Sept. 1, 1993; Laws 1997, c. 133, § 16, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 7, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 16 from July 1, 1998, to July 1, 1999.

§21-65. Civil rights suspended.
A sentence of imprisonment under the Department of Corrections suspends all the civil rights of the person so sentenced, except the right to make employment contracts, during confinement under said sentence, subject to the approval of the Director of the Department of Corrections, when this benefits the vocational training or release preparation of the prisoner, and forfeits all public offices, and all private trusts, authority or power, during the term of such imprisonment. Provided however, such persons during confinement shall not be eligible to receive benefits under the unemployment compensation law.
R.L. 1910, § 2813; Laws 1976, c. 163, § 2, emerg. eff. June 1, 1976.

§21-66. Repealed by Laws 1976, c. 163, § 7, emerg. eff. June 1, 1976.

§21-67. Person of convict protected.
The person of a convict sentenced to imprisonment in the State Prison is under the protection of the law, and any injury to his person, not authorized by law, is punishable in the same manner as if he was not convicted or sentenced.
R.L.1910, § 2815.

§21-68. Conviction does not work forfeiture.
No conviction of any person for crime works any forfeiture of any property, except in the cases of any outlawry for treason, and other cases in which a forfeiture is expressly imposed by law.
R.L.1910, § 2816.

§21-81. Testimony - Privilege of witnesses and perjury.
The various sections of this Chapter which declare that evidence obtained upon the examination of a person as a witness shall not be received against him in any criminal proceeding, do not forbid such evidence being proved against such person upon any proceedings founded upon a charge of perjury committed in such examination.
R.L.1910, § 2817.

§21-91. Terms to have meanings specified unless different meaning

appears.
Wherever the terms mentioned in the following sections are employed in this title, they are deemed to be employed in the senses hereafter affixed to them, except where a different sense plainly appears.
R.L. 1910, § 2818. Amended by Laws 1997, c. 43, § 1, emerg. eff. April 7, 1997.

§21-92. Willfully defined.
The term "willfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage.
R.L.1910, § 2819.

§21-93. Negligent - Negligence.
The terms "neglect," "negligence," "negligent" and "negligently," when so employed, import a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concerns.
R.L.1910, § 2820.

§21-94. Corruptly.
The term "corruptly" when so employed, imports a wrongful design to acquire some pecuniary or other advantage to the person guilty of the act or omission referred to.
R.L.1910, § 2821.

§21-95. Malice - Maliciously.
The terms "malice" and "maliciously," when so employed, import a wish to vex, annoy or injure another person, established either by proof or presumption of law.
R.L.1910, § 2822.

§21-96. Knowingly.
The term "knowingly," when so applied, imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.
R.L.1910, § 2823.

§21-97. Bribe.
The term "bribe" signifies any money, goods, right in action, property, thing of value or advantage, present or prospective, or any promise or undertaking, asked, given or accepted, with a corrupt intent to influence unlawfully the person to whom it is given, in

his action, vote or opinion, in any public or official capacity.
R.L.1910, § 2824.

§21-98. Vessel.

The word "vessel," when used with reference to shipping, includes ships of all kinds, steamboats, and steamships, canal boats, and every structure adapted to be navigated from place to place.
R.L.1910, § 2825.

§21-99. Peace officers.

The term "peace officer" means any sheriff, police officer, federal law enforcement officer, tribal law enforcement officer, or any other law enforcement officer whose duty it is to enforce and preserve the public peace.

Every United States Marshal, Marshals Service deputy or other federal law enforcement officer who is employed full-time as a law enforcement officer by the federal government or is otherwise acting under the authority of a Federal Bureau of Indian Affairs Commission and has been certified by the Council on Law Enforcement Education and Training, who is authorized by federal law to conduct any investigation of, and make any arrest for, any offense in violation of federal law shall have the same authority, and be empowered to act, as peace officers within the State of Oklahoma in rendering assistance to any law enforcement officer in an emergency, or at the request of any officer, and to arrest any person committing any offense in violation of the laws of this state.
R.L. 1910, § 2826. Amended by Laws 1995, c. 240, § 3, emerg. eff. May 24, 1995; Laws 1997, c. 43, § 2, emerg. eff. April 7, 1997; Laws 2013, c. 249, § 1, eff. Nov. 1, 2013.

§21-99a. Authority of peace officers.

A. Subject to subsections C and D of this section in addition to any other powers vested by law, a peace officer of the State of Oklahoma as used in this section may enforce the criminal laws of this state throughout the territorial bounds of this state, under the following circumstances:

1. In response to an emergency involving an immediate threat to human life or property;

2. Upon the prior consent of the head of a state law enforcement agency, the sheriff or the chief of police in whose investigatory or territorial jurisdiction the exercise of the powers occurs;

3. In response to a request for assistance pursuant to a mutual law enforcement assistance agreement with the agency of investigatory or territorial jurisdiction;

4. In response to the request for assistance by a peace officer

with investigatory or territorial jurisdiction; or

5. While the peace officer is transporting a prisoner.

B. While serving as peace officers of the State of Oklahoma and rendering assistance under the circumstances enumerated above, peace officers shall have the same powers and duties as though employed by and shall be deemed to be acting within the scope of authority of the law enforcement agency in whose or under whose investigatory or territorial jurisdiction they are serving. Salaries, insurance and other benefits shall not be the responsibility of a law enforcement agency that is not the employing agency for the peace officer.

C. A municipal peace officer may exercise authority provided by this section only if the peace officer acts pursuant to policies and procedures adopted by the municipal governing body.

D. A Bureau of Indian Affairs law enforcement officer or a tribal law enforcement officer of a federally recognized Indian tribe who has been commissioned by the Federal Bureau of Indian Affairs and has been certified by the Council on Law Enforcement Education and Training shall have state police powers to enforce state laws on fee land purchased by a federally recognized American Indian tribe or in Indian country, as defined in Section 1151 of Title 18 of the United States Code.

E. Nothing in this act shall limit or prohibit jurisdiction given to tribal officers pursuant to a cross-deputization agreement between a state or local governmental agency or another state or federal law.

Added by Laws 1997, c. 43, § 3, emerg. eff. April 7, 1997. Amended by Laws 2013, c. 249, § 2, eff. Nov. 1, 2013; Laws 2016, c. 347, § 1, eff. Nov. 1, 2016.

§21-100. Signature.

The term "signature" includes any name, mark or sign, written with the intent to authenticate any instrument or writing.

R.L.1910, § 2827.

§21-101. Writing includes printing.

The term "writing" includes printing.

R.L.1910, § 2828.

§21-102. Real property.

The term "real property" includes every estate, interest and right in lands, tenements and hereditaments.

R.L.1910, § 2829.

§21-103. Personal property.

The term "personal property" includes every description of money, goods, chattels, effects, evidences of right in action, and written instruments by which any pecuniary obligation, right or

title to property, real or personal, is created or acknowledged, transferred, increased, defeated, discharged or diminished.
R.L.1910, § 2830.

§21-104. Property defined.
The term "property" includes both real and personal property.
R.L.1910, § 2831.

§21-105. Person defined.
The word "person" includes corporations, as well as natural persons.
R.L.1910, § 2832.

§21-106. Person as designating party whose property may be subject of offense.
Where the term "person" is used in this chapter to designate the party whose property may be the subject of any offense, it includes this state, any other state, government or country which may lawfully own any property within this state, and all public and private corporations or joint associations, as well as individuals.
R.L.1910, § 2833.

§21-107. Singular includes plural.
The singular number includes the plural, and the plural the singular.
R.L.1910, § 2834.

§21-108. Gender.
Words used in the masculine gender comprehend as well the feminine and neuter.
R.L.1910, § 2835.

§21-109. Present tense.
Words used in the present tense include the future, but exclude the past.
R.L.1910, § 2836.

§21-110. Intent to defraud.
Whenever, by any of the provisions of this chapter, an intent to defraud is required in order to constitute any offense, it is sufficient if an intent appears to defraud any person, association or body politic or corporate whatever.
R.L.1910, § 2837.

§21-111. Force.
A. In all instances of sexual assault including, but not limited to, rape, rape by instrumentation and forcible sodomy where

force is alleged, the term "force" shall mean any force, no matter how slight, necessary to accomplish the act without the consent of the victim. The force necessary to constitute an element need not be actual physical force since fear, fright or coercion may take the place of actual physical force.

B. The Oklahoma Court of Criminal Appeals is requested and authorized to proceed to prescribe, institute and publish within ten (10) days of the effective date of this act a uniform instruction to be given in jury trials of criminal cases that defines the term "force" consistent with the definition provided for in subsection A of this section.

Added by Laws 2016, c. 349, § 2, emerg. eff. June 6, 2016.

§21-112. Sexual assault.

The term "sexual assault" is any type of sexual contact or behavior that occurs without explicit consent of the recipient including, but not limited to, forced sexual intercourse, forcible sodomy, child molestation, child sexual abuse, incest, fondling and all attempts to complete any of the aforementioned acts.

Added by Laws 2016, c. 349, § 3, emerg. eff. June 6, 2016.

§21-113. Consent.

The term "consent" means the affirmative, unambiguous and voluntary agreement to engage in a specific sexual activity during a sexual encounter which can be revoked at any time. Consent cannot be:

1. Given by an individual who:
   a. is asleep or is mentally or physically incapacitated either through the effect of drugs or alcohol or for any other reason, or
   b. is under duress, threat, coercion or force; or
2. Inferred under circumstances in which consent is not clear including, but not limited to:
   a. the absence of an individual saying "no" or "stop", or
   b. the existence of a prior or current relationship or sexual activity.

Added by Laws 2016, c. 349, § 4, emerg. eff. June 6, 2016.

§21-131. Civil remedies not affected.

The omission to specify or affirm in this chapter, any liability to any damages, penalty, forfeiture or other remedy, imposed by law, and allowed to be recovered or enforced in any civil action or proceeding, for any act or omission declared punishable herein, does not affect any right to recover or enforce the same.

R.L.1910, § 2838.

§21-132. Proceeding to impeach or remove.

The omission to specify or affirm in this chapter, any ground of forfeiture of a public office or other trust or special authority conferred by law, to impeach, remove, depose or suspend any public officer or other person holding any trust, appointment or other special authority conferred by law, does not affect such forfeiture or power, or any proceeding authorized by law to carry into effect such impeachment, removal, deposition or suspension.
R.L.1910, § 2839.

§21-133. Military punishment - Contempt - Apprentices, Bastards, etc.

This chapter, does not affect any power conferred by law upon any court martial or other military authority or officer to impose or inflict punishment upon offenders; nor any power conferred by law upon any public body, tribunal, or officer, to impose or inflict punishment for a contempt; nor any provisions of the laws relating to apprentices, bastards, disorderly persons, Indians and vagrants.
R.L.1910, § 2840.

§21-141. Payment into school fund.

All fines, forfeitures and pecuniary penalties prescribed as a punishment by any of the provisions of this chapter, when collected, shall be paid into the treasury and credited to the school fund of the county where such fines are collected.
R.L.1910, § 2841.

§21-142.1. Intent of Legislature.

It is the intent of the Legislature to provide a method of compensating and assisting those persons who become victims of criminal acts and who suffer physical or psychological injury or death who are either within this state or who are residents of this state who become victims, as defined in Section 142.3 of this title, in states that have no crime victims compensation program. It is the further intent of the Legislature that district attorney offices shall provide services to victims of crime, as provided by law, and to assist in completing victim compensation claims pursuant to this act. To this end, it is the further intent of the Legislature to provide compensation in the amount of expenses actually incurred as a direct result of the criminal acts of other persons.
Added by Laws 1981, c. 93, § 1. Amended by Laws 1989, c. 348, § 7, eff. Nov. 1, 1989; Laws 1999, c. 177, § 1, eff. July 1, 1999; Laws 2001, c. 369, § 1, eff. July 1, 2001.

§21-142.2. Short title.

This act shall be known and may be cited as the "Oklahoma Crime Victims Compensation Act".
Laws 1981, c. 93, § 2.

§21-142.3. Definitions.

As used in the Oklahoma Crime Victims Compensation Act, Section 142.1 et seq. of this title:

1. "Allowable expense" means:
   a. charges incurred for needed products, services and accommodations, including, but not limited to, medical care, wage loss, rehabilitation, rehabilitative occupational training and other remedial treatment and care,
   b. any reasonable expenses related to the funeral, cremation or burial,
   c. reasonable costs for counseling family members of a homicide victim,
   d. reasonable costs associated with homicide crime scene cleanup, and
   e. reasonable cost of vehicle impound fees associated with the collection and security of crime scene evidence;

2. "Board" means the Crime Victims Compensation Board created by Section 142.4 of this title;

3. "Claimant" means any of the following persons applying for compensation under the Crime Victims Compensation Act:
   a. a victim,
   b. a dependent of a victim who has died because of criminally injurious conduct, or
   c. a person authorized to act on behalf of any of the persons enumerated in subparagraphs a and b of this paragraph;

4. "Collateral source" means a source of benefits or advantages for economic loss for which the claimant would otherwise be eligible to receive compensation under this act, and which the claimant has received, or which is readily available to the claimant, from any one or more of the following:
   a. the offender,
   b. the government of the United States or any agency thereof, in the form of benefits, such as social security, Medicare and Medicaid, a state or any of its political subdivisions or an instrumentality or two or more states, unless the law providing for the benefits or advantages makes them excessive or secondary to benefits under this act,
   c. state-required temporary nonoccupational disability insurance,
   d. workers' compensation,
   e. wage continuation programs of any employer,
   f. a contract providing prepaid hospital and other health

care services or benefits for disability,

g. a contract providing prepaid burial expenses or benefits, or

h. proceeds of any contract of insurance payable to the claimant for loss which the victim sustained because of the criminally injurious conduct, except:

(1) life insurance proceeds or uninsured motorist proceeds in an amount of Fifty Thousand Dollars ($50,000.00) or less shall not be considered a collateral source when computing loss of support, and

(2) life insurance proceeds and proceeds from personal uninsured motorist coverage of any amount shall not be considered a collateral source for computing burial expenses;

5. a. "Criminally injurious conduct" means a misdemeanor or felony which occurs or is attempted in this state, or against a resident of this state in a state that does not have an eligible crime victims compensation program as such term is defined in the federal Victims of Crime Act of 1984, Public Law 98-473, that results in bodily injury, threat of bodily injury or death to a victim which:

(1) may be punishable by fine, imprisonment or death, or

(2) if the act is committed by a child, could result in such child being adjudicated a delinquent child.

b. Such term shall not include acts arising out of the negligent maintenance or use of a motor vehicle unless:

(1) the vehicle was operated or driven by the offender while under the influence of alcohol, with a blood alcohol level in excess of the legal limit, or while under the influence of any other intoxicating substance,

(2) the vehicle was operated or driven by the offender with the intent to injure or kill the victim or in a manner imminently dangerous to another person and evincing a depraved mind, although without any premeditated design to injure or effect the death of any particular person,

(3) the offense involved willful, malicious or felonious failure to stop after being involved in a personal injury accident to avoid detection or prosecution, provided the victim of the accident was a pedestrian or was operating a vehicle moved

solely by human power or a mobility device at the time of contact, or

(4) the offense involving one or more vehicles results in the death of the victim due to the reckless disregard for the safety of others by the offender. As used in this division, "reckless disregard for the safety of others" is defined as the omission to do something which a reasonably careful person would do, or the lack of the usual and ordinary care and caution in the performance of an act usually and ordinarily exercised by a person under similar circumstances and conditions.

c. "Criminally injurious conduct" shall include an act of terrorism, as defined in Section 2331 of Title 18, United States Code, committed outside the United States;

6. "Dependent" means a natural person wholly or partially dependent upon the victim for care or support, and includes a child of the victim born after the death of the victim where the death occurred as a result of criminally injurious conduct;

7. "Economic loss of a dependent" means loss after death of the victim of contributions of things of economic value to the dependent, not including services which would have been received from the victim if he or she had not suffered the fatal injury;

8. "Replacement services loss of dependent" means the loss reasonably incurred by dependents after death of the victim in obtaining ordinary and necessary services in lieu of those the deceased victim would have performed for their benefit had the deceased victim not suffered the fatal injury, less expenses of the dependent avoided by reason of death of the victim and not subtracted in calculating the economic loss of the dependent;

9. "Economic loss" means monetary detriment consisting only of allowable expense, work loss, replacement services loss and, if injury causes death, economic loss and replacement services loss of a dependent, but shall not include noneconomic loss;

10. "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment and nonpecuniary damage;

11. "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for the benefit of self or family, if the victim had not been injured or died;

12. "Traffic offense" means violation of a law relating to the operation of vehicles, but shall not mean negligent homicide due to operation of a motor vehicle, reckless driving, tampering with or damaging a motor vehicle, failure of a driver of a motor vehicle

involved in an accident resulting in death or personal injury to stop at the scene of the accident, leaving the scene of an accident resulting in death or personal injury, operating or being in actual physical control of a motor vehicle while intoxicated or impaired due to alcohol or other intoxicating substance, or combination thereof, or operating a motor vehicle with a blood alcohol content in excess of the legal limit;

13. "Work loss for victim" means loss of income from work the victim would have performed if such person had not been injured or died, reduced by any income from substitute work actually performed by the victim or by income the victim would have earned in available appropriate substitute work that the victim was capable of performing but unreasonably failed to undertake, or loss of income from work the victim's caregiver would have performed if the injuries of the victim sustained as a result of the criminally injurious conduct had not created the need for the caregiver to miss work to care for the injured victim; and

14. "Victim" means a person who suffers personal injury or death as a result of criminally injurious conduct and shall include a resident of this state who is injured or killed by an act of terrorism committed outside of the United States.

Added by Laws 1981, c. 93, § 3. Amended by Laws 1987, c. 224, § 6, eff. Nov. 1, 1987; Laws 1988, c. 109, § 21, eff. Nov. 1, 1988; Laws 1989, c. 125, § 2, eff. Nov. 1, 1989; Laws 1989, c. 348, § 8, eff. Nov. 1, 1989; Laws 1990, c. 146, § 1, eff. Sept. 1, 1990; Laws 1992, c. 136, § 3, eff. July 1, 1992; Laws 1993, c. 325, § 5, emerg. eff. June 7, 1993; Laws 1996, c. 292, § 2, emerg. eff. June 10, 1996; Laws 1997, c. 357, § 4, emerg. eff. June 9, 1997; Laws 1998, c. 410, § 2, eff. July 1, 1998; Laws 1999, c. 177, § 2, eff. July 1, 1999; Laws 2000, c. 324, § 1, eff. July 1, 2000; Laws 2007, c. 171, § 1, eff. Nov. 1, 2007.

§21-142.4. Crime Victims Compensation Board - Membership - Qualifications - Term - Vacancies - Officers - Expenses.

A. There is hereby created a Crime Victims Compensation Board, consisting of three (3) members appointed by the Governor with the advice and consent of the Senate to serve four-year terms and until the successor is appointed and qualified. At least one member of the Board shall be a person admitted to practice law in this state. Of the first members appointed, one shall be appointed for a term of two (2) years, one shall be appointed for a term of three (3) years, and one shall be appointed for a term of four (4) years. Vacancies shall be filled in the same manner as regular appointments.

B. Each year the Board shall elect the chairman from its membership. Members of the Board shall receive such compensation, subsistence allowances, mileage and expenses as are provided by the State Travel Reimbursement Act.

Laws 1981, c. 93, § 4.

§21-142.5. Powers of Board relating to claims for compensation - Office and staff support.

A. The Crime Victims Compensation Board shall award compensation for economic loss arising from criminally injurious conduct if satisfied by a preponderance of the evidence that the requirements for compensation have been met. The Administrator of the Crime Victims Compensation Board may determine initial victims' claims and any victim's claim up to Ten Thousand Dollars ($10,000.00). The Board may delegate any other victim's claim to the Administrator of the Crime Victims Compensation Board at their discretion. The claimant shall have a right of appeal to the Board for any claim in dispute.

B. The Board shall hear and determine all matters relating to claims for compensation of Ten Thousand Dollars ($10,000.00) or more and may hear claims under Ten Thousand Dollars ($10,000.00). The Board shall be able to reinvestigate or reopen claims without regard to statutes of limitation. However, claims that have been inactive for a period of more than three (3) years from the date of the last action by the Board shall be deemed closed and any further action forever barred. Claim files may be destroyed after a claim is closed. Claims which have been declined may be destroyed after nine (9) months, following the last Board action, provided the claimant has not notified the Board of any intentions to request reconsideration of the claim.

C. The Board shall have the power to subpoena witnesses, compel their attendance, require the production of records and other evidence, administer oaths or affirmations, conduct hearings and receive relevant evidence.

D. The Board shall be provided such office, support, staff and secretarial services as determined by the District Attorneys Council. Added by Laws 1981, c. 93, § 5. Amended by Laws 1989, c. 348, § 9, eff. Nov. 1, 1989; Laws 1990, c. 93, § 1, eff. Sept. 1, 1990; Laws 1993, c. 325, § 6, emerg. eff. June 7, 1993; Laws 1999, c. 177, § 3, eff. July 1, 1999; Laws 2007, c. 171, § 2, eff. Nov. 1, 2007.

§21-142.6. Additional powers of Board.

In addition to any other powers and duties specified elsewhere in this act, the Board may:

1. Regulate its own procedures except as otherwise provided in this act;

2. Adopt rules and regulations to implement the provisions of this act;

3. Define any term not defined in this act;

4. Prescribe forms necessary to carry out the purposes of this act;

5. Have access to any reports of investigations from all law enforcement agencies, or other data necessary to assist the Board in making a determination of eligibility for compensation under the provisions of this act;

6. Take judicial notice of general, technical and scientific facts within their specialized knowledge; and

7. Publicize the availability of compensation and information regarding the filing of claims therefor.

Added by Laws 1981, c. 93, § 6. Amended by Laws 1999, c. 177, § 4, eff. July 1, 1999.

§21-142.7. Collateral source contributions.

The Board may require any claimant to seek or accept any collateral source contribution.

Added by Laws 1981, c. 93, § 7. Amended by Laws 1999, c. 177, § 5, eff. July 1, 1999.

§21-142.8. Parties - Right to appear - Hearing - Notice - Settlement of claim.

A. Every party to the claim shall be afforded an opportunity to appear and be heard and to offer evidence and argument on any issue relevant to the claim, and to examine witnesses and offer evidence in reply to any matter of an evidentiary nature in the record relevant to the claim.

B. In a contested case, all parties shall be afforded an opportunity for hearing after reasonable notice pursuant to regulations promulgated by the Board. A record of the proceedings of the hearing in a contested case shall be made and shall be transcribed upon request of any party, who shall pay transcription costs unless otherwise ordered by the Board.

C. The Board may, without a hearing, settle a claim by stipulation, agreed settlement, consent order or default.

Laws 1981, c. 93, § 8.

§21-142.9. Waiver of physician-patient privilege - Mental or physical examination – Reports - Advisory panel - Limiting compensation for treatment - Debt collection.

A. Any person filing a claim under the provisions of Section 142.1 et seq. of this title shall be deemed to have waived any physician-patient privilege as to communications or records relevant to an issue of the physical, mental or emotional conditions of the claimant.

B. If the mental, physical or emotional condition of a claimant is material to a claim, the Crime Victims Compensation Board upon good cause shown may order the claimant to submit to a mental or physical examination. The examination report shall set out the findings of the person making the report, including results of all

tests made, diagnoses, prognoses and other conclusions and reports of earlier examinations of the same conditions.

C. The Board shall furnish a copy of the report examined. If the victim is deceased, the Board, on request, shall furnish a copy of the report to the claimant.

D. The Board may require the claimant to supply any additional medical or psychological reports available relating to the injury or death for which compensation is claimed.

E. In certain cases wherein mental health expenses are being claimed, the Board and Administrator may request assistance from a panel of professionals in the mental health field. The panel of professionals may only act in an advisory capacity to the Board.

F. The Board shall have the authority to set limits of compensation on any medical or mental health treatment, and require that providers of medical or mental health treatments be licensed prior to compensating for said treatment. Awards for all medical services shall not exceed eighty percent (80%) of the total cost of the service less any other reduction for contributory conduct, as determined by the Board. Any medical provider that receives payment from the Crime Victims Compensation Revolving Fund for medical, dental or psychological services, or any provider that supplies equipment pursuant to an award under the Oklahoma Crime Victims Compensation Act shall, as a condition of the receipt of such payment, accept such payment as discharging in full any and all obligations of the claimant to pay, reimburse or compensate the provider for medical services, supplies or equipment that have been reimbursed pursuant to the Oklahoma Crime Victims Compensation Act. In the event the claimant has paid for a medical service, the claimant will be reimbursed for the out-of-pocket loss, less any reductions for contributory conduct, as determined by the Board.

G. All records and information given to the Board to process a claim on behalf of a crime victim shall be confidential. Such exhibits, medical records, psychological records, counseling records, work records, criminal investigation records, criminal court case records, witness statements, telephone records, and other records of any type or nature whatsoever gathered for the purpose of evaluating whether to compensate a victim shall not be obtainable by any party to any civil or criminal action through any discovery process except:

1. In the event of an appeal under the Administrative Procedures Act from a decision of the Board and then only to the extent narrowly and necessarily to obtain court review; or

2. Upon a strict showing to the court in a separate civil or criminal action that particular information or documents are not obtainable after diligent effort from any independent source, and are known to exist otherwise only in Board records, the court may inspect in camera such records to determine whether the specific

requested information exists. If the court determines the specific information sought exists in the Board's records, the documents may then be released only by court order if the court finds as part of its order that the documents will not pose any threat to the safety of the victim or any other person whose identity may appear in the Board's records.

H. When a person files a claim, all health care providers that have been given notice of a pending claim shall refrain from all debt collection activities relating to medical treatment received by the person in connection with such claim until an award is made on the claim or until a claim is determined to be noncompensable pursuant to the provisions of this act. The statute of limitations for collection of such debt shall be tolled during the period in which the applicable health care provider is required to refrain from debt collection activities under this subsection. For the purposes of this subsection, "debt collection activities" means repeatedly calling or writing to the claimant and threatening either to turn the matter over to a debt collection agency or to an attorney for collection, enforcement, or filing of other process. The term shall not include routine billing about the status of the claim.

Added by Laws 1981, c. 93, § 9. Amended by Laws 1993, c. 325, § 7, emerg. eff. June 7, 1993; Laws 1998, c. 410, § 3, eff. July 1, 1998; Laws 2004, c. 174, § 1, eff. July 1, 2004; Laws 2007, c. 171, § 3, eff. Nov. 1, 2007.

§21-142.10. Award of compensation - Criteria - Amount - Denial, withdrawal or reduction - Reconsideration.

A. Compensation shall not be awarded:

1. Unless the claim has been filed with the Board within one (1) year after the injury or death upon which the claim is based. If the victim is under a mental or cognitive disability or is a child under eighteen (18) years of age, the Board may use the date the criminal incident was disclosed to a responsible adult when establishing whether or not the claim was timely filed. The Board may, at its discretion, extend the filing period beyond one (1) year upon a showing of good cause or in all cases of child sexual assault;

2. To a claimant who was the offender, or an accomplice of the offender;

3. To another person if the award would unjustly benefit the offender or accomplice; or

4. Unless the criminally injurious conduct resulting in injury or death was reported to a law enforcement officer within seventy-two (72) hours after its occurrence or the Board finds there was good cause for the failure to report within that time.

B. Compensation otherwise payable to a claimant shall be diminished to the extent:

1. That the economic loss is recouped from collateral sources; or

2. Of the degree of responsibility for the cause of the injury or death attributable to the victim as determined by the Board.

C. The Board, upon finding that the claimant or victim has not fully cooperated with appropriate law enforcement agencies, may deny, withdraw or reduce an award of compensation.

D. The Board, on its own motion or on request of the claimant, may reconsider a decision granting or denying an award or determining its amount. The motion or request to reconsider a decision shall be made within six (6) months from the date of the last action by the Board on the claim at issue. An order on reconsideration of an award shall not require a refund of amounts previously paid, unless the award was obtained by fraud. The right of reconsideration does not affect the finality of a Board decision for the purpose of judicial review. On claims which are denied by the Board, reconsideration may only be granted within six (6) months of the last Board action.

E. The provisions of subsections A and B of this section shall not apply to claimants eligible for compensation pursuant to the Murrah Crime Victims Compensation Act who make claims under the Oklahoma Crime Victims Compensation Act.

Added by Laws 1981, c. 93, § 10. Amended by Laws 1989, c. 348, § 10, eff. Nov. 1, 1989; Laws 1990, c. 93, § 2, eff. Sept. 1, 1990; Laws 1993, c. 325, § 8, emerg. eff. June 7, 1993; Laws 1995, c. 148, § 7, emerg. eff. May 2, 1995; Laws 2007, c. 171, § 4, eff. Nov. 1, 2007; Laws 2016, c. 58, § 1, eff. Nov. 1, 2016.

§21-142.11. Prosecution, conviction or adjudication not required - Proof of conviction or copy of adjudication order - Suspension of proceedings.

An award may be made whether or not any person is prosecuted or, convicted as an adult offender or adjudicated a delinquent child. Proof of conviction of a person whose acts give rise to a claim or a copy of the adjudication order for a delinquent child whose acts give rise to a claim is conclusive evidence that the crime was committed, unless an application for rehearing, an appeal of the conviction, certiorari or adjudication is pending, or a rehearing or new trial has been ordered. The Board may suspend the proceedings pending disposition of a criminal prosecution or delinquent child adjudication that has been commenced or is imminent, but may make a tentative award under Section 143.13 of this title.

Laws 1981, c. 93, § 11.

§21-142.12. Recovery from collateral source - Subrogation of state - Retention of funds in trust - Notice to Board.

A. If compensation is awarded, the state shall be subrogated to

all the rights of a claimant to receive or recover from a collateral source to the extent that compensation was awarded.

B. In the event the claimant recovers compensation, other than under the provisions of this act, for injuries or death resulting from criminally injurious conduct, the claimant shall retain, as trustee, so much of the recovered funds as necessary to reimburse the Victims Compensation Revolving Fund to the extent that compensation was awarded to the claimant from that Fund. The funds retained in trust shall be promptly deposited in the Victims Compensation Revolving Fund.

C. If a claimant brings an action to recover damages related to the criminally injurious conduct upon which compensation is claimed or awarded, the claimant shall give the Board written notice of the action. After receiving the notice, the Board may join in the action as a party plaintiff to recover the compensation awarded. Laws 1981, c. 93, § 12.

§21-142.13. Payment of award - Exemption from process - Assignment - Counseling expenses.

A. The Crime Victims Compensation Board may compensate for work loss, replacement services loss, dependent's economic loss and dependent's replacement service loss. Compensation for a caregiver who has out-of-pocket wage loss as a result of caring for the victim who was injured as a result of criminally injurious conduct may not exceed Three Thousand Dollars ($3,000.00).

B. Compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim may not exceed Twenty Thousand Dollars ($20,000.00) in the aggregate. The Board may, after approval of an initial award of Twenty Thousand Dollars ($20,000.00), grant an additional sum not to exceed Twenty Thousand Dollars ($20,000.00), specifically for loss of wages for the victim or loss of support for dependents of a deceased victim provided, there is verifiable economic loss after deducting payments from other sources. In no event shall compensation payable to a victim and to all other claimants sustaining economic loss because of injury to or death of that victim exceed Forty Thousand Dollars ($40,000.00) in the aggregate.

C. The Board may provide for the payment to a claimant in a lump sum or in installments. At the request of the claimant, the Board may convert future economic loss, other than allowable expense, to a lump sum.

D. An award payable in a lump sum or installments for loss of support for a dependent of the deceased victim may be computed through a formula which calculates the net loss of support for dependents based upon an estimated date of retirement or an estimated date of adulthood for dependent children, beginning with the date of death of the victim and ending with the least of one of

the following time periods for each dependent filing loss of support:

1. The amount of time from the date of death of the victim to the date the victim would have been expected to reach sixty-two (62) years of age;

2. The amount of time from the date of death of the victim to the date the spouse of the victim is expected to reach sixty-two (62) years of age; or

3. The amount of time from the date of death of the victim to the date a dependent child is expected to reach eighteen (18) years of age or twenty-three (23) years of age if the dependent child is enrolled as a full-time student. An award payable in installments for future loss of support may be modified by the Board in the event a dependent child receiving loss of support is between the ages of eighteen (18) and twenty-three (23) years of age and is no longer enrolled as a full-time student, the dependent dies before all installments are paid or the dependent receiving installments moves and leaves no forwarding address with the Board office.

E. An award shall not be subject to execution, attachment, garnishment or other process, except for child support and except that an award for allowable expense shall not be exempt from a claim of a creditor to the extent that such creditor has provided products, services or accommodations, the costs of which are included in the award.

F. An assignment by the claimant to any future award under the provisions of this act is unenforceable, except:

1. An assignment of any award for work loss to assure payment of court ordered alimony, maintenance or child support; or

2. An assignment of any award for allowable expense to the extent that the benefits are for the cost of products, services or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

G. The Board may, in its discretion, approve payment of crisis counseling, occurring within three (3) years of the crime, in an amount not to exceed Three Thousand Dollars ($3,000.00) for each family member of a homicide victim; provided, the counselor is a qualified mental health care provider. Medical and pharmaceutical treatment is not compensable for any family member of a deceased victim.

H. Outpatient counseling expenses for a victim of criminally injurious conduct may be considered by the Board provided the counseling is focused on the crime and the counselor is a qualified mental health care provider. A total not to exceed Three Thousand Dollars ($3,000.00) may be awarded for individual counseling sessions for victims of criminally injurious conduct. Sessions between the mental health care provider and nonoffending parents of a victimized child under eighteen (18) years of age may also be included in the award provided the combined total for the counseling

and parental sessions do not exceed Three Thousand Dollars ($3,000.00) and the parental sessions relate to the victimization. In extreme cases, the Board may, in its discretion, waive the three-thousand-dollar limit. Inpatient mental health treatment will be reviewed on a case-by-case basis and may be compensated, at the discretion of the Board, in an amount not to exceed Twenty Thousand Dollars ($20,000.00).

I. Reasonable funeral, cremation or burial expenses shall not exceed Seven Thousand Five Hundred Dollars ($7,500.00).

J. Reasonable costs associated with crime scene cleanup shall not exceed Two Thousand Dollars ($2,000.00).

K. Loss of income of a caregiver shall not exceed Three Thousand Dollars ($3,000.00).

L. Reasonable costs for vehicle impound fees are limited to violent crimes occurring in a vehicle owned by the victim of the violent crime or an eligible claimant, provided such fee is associated with the collection and security of crime scene evidence. Reimbursement for vehicle impound fees shall not exceed Seven Hundred Fifty Dollars ($750.00).

Added by Laws 1981, c. 93, § 13. Amended by Laws 1993, c. 325, § 9, emerg. eff. June 7, 1993; Laws 1996, c. 292, § 3, emerg. eff. June 10, 1996; Laws 1999, c. 177, § 6, eff. July 1, 1999; Laws 2000, c. 324, § 2, eff. July 1, 2000; Laws 2005, c. 154, § 1, eff. July 1, 2005; Laws 2007, c. 171, § 5, eff. Nov. 1, 2007; Laws 2008, c. 283, § 1, eff. Nov. 1, 2008; Laws 2009, c. 163, § 1, eff. Nov. 1, 2009.

§21-142.14. Advancement on award.

If the Board determines that the claimant will suffer financial hardship unless an advance award is made, an amount may be paid to the claimant and shall be deducted from the final award, or shall be repaid by and recoverable from the claimant to the extent that it exceeds the final award.

Laws 1981, c. 93, § 14.

§21-142.15. Reports to be made by Board.

The Board shall prepare and transmit annually to the Governor and the Speaker of the House of Representatives and the President Pro Tempore of the Senate, a report of its activities, including the amount of compensation awarded and a statistical summary of claims and awards made and denied.

Laws 1981, c. 93, § 15.

§21-142.16. False claims.

The filing of a false claim for compensation pursuant to this act shall constitute a misdemeanor, and shall be punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for a term not to exceed one (1)

year, or by both such fine and imprisonment.
Laws 1981, c. 93, § 16.

§21-142.17. Crime Victims Compensation Revolving Fund.

There is hereby created in the State Treasury a revolving fund for the Crime Victims Compensation Board to be designated the "Crime Victims Compensation Revolving Fund". The Fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Crime Victims Compensation Board from any source excluding appropriated funds. All monies accruing to the credit of said Fund are hereby appropriated and, except for those monies specifically authorized by the Legislature to be expended by the District Attorneys Council for administration of the Crime Victims Compensation Board or operating expenses for administering federal grant programs, may be budgeted and expended by the Board for the purpose of implementing the provisions of the Oklahoma Crime Victims Compensation Act including the provisions set forth in Section 142.20 of this title. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. The fund shall be invested in whatever instruments are authorized by law for investments by the State Treasurer. The interest earned by any investment of monies from the fund shall be credited to the fund for expenditure as provided by law for the fund.
Added by Laws 1981, c. 93, § 17. Amended by Laws 1984, c. 183, § 17, emerg. eff. May 10, 1984; Laws 1989, c. 348, § 11, eff. Nov. 1, 1989; Laws 2004, c. 174, § 2, eff. July 1, 2004; Laws 2012, c. 304, § 88.

§21-142.18. Victim compensation assessments - Probation or parole fees - Restitution funds.

A. In addition to the imposition of any costs, penalties or fines imposed pursuant to law, any person convicted of, pleading guilty to or agreeing to a deferred judgment procedure under the provisions set forth in the Oklahoma Statutes for a felony involving criminally injurious conduct shall be ordered to pay a victim compensation assessment of at least Fifty Dollars ($50.00), but not to exceed Ten Thousand Dollars ($10,000.00), for each crime for which the person was convicted or for which the person agreed to a deferred judgment procedure. In imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, the expenses of the victim of the crime, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant.

B. In addition to the imposition of any costs, penalties or

fines imposed pursuant to law, any person convicted of, pleading guilty to or agreeing to a deferred judgment procedure under the provisions set forth in the Oklahoma Statutes for a felony or misdemeanor offense, not including traffic offenses and not including misdemeanor offenses of the Oklahoma Wildlife Conservation Code or statutes relating to water safety, not described in subsection A of this section, the court shall levy a victim compensation assessment of at least Forty-five Dollars ($45.00), but not to exceed One Thousand Dollars ($1,000.00) for each felony and at least Thirty Dollars ($30.00), but not to exceed Three Hundred Dollars ($300.00) for each misdemeanor upon every fine, penalty, and forfeiture imposed and collected. When a cash bond is posted for any offense included in this subsection, the bond shall also include a sufficient amount to cover the minimum amount for victim compensation assessment.

C. A victim compensation assessment of at least Thirty Dollars ($30.00), but not to exceed Two Thousand Dollars ($2,000.00), shall be levied by the court at the time a child has been adjudicated by the court as a delinquent child, provided the child is committed to the Department of Juvenile Justice, as defined in Sections 2-1-103 and 2-7-503 of Title 10A of the Oklahoma Statutes.

D. All monies collected pursuant to this section shall be forwarded monthly by the court clerk to the Victims Compensation Revolving Fund.

E. In any municipal court of record in which the defendant is ordered by the court to pay municipal court costs as a result of a crime involving violence, the threat of violence, or sexual assault, the court shall levy and collect a victims compensation assessment of Thirty-five Dollars ($35.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected from said Thirty-five Dollars ($35.00) for administrative costs. In any municipal court of record in which the defendant is ordered by the court to pay municipal court costs as a result of driving under the influence of alcohol or other intoxicating substance, or both alcohol and other intoxicating substance, the court shall levy and collect a victims compensation assessment of Twenty-five Dollars ($25.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected from said Twenty-five Dollars ($25.00) for administrative costs. All victims compensation assessments collected by the municipal court clerk shall be forwarded to the Crime Victims Compensation Fund on a quarterly basis.

F. Beginning July 1, 1996, the fee provided for in Section 991d of Title 22 of the Oklahoma Statutes shall be deposited with the State Treasurer and transferred to the Department of Corrections Revolving Fund. There shall be a three-year statute of limitation from the date of receipt of all restitution funds made payable to

the Department of Corrections. All restitution funds which have not been disbursed in three (3) years shall be transferred to the Oklahoma Crime Victims Compensation Fund by the 15th of the month following the end of each quarter. The statute of limitations applies to funds currently on the books of the Department of Corrections which have not been disbursed as of July 1, 1993, and July 1st of every year thereafter. Any funds being held since the repeal of Section 991e of Title 22 of the Oklahoma Statutes, which was effective July 1, 1995, shall be transferred to the Oklahoma Crime Victims Compensation Fund by July 31, 1996. Any restitution collected through a county restitution program and deposited in a county treasury account shall also be forwarded to the Victims Compensation Fund using the same three-year statute of limitations. Added by Laws 1981, c. 93, § 18. Amended by Laws 1984, c. 21, § 1, emerg. eff. March 20, 1984; Laws 1989, c. 125, § 4, eff. Nov. 1, 1989; Laws 1990, c. 142, § 1, operative July 1, 1990; Laws 1990, c. 337, § 6; Laws 1993, c. 325, § 10, emerg. eff. June 7, 1993; Laws 1996, c. 292, § 4, emerg. eff. June 10, 1996; Laws 2001, c. 369, § 2, eff. July 1, 2001; Laws 2009, c. 234, § 118, emerg. eff. May 21, 2009.
NOTE: Laws 1990, c. 93, § 3 repealed by Laws 1990, c. 337, § 26.

§21-142.19. Administration of Sexual Assault Examination Fund - Transfer.

The duties of administering the Sexual Assault Examination Fund are hereby transferred from the Oklahoma State Bureau of Investigation to the Crime Victims Compensation Board. All unexpended funds, property, records and any outstanding financial obligations or encumbrances of the Oklahoma State Bureau of Investigation which relate to the Sexual Assault Examination Fund are hereby transferred to the Crime Victims Compensation Board. Added by Laws 1982, c. 177, § 1, emerg. eff. April 16, 1982.

§21-142.20. Sexual Assault Examination Fund - Establishment.

A. A Sexual Assault Examination Fund shall be established for the purpose of providing to a victim of a sexual assault a forensic medical examination by a qualified licensed health care professional and to provide to the victim medications as directed by said health care professional.

B. As used in this section:

1. "Sexual assault" means:

   a. rape, or rape by instrumentation, as defined in Sections 1111, 1111.1 and 1114 of this title, or

   b. forcible sodomy, as defined in Section 888 of this title; and

2. "Qualified licensed health care professional" means a physician, registered nurse, or other licensed health care

professional qualified by training and experience to perform sexual assault examinations.

C. The Crime Victims Compensation Board is authorized to pay for this examination and the medications directed by the qualified licensed health care professional upon application submitted by the victim of a sexual assault.

D. The Crime Victims Compensation Board shall establish the procedures for disbursement of the Sexual Assault Examination Fund, but in no event shall the Crime Victims Compensation Board pay an amount to exceed:

1. Four Hundred Fifty Dollars ($450.00) for a sexual assault examination; and

2. Fifty Dollars ($50.00) for medications which are related to the sexual assault and directed and deemed necessary by said health care professional.

Such payments shall not exceed the amounts specified by this subsection regardless of the amount of any individual bills comprising the claim. Payments shall be made only upon claims signed by the victim or guardian and health care professional.

E. The District Attorneys Council is hereby authorized to transfer funds, as specified in the appropriations bill annually, from the Crime Victims Compensation Fund to the Sexual Assault Examination Fund for the payment of sexual assault forensic examinations and medications, pursuant to this section.

Added by Laws 1982, c. 177, § 2, emerg. eff. April 16, 1982. Amended by Laws 1984, c. 280, § 9, operative July 1, 1984; Laws 1991, c. 137, § 1, emerg. eff. April 29, 1991; Laws 1992, c. 348, § 1, emerg. eff. June 4, 1992; Laws 1993, c. 325, § 11, emerg. eff. June 7, 1993; Laws 2001, c. 279, § 1, eff. Nov. 1, 2001; Laws 2007, c. 171, § 6, eff. Nov. 1, 2007; Laws 2008, c. 283, § 2, eff. Nov. 1, 2008.

§21-142.31. Short title.

Sections 1 through 6 of this act shall be known as the "Murrah Crime Victims Compensation Act".

Added by Laws 1995, c. 148, § 1, emerg. eff. May 2, 1995.

§21-142.32. Murrah Crime Victims Compensation Fund - Eligibility - Contributions - Restrictions on expenditure of monies.

A. There is hereby created in the State Treasury a revolving fund to be administered by the Oklahoma Crime Victims Compensation Board to be designated the "Murrah Crime Victims Compensation Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Oklahoma Crime Victims Compensation Board from any source for the purpose of implementing the provisions of the Murrah Crime Victims Compensation Act. All monies accruing to the credit of the fund

shall be budgeted and expended exclusively to compensate victims and the families of victims of the bombing on April 19, 1995, that took place in front of the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment. For the purposes of the Murrah Crime Victims Compensation Fund, "families" shall include dependents, as defined by the Oklahoma Crime Victims Compensation Act, parents and spouses.

B. The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to accept and expend contributions from any lawful source to be used for the purposes of the fund. The Administrator is further authorized to accept and expend any contributions from the crime victims compensation systems of any other state or other governmental entity for the use of the fund. The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to accept the services of the victims compensation system of any other state or governmental entity in the processing of any claims received against the Murrah Crime Victims Compensation Fund; provided, that the employees of such entities shall not be considered as employees of the State of Oklahoma.

C. The monies deposited in the Murrah Crime Victims Compensation Fund shall at no time become monies of the state and shall not become part of the general budget of the Oklahoma Crime Victims Compensation Board or any other state agency. No monies from the fund shall be transferred for any purpose to any state agency or any account of the Oklahoma Crime Victims Compensation Board or be used for the purpose of contracting with any other state agency or reimbursing any other state agency for any expense. No monies from the fund shall be used to pay or reimburse the Oklahoma Crime Victims Compensation Board for, in whole or in part, the salary of any employee involved in the administration of the Murrah Crime Victims Compensation Act. Payment of claims from the fund shall not become or be construed to be an obligation of this state. No claims submitted for reimbursement from the fund shall be paid with state monies.

Added by Laws 1995, c. 148, § 2, emerg. eff. May 2, 1995. Amended by Laws 2012, c. 304, § 89.

§21-142.33. Processding of claims - Power of Administrator of Crime Victims Compensation Board.

The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to process any claim against the Murrah Crime Victims Compensation Fund submitted by victims or the families of any victims upon proof that the claimant is a victim or the family of any victim of the bombing that took place in front of the Alfred

P. Murrah Federal Building on April 19, 1995. The Administrator is specifically authorized to collect the necessary information to establish said fact in the most expeditious and efficient manner possible, is authorized to establish claim forms and to modify such forms as necessary, and is authorized to process and pay claims based upon information submitted in the claims process.
Added by Laws 1995, c. 148, § 3, emerg. eff. May 2, 1995.

§21-142.34. Compensation for loss - Limits.

A. To the extent that funds from the Murrah Crime Victims Compensation Fund are available, the claimants shall be compensated for all losses which would otherwise be compensable under the Oklahoma Crime Victims Compensation Act and in addition shall be compensated for the costs of any counseling or mental health care for the victims and families of victims which is necessary as a result of the bombing that took place in front of the Alfred P. Murrah Federal Building on April 19, 1995, provided, a claimant shall not be compensated for a loss which is compensated through a collateral source or a private fund established for that purpose.

B. The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to expend amounts from the Murrah Crime Victims Compensation Fund for individual claims up to the limits otherwise provided in the Oklahoma Crime Victims Compensation Act; provided, that the Administrator is further authorized to expend additional monies from the Fund on a pro rata basis to all claimants, if the amounts within the Fund are sufficient to allow the Administrator to exceed the limits set by this section.
Added by Laws 1995, c. 148, § 4, emerg. eff. May 2, 1995.

§21-142.35. Denial of claim under act not to be construed as denying rights under Oklahoma Crime Victims Compensation Act - Presumption.

If any victim is denied compensation or does not receive full compensation under the Murrah Crime Victims Compensation Act, the Murrah Crime Victims Compensation Act shall not be construed to deny such victim the right to receive compensation as otherwise provided under the Oklahoma Crime Victims Compensation Act. Any person or the family of any person injured as a result of the crime specified in the Murrah Crime Victims Compensation Act shall be presumed to be a victim of crime compensable under the Oklahoma Crime Victims Compensation Act.
Added by Laws 1995, c. 148, § 5, emerg. eff. May 2, 1995.

§21-142.36. Rules.

The Administrator of the Oklahoma Crime Victims Compensation Board is authorized to promulgate any rules necessary to implement the provisions of the Murrah Crime Victims Compensation Act. Due to

the gravity of the need for total implementation of the Murrah Crime Victims Compensation Act, the Oklahoma Crime Victims Compensation Board is directed to promulgate emergency rules as soon as practicable.
Added by Laws 1995, c. 148, § 6, emerg. eff. May 2, 1995.

§21-142A. Short title.
Sections 142A, 142A-1 and 142B of this title and Sections 4 through 11 of this act shall be known and may be cited as the "Oklahoma Victim's Rights Act".
Added by Laws 1993, c. 325, § 3, emerg. eff. June 7, 1993. Amended by Laws 1997, c. 357, § 1, emerg. eff. June 9, 1997; Laws 2010, c. 135, § 2, eff. Nov. 1, 2010.

§21-142A-1. Definitions.
For purposes of the Oklahoma Victim's Rights Act:
1. "Crime victim" or "victim" means any person against whom a crime was committed, except homicide, in which case the victim may be a surviving family member including a stepbrother, stepsister or stepparent, or the estate when there are no surviving family members other than the defendant, and who, as a direct result of the crime, suffers injury, loss of earnings, out-of-pocket expenses, or loss or damage to property, and who is entitled to restitution from an offender pursuant to an order of restitution imposed by a sentencing court under the laws of this state;
2. "Injury" means any physical, mental, or emotional harm caused by the conduct of an offender and includes the expenses incurred for medical, psychiatric, psychological, or generally accepted remedial treatment of the actual bodily or mental harm, including pregnancy and death, directly resulting from a crime and aggravation of existing physical injuries, if additional losses can be attributed to the direct result of the crime;
3. "Loss of earnings" means the deprivation of earned income or of the ability to earn previous levels of income as a direct result of a crime and the loss of the cash equivalent of social security, railroad retirement, pension plan, retirement plan, disability, veteran's retirement, court-ordered child support or court-ordered spousal support, where the payment is the primary source of the victim's income, and where the victim is deprived of the money as a direct result of the crime;
4. "Members of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling, or a stepsibling of each victim;
5. "Out-of-pocket loss" means the unreimbursed and nonreimbursable expenses or indebtedness incurred for medical care, nonmedical care, or other services necessary for the treatment of

the actual bodily or mental harm, including pregnancy and funeral expenses, directly resulting from the crime and aggravation of existing physical injuries, if additional losses can be attributed directly to the crime; the unreimbursed and nonreimbursable expenses for damage to real and personal property as a direct result of the crime, and unreimbursed and nonreimbursable economic losses incurred as a consequence of participation in prosecution and proceedings related to the crime;

6. "Property" means any real or personal property;

7. "Restitution" means the return of property to the crime victim or payments in cash or the equivalent thereof, and payment in cash or the equivalent thereof as reparation for injury, loss of earnings, and out-of-pocket loss ordered by the court in the disposition of a criminal proceeding;

8. "Victim impact statements" means information about the financial, emotional, psychological, and physical effects of a violent crime on each victim and members of their immediate family, or person designated by the victim or by family members of the victim and includes information about the victim, circumstances surrounding the crime, the manner in which the crime was perpetrated, and the opinion of the victim of a recommended sentence; and

9. "Violent crime" means any crime listed in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes or any attempt, conspiracy or solicitation to commit any such crime or the crime of negligent homicide pursuant to Section 11-903 of Title 47 of the Oklahoma Statutes or the crime of causing great bodily injury while driving under the influence of intoxicating substance pursuant to Section 11-904 of Title 47 of the Oklahoma Statutes.

Added by Laws 1997, c. 357, § 2, emerg. eff. June 9, 1997. Amended by Laws 2010, c. 135, § 3, eff. Nov. 1, 2010; Laws 2014, c. 258, § 1, eff. Nov. 1, 2014.

§21-142A-2. Victims and witnesses rights.

A. The district attorney's office shall inform the victims and witnesses of crimes of the following rights:

1. To be notified that a court proceeding to which a victim or witness has been subpoenaed will or will not go on as scheduled, in order to save the person an unnecessary trip to court;

2. To receive protection from harm and threats of harm arising out of the cooperation of the person with law enforcement and prosecution efforts, and to be provided with information as to the level of protection available and how to access protection;

3. To be informed of financial assistance and other social services available as a result of being a witness or a victim, including information on how to apply for the assistance and services;

4. To be informed of the procedure to be followed in order to apply for and receive any witness fee to which the victim or witness is entitled;

5. To be informed of the procedure to be followed in order to apply for and receive any restitution to which the victim is entitled;

6. To be provided, whenever possible, a secure waiting area during court proceedings that does not require close proximity to defendants and families and friends of defendants;

7. To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence. If feasible, all such property, except weapons, currency, contraband, property subject to evidentiary analysis and property the ownership of which is disputed, shall be returned to the person;

8. To be provided with appropriate employer intercession services to ensure that employers of victims and witnesses will cooperate with the criminal justice process in order to minimize the loss of pay and other benefits of the employee resulting from court appearances;

9. To have the family members of all homicide victims afforded all of the services under this section, whether or not the person is to be a witness in any criminal proceeding;

10. To be informed of any plea bargain negotiations;

11. To have victim impact statements filed with the judgment and sentence;

12. To be informed if a sentence is overturned, remanded for a new trial or otherwise modified by the Oklahoma Court of Criminal Appeals;

13. To be informed in writing of all statutory rights;

14. To be informed that when any family member is required to be a witness by a subpoena from the defense, there must be a showing that the witness can provide relevant testimony as to the guilt or innocence of the defendant before the witness may be excluded from the proceeding by invoking the rule to remove potential witnesses;

15. To be informed that the Oklahoma Constitution allows, upon the recommendation of the Pardon and Parole Board and the approval of the Governor, the commutation of any sentence, including a sentence of life without parole;

16. To receive written notification of how to access victim rights information from the interviewing officer or investigating detective; and

17. To a speedy disposition of the charges free from unwarranted delay caused by or at the behest of the defendant or minor. In determining a date for any criminal trial or other important criminal or juvenile justice hearing, the court shall consider the interests of the victim of a crime to a speedy resolution of the charges under the same standards that govern the

right to a speedy trial for a defendant or a minor. In ruling on any motion presented on behalf of a defendant or minor to continue a previously established trial or other important criminal or juvenile justice hearing, the court shall inquire into the circumstances requiring the delay and consider the interests of the victim of a crime to a speedy resolution of the case. If a continuance is granted, the court shall enter into the record the specific reason for the continuance and the procedures that have been taken to avoid further delays.

B. The district attorney's office may inform the crime victim of an offense committed by a juvenile of the name and address of the juvenile found to have committed the crime, and shall notify the crime victim of any offense listed in Section 2-5-101 of Title 10A of the Oklahoma Statutes of all court hearings involving that particular juvenile act. If the victim is not available, the district attorney's office shall notify an adult relative of the victim of said hearings.

C. The district attorney's office shall inform victims of violent crimes and members of the immediate family of such victims of their rights under Sections 14 and 15 of this act and Section 332.2 of Title 57 of the Oklahoma Statutes.

D. In any felony case involving a violent crime or a sex offense, the district attorney's office shall inform the victim, as soon as practicable, or an adult member of the immediate family of the victim if the victim is deceased, incapacitated, or incompetent, of the progress of pretrial proceedings which could substantially delay the prosecution of the case.

Added by Laws 2010, c. 135, § 4, eff. Nov. 1, 2010.

§21-142A-3. Informing victim of rights – Lethality assessment.

A. Upon the preliminary investigation of a violent crime, it shall be the duty of the officer who interviews the victim of such crime to inform the victim, or a responsible adult if the victim is a minor child or an incompetent person, or the family member who receives death notification in the case of a homicide, in writing, of their rights as a crime victim. Written notification shall consist of handing the victim, responsible adult, if the victim is a minor child or an incompetent person, or family member receiving death notification, a preprinted card or brochure that, at a minimum, includes the following information:

1. A statement that reads, "As a victim of crime, you have certain rights";

2. Telephone and address information for the local District Attorney Victim-Witness Coordinator; and

3. The website address where victims can access a full list of their rights, additional information, and how to apply for crime victim compensation assistance.

B. A victim of domestic abuse has the right to be informed by the first peace officer who interviews the victim of domestic abuse of the twenty-four-hour statewide telephone communication service established by Section 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the victim of certain rights. The notice shall consist of handing such victim the following statement:

"As a victim of domestic abuse, you have certain rights. These rights are as follows:

1. The right to request that charges be pressed against your assailant;

2. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available and to be provided with information on the level of protection available;

3. The right to be informed of financial assistance and other social services available as a result of being a victim, including information on how to apply for the assistance and services; and

4. The right to file a petition for a protective order or, when the domestic abuse occurs when the court is not open for business, to request an emergency temporary protective order."

C. The victim of rape or forcible sodomy has the right to be informed by the officer who interviews the victim of the rape or forcible sodomy, or a responsible adult if the victim is a minor child or an incompetent person, of the twenty-four-hour statewide telephone communication service established by the Office of the Attorney General for victims of sexual assault pursuant to Section 18p-5 of Title 74 of the Oklahoma Statutes and to give notice to the victim or such responsible adult of certain rights of the victim. The notice shall consist of handing such victim or responsible adult a written statement in substantially the following form:

"As a victim of the crime of rape or forcible sodomy, you have certain rights. These rights are as follows:

1. The right to request that charges be pressed against your assailant;

2. The right to request protection from any harm or threat of harm arising out of your cooperation with law enforcement and prosecution efforts as far as facilities are available and to be provided with information on the level of protection available;

3. The right to be informed of financial assistance and other social services available to victims, including information on how to apply for the assistance and services;

4. The right to a free forensic medical examination; and

5. The right to be informed by the district attorney of other victim's rights available pursuant to Section 142A-2 of Title 21 of the Oklahoma Statutes."

D. Upon the preliminary investigation of a domestic violence crime involving intimate partner violence, the first peace officer

who interviews the victim of domestic abuse shall assess the potential for danger by asking a series of questions provided on a lethality assessment form. The lethality assessment form shall include, but not be limited to, the following questions:

1. Has the person ever used a weapon against the victim or threatened the victim with a weapon?

2. Has the person threatened to kill the victim or children of the victim?

3. Does the victim think the person will try to kill the victim?

4. Has the person ever tried to choke the victim?

5. Is the person violently or constantly jealous or does the person control most of the daily activities of the victim?

6. Has the victim left or separated from the person after living together or being married?

7. Is the person unemployed?

8. Has the person ever tried to kill himself or herself?

9. Does the victim have a child that the person knows is not his or her own child?

10. Does the person follow or spy on the victim or leave the victim threatening messages?

11. Is there anything else that worries the victim about his or her safety and if so, what worries the victim?

Based upon the results of the lethality assessment, referrals to shelters, domestic violence intervention programs and other social services shall be provided to the victim.

Added by Laws 2010, c. 135, § 5, eff. Nov. 1, 2010. Amended by Laws 2014, c. 196, § 1, eff. Nov. 1, 2014.

§21-142A-4. Petition for relief.

A victim of domestic abuse, a victim of stalking, a victim of harassment, a victim of rape, any adult or emancipated minor household member on behalf of any other family or household member who is a minor or incompetent, or any minor age sixteen (16) or seventeen (17) years may seek relief under the provisions of the Protection from Domestic Abuse Act. The person seeking relief shall prepare the petition for a protective order or, at the request of the plaintiff, the court clerk or the victim-witness coordinator, victim support person, or court case manager shall prepare or assist the plaintiff in preparing the petition.

Added by Laws 2010, c. 135, § 6, eff. Nov. 1, 2010.

§21-142A-5. Restitution form.

The district attorney's office shall provide all victims, regardless of whether the crime victim makes a specific request, with an official request for restitution form to be completed and signed by the crime victim, and to include all invoices, bills, receipts, and other evidence of injury, loss of earnings and out-of-

pocket loss. The crime victim shall provide all documentation and evidence of compensation or reimbursement from insurance companies or agencies of this state, any other state, or the federal government received as a direct result of the crime for injury, loss of earnings or out-of-pocket loss. The unexcused failure or refusal of the crime victim to provide all or part of the requisite information prior to the sentencing, unless disclosure is deferred by the court, shall constitute a waiver of any grounds to appeal or seek future amendment or alteration of the restitution order predicated on the undisclosed available information.
Added by Laws 2010, c. 135, § 7, eff. Nov. 1, 2010.

§21-142A-6. Priority interest in proceeds.

The victims and the legal representative of a victim of a crime shall have a priority interest in any proceeds or profits received by a district court from an offender or any other person with the cooperation of the offender, who is required to forfeit any proceeds or profits from any source, as a direct or indirect result of the crime or sentence, or the notoriety which the crime or sentence has conferred upon the offender pursuant to the provisions of Section 17 of Title 22 of the Oklahoma Statutes.
Added by Laws 2010, c. 135, § 8, eff. Nov. 1, 2010.

§21-142A-7. Address designation.

An adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person, as defined by Section 1-111 of Title 30 of the Oklahoma Statutes, may apply to the Attorney General to have an address designated by the Attorney General serve as the address of the person or the address of the minor or incapacitated person pursuant to the Address Confidentiality Program established in Section 60.14 of Title 22 of the Oklahoma Statutes.
Added by Laws 2010, c. 135, § 9, eff. Nov. 1, 2010.

§21-142A-8. Presentation and use of victim impact statement at sentencing and parole proceedings.

A. Each victim, or members of the immediate family of each victim or person designated by the victim or by family members of the victim, may present a written victim impact statement, which may include religious invocations or references, or may appear personally at the sentence proceeding and present the statements orally. Provided, however, if a victim or any member of the immediate family or person designated by the victim or by family members of a victim wishes to appear personally, the person shall have the absolute right to do so. Any victim or any member of the immediate family or person designated by the victim or by family members of a victim who appears personally at the formal sentence

proceeding shall not be cross-examined by opposing counsel; provided, however, such cross-examination shall not be prohibited in a proceeding before a jury or a judge acting as a finder of fact. A written victim impact statement introduced at a formal sentence proceeding shall not be amended by any person other than the author, nor shall the statement be excluded in whole or in part from the court record. The court shall allow the victim impact statement to be read into the record.

B. If a presentence investigation report is prepared, the person preparing the report shall consult with each victim or members of the immediate family or a designee of members of the immediate family if the victim is deceased, incapacitated or incompetent, and include any victim impact statements in the presentence investigation report. If the individual to be consulted cannot be located or declines to cooperate, a notation to that effect shall be included.

C. The judge shall make available to the parties copies of any victim impact statements.

D. In any case which is plea bargained, victim impact statements shall be presented at the time of sentencing or attached to the district attorney narrative report. In determining the appropriate sentence, the court shall consider among other factors any victim impact statements if submitted to the jury, or the judge in the event a jury was waived.

E. The Department of Corrections and the Pardon and Parole Board, in deciding whether to release an individual on parole, shall consider any victim impact statements submitted to the jury, or the judge in the event a jury was waived.

Added by Laws 1992, c. 136, § 8, eff. July 1, 1992. Amended by Laws 1993, c. 325, § 18, emerg. eff. June 7, 1993; Laws 1999, c. 417, § 2, emerg. eff. June 10, 1999; Laws 2006, c. 280, § 1, eff. Nov. 1, 2006; Laws 2007, c. 319, § 1, eff. Nov. 1, 2007; Laws 2008, c. 100, § 1, eff. Nov. 1, 2008; Laws 2010, c. 135, § 14, eff. Nov. 1, 2010. Renumbered from § 984.1 of Title 22 by Laws 2010, c. 135, § 19, eff. Nov. 1, 2010.

§21-142A-9. Disclosure of personal information of victim or witness may be prohibited.

The court, upon the request of a victim, witness, or the district attorney, may order that the residential address, telephone number, place of employment, or other personal information of the victim or witness shall not be disclosed in any law enforcement record or any court document, other than the transcript of a court proceeding, if it is determined by the court to be necessary to protect the victim, witness, or immediate family of the victim or witness from harassment or physical harm and if the court determines that the information is immaterial to the defense.

Added by Laws 1992, c. 136, § 9, eff. July 1, 1992. Amended by Laws 1999, c. 417, § 3, emerg. eff. June 10, 1999; Laws 2006, c. 197, § 1, eff. Nov. 1, 2006; Laws 2010, c. 135, § 15, eff. Nov. 1, 2010. Renumbered from § 984.2 of Title 22 by Laws 2010, c. 135, § 20, eff. Nov. 1, 2010.

§21-142A-10. Wearing of buttons containing victim's picture by immediate family.

A. A court shall permit members of the immediate family of a murder victim to wear buttons containing a picture of the victim as a symbol of grief in a trial. The button shall not exceed four (4) inches in diameter.

B. As used in subsection A of this section, "members of the immediate family" means the spouse, children by birth or adoption, stepchildren, parents or stepparents, grandparents, grandchildren, siblings, aunts, uncles or cousins of the murder victim.

Added by Laws 2007, c. 119, § 2, emerg. eff. May 9, 2007. Renumbered from § 984.3 of Title 22 by Laws 2010, c. 135, § 21, eff. Nov. 1, 2010.

§21-142A-11. Return of exhibit.

If the owner of an exhibit that has been introduced, filed, or held in custody of the state in any criminal action or proceeding is the victim of the offense for which such exhibit is held, the victim may make application to the court at any time prior to the final disposition of the action or proceeding for the return of the exhibit.

Added by Laws 2010, c. 135, § 10, eff. Nov. 1, 2010.

§21-142A-12. Contesting parole – Notification of victims.

A. Any victim or representative of a victim of a violent crime as provided in paragraph 2 of Section 571 of Title 57 of the Oklahoma Statutes may contest the granting of parole as provided in Section 332.7 of Title 57 of the Oklahoma Statutes.

B. The Pardon and Parole Board shall notify all victims or representatives of a victim, if requested, in writing at least twenty (20) days before an inmate is considered for parole by the Board. The notice shall include the date, time and place of the scheduled meeting and the rules for attendance and providing information. The victim or representative of the victim shall be allowed at least five (5) minutes to address the Board. The Board shall notify all victims or representatives of a victim of the decision of the Board within twenty (20) days after the inmate is considered for parole by the Board.

C. It is the responsibility of the victim or representative of the victim to provide the Pardon and Parole Board a current mailing address. The district attorney's office shall assist the victim or

representative of the victim with supplying the address of the victim to the Board if the victim wishes to be notified. Upon failure of the Pardon and Parole Board to notify a victim who has requested notification and has provided a current mailing address, the final decision of the Board may be voidable, provided the victim who failed to receive notification requests a reconsideration hearing within thirty (30) days of the recommendation by the Board for parole.

D. If requested by the victim of a crime, the Pardon and Parole Board shall provide written notification of the placement of the inmate on specialized parole within the county or incorporated city or town to any victim of the crime for which the inmate was convicted by mailing the notification to the last-known address of the victim. The Board shall not give the address of the inmate to any victim of the crime for which the inmate was convicted.
Added by Laws 2010, c. 135, § 11, eff. Nov. 1, 2010.

§21-142A-13. Granting of parole or pardon – Notification of victims.

A. Upon the granting of a parole by the Governor, and release of the inmate to the community, the Pardon and Parole Board shall provide written notification to any victim of the crime for which the parolee was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board shall not give the address of the parolee to any victim of the crime for which the parolee was convicted.

B. Upon the granting of a pardon by the Governor, the Pardon and Parole Board shall provide written notification to any victim of the crime for which the person receiving the pardon was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board shall not give the address of the person receiving the pardon to any victim of the crime for which the person receiving the pardon was convicted.

C. The notification shall be made on a monthly basis by the tenth day of the month following the granting of the pardon or parole.
Added by Laws 2010, c. 135, § 12, eff. Nov. 1, 2010.

§21-142A-14. Witnessing execution - Rules.

A. A judgment of death must be executed at the Oklahoma State Penitentiary at McAlester, Oklahoma, said prison to be designated by the court by which judgment is to be rendered. A place shall be provided at the Oklahoma State Penitentiary at McAlester so that individuals who are eighteen (18) years of age or older and who are members of the immediate family of any deceased victim of the defendant may witness the execution. The immediate family members

shall be allowed to witness the execution from an area that is separate from the area to which other nonfamily member witnesses are admitted, provided, however, if there are multiple deceased victims, the Department of Corrections shall not be required to provide separate areas for each family of each deceased victim. If facilities are not capable or sufficient to provide all immediate family members with a direct view of the execution, the Department may broadcast the execution by means of a closed circuit television system to an area in which other immediate family members may be located.

B. Immediate family members may request individuals not directly related to the deceased victim but who serve a close supporting role or professional role to the deceased victim or an immediate family member, including, but not limited to, a minister or licensed counselor. The warden in consultation with the Director of the Department of Corrections shall approve or disapprove such requests. Provided further, the Department may set a limit on the number of witnesses or viewers within occupancy limits.

C. Any surviving victim of the defendant who is eighteen (18) years of age or older may view the execution by closed circuit television with the approval of both the Director of the Department of Corrections and the warden. The Director and warden shall prioritize persons to view the execution, including immediate family members, surviving victims, and supporting persons, and may set a limit on the number of viewers within occupancy limits. Any surviving victim approved to view the execution of their perpetrator may have an accompanying support person as provided for members of the immediate family of a deceased victim.

D. As used in this section:

1. "Members of the immediate family" means the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling, or a stepsibling of a deceased victim, or the spouse of any immediate family member; and

2. "Surviving victim" means any person who suffered serious harm or injury due to the criminal acts of the defendant of which the defendant has been convicted in a court of competent jurisdiction.

Added by Laws 2010, c. 135, § 13, eff. Nov. 1, 2010. Amended by Laws 2014, c. 258, § 2, eff. Nov. 1, 2014.

§21-142B. Civil action by victim of felony crime against offender - Attorney's fees and costs - Reduction of hardship exemption from garnishment.

In any civil action against an offender for property damages resulting from a felony crime committed by the offender, the court may award a victim who prevails in the civil action reasonable

attorney's fees and other costs of litigation; provided, there has been a felony conviction of the defendant for the crime which caused the damage. The court granting judgment in a civil action pursuant to the provisions of this section may reduce or limit the hardship exemption from garnishment provided in Section 1.1 of Title 31 of the Oklahoma Statutes, when limitation or reduction would be in the interests of justice.
Added by Laws 1993, c. 325, § 4, emerg. eff. June 7, 1993. Amended by Laws 1997, c. 357, § 3, emerg. eff. June 9, 1997; Laws 2000, c. 382, § 12, eff. July 1, 2000.

§21-151. Persons liable to punishment in state.

The following persons are liable to punishment under the laws of this State:

1. All persons who commit, in whole or in part, any crime within the State.

2. All who commit theft out of this state, and bring, or are found with the property stolen, in this state.

3. All who, being out of this state, abduct or kidnap, by force or fraud, any person contrary to the laws of the place where such act is committed, and bring, send, or convey such person within the limits of this state, and are afterward found therein.

4. And all who, being out of this state, cause or aid, advise or encourage, another person, causing an injury to any person or property within this state by means of any act or neglect which is declared criminal by this code, and who are afterward found within this state.
R.L.1910, § 2093.

§21-152. Persons capable of committing crimes - Exceptions - Children - Idiots - Lunatics - Ignorance - Commission without consciousness - Involuntary subjection.

All persons are capable of committing crimes, except those belonging to the following classes:

1. Children under the age of seven (7) years;

2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness;

3. Persons who are impaired by reason of mental retardation upon proof that at the time of committing the act charged against them they were incapable of knowing its wrongfulness;

4. Mentally ill persons, and all persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were incapable of knowing its wrongfulness;

5. Persons who committed the act, or made the omission charged,

under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation;

6. Persons who committed the act charged without being conscious thereof; and

7. Persons who committed the act, or make the omission charged, while under involuntary subjection to the power of superiors.

R.L. 1910, § 2094. Amended by Laws 1998, c. 246, § 11, eff. Nov. 1, 1998.

§21-153. Intoxication no defense.

No act committed by a person while in a state of voluntary intoxication shall be deemed less criminal by reason of his having been in such condition.

R.L. 1910 Sec. 2095.

§21-154. Morbid propensity no defense.

A morbid propensity to commit prohibited acts existing in the mind of a person who is not shown to have been incapable of knowing the wrongfulness of such acts, forms no defense to a prosecution therefor.

R.L.1910, § 2096.

§21-155. Subjection to superior exonerates.

The involuntary subjection to the power of a superior which exonerates a person charged with a criminal act or omission from punishment therefor, arises from duress.

R.L.1910, § 2097; Laws 1976, c. 35, § 1.

§21-156. Duress defense.

A person is entitled to assert duress as a defense if that person committed a prohibited act or omission because of a reasonable belief that there was imminent danger of death or great bodily harm from another upon oneself, ones spouse, or ones child.

R.L. 1910, § 2098; Laws 1992, c. 159, § 1, emerg. eff. May 5, 1992.

§21-157. Repealed by Laws 1976, c. 35, § 2.

§21-158. Repealed by Laws 1976, c. 35, § 2.

§21-159. Repealed by Laws 1976, c. 35, § 2.

§21-160. Public foreign ministers exempted.

Ambassadors and other public ministers from foreign governments accredited to the President or the government of the United States, and recognized by it according to the laws of the United States, with their secretaries, messengers, families and servants are not

liable to punishment in this State, but are to be returned to their own country for trial and punishment.
R.L.1910, § 2102.

§21-171. Classification of parties.
The parties to crimes are classified as:
1. Principals, and,
2. Accessories.
R.L.1910, § 2103. d

§21-172. Principals defined.
All persons concerned in the commission of crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid and abet in its commission, though not present, are principals.
R.L.1910, § 2104.

§21-173. Accessories defined.
All persons who, after the commission of any felony, conceal or aid the offender, with knowledge that he has committed a felony, and with intent that he may avoid or escape from arrest, trial, conviction, or punishment, are accessories.
R.L.1910, § 2105.

§21-174. No accessories to misdemeanor.
In misdemeanor, there are no accessories.
R.L.1910, § 2106.

§21-175. Punishment of accessories.
Except in cases where a different punishment is prescribed by law, an accessory to a felony is punishable as follows:
1. If the underlying offense is a felony punishable by imprisonment in the penitentiary for four (4) years or more, the person guilty of being an accessory shall be subject to imprisonment in the penitentiary for a term not exceeding one-half (1/2) of the longest term prescribed upon a conviction for the underlying offense;
2. If the underlying offense is a felony punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of being an accessory shall be subject to imprisonment in a county jail for not more than one (1) year;
3. If the underlying offense be punishable by a fine only, the person guilty of being an accessory shall be subject to a fine not exceeding one-half (1/2) of the largest amount of money which may be imposed as a fine upon a conviction of the underlying offense;
4. If the underlying offense be punishable by both imprisonment and a fine, the offender convicted of being an accessory shall be subject to both imprisonment and fine, not exceeding one-half (1/2)

of the longest term of imprisonment and one-half (1/2) of the largest fine which may be imposed upon a conviction of the underlying offense; and

5. If the underlying offense be murder in the first degree, the accessory thereto shall be punished by imprisonment for not less than five (5) years nor more than forty-five (45) years. If the underlying offense be murder in the second degree, the accessory thereto shall be punished by imprisonment for not less than five (5) years nor more than twenty-five (25) years.

R.L.1910, § 2107. Amended by Laws 1988, c. 109, § 22, eff. Nov. 1, 1988; Laws 1997, c. 133, § 154, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 74, eff. July 1, 1999; Laws 2004, c. 275, § 2, eff. July 1, 2004.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 154 from July 1, 1998, to July 1, 1999.

§21-181. Betting upon an election a misdemeanor.

Every person who makes, offers or accepts any bet or wager upon the result of any election, or upon the success or failure of any person or candidate, or upon the number of votes to be cast either in the aggregate, or for any particular candidate, or upon the vote to be cast by any person, or upon the decision to be made by any inspector or canvasser, of any question arising in the course of an election, or upon any event whatever depending upon the conduct or result of an election, is guilty of a misdemeanor.

R.L.1910, § 2108.

§21-182. Offers of office by candidate a misdemeanor.

Every person who, being a candidate at any election, offers or agrees to appoint or procure the appointment of any particular person to office, as an inducement or consideration to any person to vote for, to procure or aid in procuring the election of such candidate, is guilty of a misdemeanor.

R.L.1910, § 2109.

§21-183. Communicating an offer of office.

Every person who, not being a candidate, communicates any offer made in violation of the next preceding section, to any person, with intent to induce him to vote for or procure or aid in procuring the election of the candidate making the offer is guilty of a misdemeanor.

R.L.1910, § 2110.

§21-187. Definitions.

As used in this section through Section 187.2 of this title:

1. "Campaign" means and includes all activities for or against the election of a candidate for elective state office or for or

against a state question;

2. "Candidate" means an individual who has filed or should have filed a statement of organization for a candidate committee for state office with the Ethics Commission as required by its Rules. A candidate committee shall include committees for candidates for partisan elective offices, for nonpartisan judicial offices and for judicial retention offices;

3. "Candidate committee" means the only committee authorized by a candidate to accept contributions or make expenditures on behalf of the candidate's campaign, including the campaign of a judicial retention candidate;

4. "Contribution" means any gift, subscription, loan, guarantee or forgiveness of a loan, conveyance, advance, payment, distribution or deposit of money made to, or anything of value given to, or an expenditure other than an independent expenditure made on behalf of a political party, political action committee or candidate committee, but shall not include the value of services provided without compensation by an individual who volunteers those services;

5. "Expenditure" means a purchase, payment, distribution, loan, advance, compensation, reimbursement, fee deposit or a gift made by a political party, political action committee, candidate committee or other individual or entity that is used to expressly advocate the election, retention or defeat of one or more clearly identified candidates or for or against one or more state questions;

6. "Limited committee" means a political action committee organized to make contributions to candidates; a limited committee may make independent expenditures or electioneering communications, but may not accept contributions in excess of the limits prescribed for limited committees;

7. "Local office" means all elective offices for which a declaration of candidacy is filed with the secretary of any county election board;

8. "Political action committee" means a limited or unlimited committee that has filed or should have filed a statement of organization with the Ethics Commission as required by its Rules;

9. "Political party" means a political party recognized under the laws of this state;

10. "Political party committee" means a committee authorized by the political party to accept contributions or make expenditures on behalf of the political party; a political party committee may include a state committee, a Congressional District committee, a county committee, a precinct committee or any other committee or entity of the party officially recognized in the party's bylaws or similar governing document;

11. "State office" means all elective offices for which declarations of candidacy are filed with the Secretary of the State Election Board;

12. "State question" means an initiative or referendum petition for which the Governor has issued a proclamation setting the date on which an election shall be held or a legislative referendum referred by the Legislature for a vote of the people; and

13. "Unlimited committee" means an independent judicial retention committee, a political action committee organized exclusively for the purpose of making independent expenditures or electioneering communications or a political action committee organized exclusively for the purpose of advocating the approval or defeat of a state question.

Added by Laws 1995, c. 343, § 1, eff. July 1, 1995. Amended by Laws 2014, c. 312, § 1, eff. Jan. 1, 2015.

§21-187.1. Individual contributions - Contributions using intermediary or conduit - Lobbyist or lobbyist principal contributions.

A. No person may contribute more than:

1. The limits set forth in the Rules of the Ethics Commission to a political party committee or political action committee;

2. The limits set forth in the Rules of the Ethics Commission to a candidate committee for a candidate for state office; or

3. The limits set forth in the Rules of the Ethics Commission to a campaign committee for a candidate for municipal office or to a campaign committee for a candidate for county office or to a municipal or county political committee.

B. No candidate, candidate committee, or other committee shall knowingly accept contributions in excess of the amounts provided herein.

C. These restrictions shall not apply to a committee supporting or opposing a state question or local question or to a candidate making a contribution of his or her own funds to his or her own campaign.

D. It shall be prohibited for a campaign contribution to be made to a particular candidate or committee through an intermediary or conduit for the purpose of:

1. Evading requirements of effective Rules of the Ethics Commission promulgated pursuant to Article XXIX of the Oklahoma Constitution or laws relating to the reporting of contributions and expenditures; or

2. Exceeding the contribution limitations imposed by subsection A of this section.

Any person making a contribution in violation of this subsection or serving as an intermediary or conduit for such a contribution, upon conviction, shall be subject to the penalties prescribed in subsections E and F of this section.

E. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed

exceeds the contribution limitation specified in subsection A of this section by Five Thousand Dollars ($5,000.00) or more, upon conviction, shall be guilty of a felony punishable by a fine of up to four times the amount exceeding the contribution limitation or by imprisonment in the State Penitentiary for up to one (1) year, or by both such fine and imprisonment.

F. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed is less than Five Thousand Dollars ($5,000.00) in excess of the contribution limitation specified in subsection A of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than three times the amount exceeding the contribution limitation or One Thousand Dollars ($1,000.00), whichever is greater, or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

G. No lobbyist or lobbyist principal as defined in the Rules of the Ethics Commission shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for a member of the Oklahoma Legislature or a candidate for a state legislative office during any regular legislative session, beginning the first Monday in February, through its adjournment, and for five (5) calendar days following sine die adjournment. A member of the Oklahoma Legislature or a candidate for a state legislative office shall not intentionally solicit or accept a contribution from a lobbyist or lobbyist principal as defined in the Rules of the Ethics Commission during any regular legislative session and for five (5) calendar days after sine die adjournment. For the purposes of this subsection, a candidate shall mean any person who has filed a statement of organization for a state legislative office pursuant to the Rules of the Ethics Commission.

H. Any person who knowingly and willfully violates any provision of subsection G of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

Added by Laws 1995, c. 343, § 2, eff. July 1, 1995. Amended by Laws 1997, c. 133, § 155, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 75, eff. July 1, 1999; Laws 2008, c. 282, § 2, eff. Nov. 1, 2008; Laws 2014, c. 312, § 2, eff. Jan. 1, 2015.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 155 from July 1, 1998, to July 1, 1999.

§21-187.2. Contributions by corporations, labor unions, limited liability companies, and partnerships.

A. 1. No corporation or labor union may make a contribution to a political party, a political action committee or a candidate committee, and no political party committee, political action

committee or candidate committee may accept a contribution from a corporation or labor union, except as permitted by law or the Rules of the Ethics Commission.

2. No limited liability company that has one or more incorporated members may make a contribution to a political party committee, a political action committee or a candidate committee, except as permitted by law or the Rules of the Ethics Commission.

3. No partnership that has one or more incorporated partners may make a contribution to a political party committee, a political action committee or a candidate committee, except as permitted by law or the Rules of the Ethics Commission.

B. No candidate, candidate committee, political party committee, political action committee or other committee shall knowingly accept contributions given in violation of the provisions of subsection A of this section.

C. The provisions of this section shall not apply to a bank, savings and loan association or credit union loaning money to a candidate in connection with his or her own campaign which is to be repaid with interest at a rate comparable to that of loans for equivalent amounts for other purposes.

D. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed exceeds Five Thousand Dollars ($5,000.00), upon conviction, shall be guilty of a felony punishable by a fine of up to four times the amount of the prohibited contribution or by imprisonment in the State Penitentiary for up to one (1) year, or by both such fine and imprisonment.

E. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed is Five Thousand Dollars ($5,000.00) or less, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than three times the amount of the prohibited contribution or One Thousand Dollars ($1,000.00), whichever is greater, or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

Added by Laws 1995, c. 343, § 3, eff. July 1, 1995. Amended by Laws 1997, c. 133, § 156, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 76, eff. July 1, 1999; Laws 2014, c. 312, § 3, eff. Jan. 1, 2015.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 156 from July 1, 1998, to July 1, 1999.

§21-262. Act of officer de facto.

The last section shall not be construed to affect the validity of acts done by a person exercising the functions of a public office in fact, where other persons than himself are interested in maintaining the validity of such acts.

R.L.1910, Sec. 2145.

§21-263. Falsely assuming to be officer.

Every person who shall falsely assume or pretend to be any state, county or township, city or town officer, or who shall knowingly take upon himself to act as such or to require any person to act as such, or assist him in any matter pertaining to such office, shall be punished by imprisonment in the county jail not more than one (1) year nor less than three (3) months, and by fine not exceeding Five Hundred nor less than Fifty Dollars ($50.00). R.L.1910, § 2146.

§21-264. False impersonation of peace officers - False insignia on motor vehicle.

A. Any person who shall without due authority exercise or attempt to exercise the functions of or hold himself or herself out to any one as a deputy sheriff, marshal, police officer, constable or peace officer shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding One Hundred Dollars ($100.00), or by both such fine and imprisonment; provided, however, this section shall not be so construed as to prevent private persons from making arrests for felonies or misdemeanors committed in their presence.

B. It shall be unlawful for any person to affix on his or her motor vehicle, either temporarily or permanently, any insignia typically used by a law enforcement agency for the purpose of causing any other motor vehicle operator to yield the right-of-way and stop, or which actually causes any other motor vehicle operator to yield the right-of-way and stop, whether intended or not. Any person who violates the provisions of this subsection shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. The provisions of this subsection shall not apply to vehicles of any fire department, fire patrol, law enforcement vehicles, ambulances, or other authorized emergency vehicles. R.L. 1910, § 2147. Amended by Laws 2007, c. 120, § 1, eff. Nov. 1, 2007.

§21-265. Bribing or offering bribe to executive officer.

Any person who gives or offers any bribe to any executive officer, with intent to influence him in respect to any act, decision, vote, opinion, or other proceedings of such officer, shall be guilty of a felony punishable by imprisonment in the State Penitentiary, not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00); or both.

R.L. 1910, § 2148. Amended by Laws 1997, c. 133, § 157, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 77, eff. July 1, 1999. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 157 from July 1, 1998, to July 1, 1999.

§21-266. Asking or receiving bribes.

Any executive officer or person elected or appointed to executive office who asks, receives or agrees to receive any bribe upon any agreement or understanding that his vote, opinion or action upon any matter then pending, or which may by law be brought before him in his official capacity, shall be influenced thereby, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or both; and in addition thereto, any such person forfeits office and is forever disqualified from holding any public office under the laws of the state.

R.L. 1910, § 2149. Amended by Laws 1997, c. 133, § 158, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 78, eff. July 1, 1999. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 158 from July 1, 1998, to July 1, 1999.

§21-267. Preventing officer's performance of duty.

Every person who attempts, by means of any threat or violence, to deter or prevent any executive officer from performing any duty imposed upon such officer by law, is guilty of a misdemeanor.

R.L.1910, § 2150.

§21-268. Resisting executive officer.

Every person who knowingly resists, by the use of force or violence, any executive officer in the performance of his duty, is guilty of a misdemeanor.

R.L.1910, § 2151.

§21-269. Asking or receiving unauthorized reward for official act.

A. Every executive officer who asks or receives any emolument, gratuity or reward, or any promise of any emolument, gratuity or reward, excepting such as may be authorized by law, for doing any official act, is guilty of a misdemeanor.

B. It shall be unlawful for any state employee, with responsibility or oversight for processing a benefit or allowance, to solicit any portion of the benefit or allowance as a gratuity, kickback, or loan from a recipient who is otherwise entitled to the benefit or allowance.

C. Any state employee convicted of violating the provisions of subsection B of this section shall be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars

($500.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.
R.L. 1910, § 2152. Amended by Laws 2007, c. 82, § 1, eff. Nov. 1, 2007.

§21-270. Reward for omission to act, asking or receiving.

Every executive officer who asks or receives any emolument, gratuity or reward, or any promise of any emolument, gratuity or reward, for omitting or deferring the performance of any official duty, is guilty of a misdemeanor.
R.L.1910, § 2153.

§21-271. Asking or receiving unauthorized advance fees.

Every executive officer who asks or receives any fee or compensation for any official service which has not been actually rendered, except in cases of charges for prospective costs, or of fees demandable in advance in the cases allowed by law, is guilty of a misdemeanor.
R.L.1910, § 2154.

§21-272. Taking unlawful reward for requisition for fugitive.

Every officer who asks or receives any compensation, fee or reward of any kind for any service rendered or expense incurred in procuring from the Governor a demand upon the executive authority of a State or Territory of the United States, or of a foreign government, for the surrender of a fugitive from justice, or of any service rendered or expense incurred in procuring the surrender of such fugitive, or of conveying him to this state or for detaining him therein, except upon an employment by the Governor, and upon an account duly audited and paid out of the State Treasury, is guilty of a misdemeanor.
R.L.1910, § 2155.

§21-273. Buying appointments to office.

Every person who gives or agrees, or offers to give any gratuity or reward in consideration that himself or any other person shall be appointed to any public office, or shall be permitted to, or to exercise, perform or discharge the prerogatives or duties of any office, is punishable by imprisonment in the county jail not less than six (6) months nor more than one (1) year, or by a fine of not less than Two Hundred Dollars ($200.00) or more than One Thousand Dollars ($1,000.00), or both.
R.L.1910, § 2156.

§21-274. Selling appointments to office.

Every person who, directly or indirectly, asks or receives or promises to receive any gratuity or reward, or any promise of a

gratuity or reward for appointing another person or procuring for another person an appointment to any public office or any clerkship, deputation or other subordinate position in any public office, is punishable by imprisonment in the county jail not less than six (6) months nor more than one (1) year, or by a fine not less than Two Hundred Dollars ($200.00) nor more than One Thousand Dollars ($1,000.00) or both.
R.L. 1910, § 2157.

§21-275. Reward for making appointment or deputation.

Any public officer who, for any gratuity or reward, appoints another person to a public office, or permits another person to exercise, perform or discharge any of the prerogatives or duties of his office, shall be guilty of a felony punishable by imprisonment in the county jail not less than six (6) months nor more than two (2) years, and by a fine of not less than Two Hundred Dollars ($200.00) or more than One Thousand Dollars ($1,000.00); and in addition thereto the public officer forfeits office.
R.L. 1910, § 2158. Amended by Laws 1997, c. 133, § 159, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 79, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 159 from July 1, 1998, to July 1, 1999.

§21-276. Unlawful deputation is void.

Every grant or deputation made contrary to the provisions of the two preceding sections is void; but official acts done before a conviction for any offense prohibited by those sections shall not be deemed invalid in consequence of the invalidity of such grant or deputation.
R.L.1910, § 2159.

§21-277. Exercising functions of office after term expires.

Every person who having been an executive officer willfully exercises any of the functions of his office after his term of office has expired and a successor has been duly elected or appointed, and has qualified in his place, and he has notice thereof, is guilty of a misdemeanor.
R.L.1910, § 2160.

§21-278. Refusal to surrender books to successor.

Every person who having been an executive officer of this state, wrongfully refuses to surrender the official seal or any of the books and papers appertaining to his office, to his successor, who has been duly elected or appointed, and has duly qualified, and has demanded the surrender of the books and papers of such office is guilty of a misdemeanor.
R.L.1910, § 2161.

§21-279. Administrative officers included.

The various provisions of this article which relate to executive officers apply in relation to administrative officers in the same manner as if administrative and executive officer were both mentioned together.

R.L.1910, § 2162.

§21-280. Disturbance, interference or disruption of state business - Penalties.

A. It is unlawful for any person, alone or in concert with others and without authorization, to willfully disturb, interfere or disrupt state business, agency operations or any employee, agent, official or representative of the state.

B. It is unlawful for any person who is without authority or who is causing any disturbance, interference or disruption to willfully refuse to disperse or leave any property, building or structure owned, leased or occupied by state officials, employees, agents or representatives or used in any manner to conduct state business or operations after proper notice by a peace officer, sergeant-at-arms, or other security personnel.

C. Any violation of the provisions of this section shall be a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

D. For purposes of this section, "disturb, interfere or disrupt" means any conduct that is violent, threatening, abusive, obscene, or that jeopardizes the safety of self or others.

Added by Laws 2002, c. 75, § 2 and codified by Laws 2002, c. 460, § 43, eff. Nov. 1, 2002.

NOTE: Section 43 of Laws 2002, c. 460 provides: "Section 2 of Enrolled Senate Bill No. 1292 (O.S.L. 2002, c. 75, § 2) of the 2nd Session of the 48th Oklahoma Legislature, shall be codified as Section 280 of Title 21 of the Oklahoma Statutes, unless there is created a duplication in numbering."

§21-281. False statements made during an internal investigation.

A. Any person who knowingly makes or utters a materially false statement, either verbally or in writing, in the course of an internal state agency investigation shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

B. The person being interviewed pursuant to subsection A of this section shall be informed, in writing and prior to commencement of the interview, that providing a materially false statement shall subject the person to criminal prosecution.

Added by Laws 2009, c. 211, § 1, emerg. eff. May 19, 2009.

§21-282. Unlawful acts - Violations.

A. It shall be unlawful for any person or group of persons to:

1. Willfully and knowingly enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds where the Governor, any member of the immediate family of the Governor, the Lieutenant Governor, or other state official being provided protection by the Department of Public Safety is or will be temporarily visiting;

2. Willfully and knowingly enter or remain in any posted, cordoned off, or otherwise restricted area of a building or grounds the use of which is restricted in conjunction with an event designated as a special event of national or state significance;

3. Willfully and knowingly, enter with the intent to impede or to disrupt the orderly conduct of government business or official functions in or within close proximity to any building or grounds, as described in paragraph 1 or 2 of this subsection, or to engage in disorderly or disruptive conduct in or within close proximity to any building or grounds, as described in paragraph 1 or 2 of this subsection, which results in the impeding or disruption of the orderly conduct of government business or official functions;

4. Willfully and knowingly obstruct or to impede ingress or egress to or from any building or grounds, as described in paragraph 1 or 2 of this subsection; or

5. Willfully and knowingly engage in any act or acts of physical violence against any person or property in any building or grounds, as described in paragraph 1 or 2 of this subsection.

B. Violation of this section and attempts or conspiracies to commit such violations shall, upon conviction, be punishable by:

1. A fine of One Thousand Dollars ($1,000.00) or imprisonment for not more than ten (10) years with the Department of Corrections, or by both fine and imprisonment, if:

   a. the person, during and in relation to the offense, uses or carries a deadly or dangerous weapon or firearm, or

   b. the offense results in great bodily injury, as defined by Section 646 of Title 21 of the Oklahoma Statutes, to any other person; or

2. A fine of Five Hundred Dollars ($500.00) or imprisonment in the county jail for not more than one (1) year, or by both fine and imprisonment, in any other case.

C. Violation of this section, and attempts or conspiracies to commit such violations, shall be prosecuted by the district attorney in the district court having jurisdiction of the place where the offense occurred.

D. As used in this section, the term "other person for whom the

Oklahoma Highway Patrol Division of the Department of Public Safety is charged with providing protection" means any person the Oklahoma Highway Patrol - Executive Security Division is authorized to protect pursuant to Section 2-101 or Section 2-105.3a of Title 47 of the Oklahoma Statutes when the person has not declined protection. Added by Laws 2011, c. 251, § 2, eff. Nov. 1, 2011.

§21-301. Preventing meetings of Legislature.

Any person who willfully and by force or fraud prevents the State Legislature or either of the houses composing it, or any of the members thereof, from meeting or organizing shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00), or both.
R.L. 1910, § 2163. Amended by Laws 1997, c. 133, § 160, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 80, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 160 from July 1, 1998, to July 1, 1999.

§21-302. Disturbing legislative proceedings - Penalty.

Any person who alone or in concert with others wilfully disturbs, disrupts or interferes with any session, meeting or proceeding of either house of the State Legislature or any committee of either house of the State Legislature, whether within or outside the presence of either house of the State Legislature or any committee, by:

1. Engaging in violent, tumultuous or threatening behavior;
2. Using abusive or obscene language or making an obscene gesture;
3. Making unreasonable noise; or
4. Congregating with other persons and refusing to comply with a lawful order of the police or security officer to disperse;

shall be guilty of a misdemeanor.
R.L.1910, § 2164; Laws 1981, c. 148, § 1, emerg. eff. May 8, 1981.

§21-302.1. Refusal to leave legislative chambers, galleries and offices - Penalty.

Any person who alone or in concert with others, and without proper authorization, refuses to leave any part of the chambers, galleries or offices of either house of the State Legislature or building in which such chambers, galleries or any such office is located, or within any room or building or upon the property of a building in which a legislative hearing or meeting is being conducted upon a lawful order of the police or a security officer to disperse, leave, or move to a designated area, shall be guilty of a misdemeanor.

Laws 1981, c. 148, § 2, emerg. eff. May 8, 1981.

§21-303. Compelling adjournment of Legislature.

Every person who willfully and by force or fraud compels or attempts to compel the State Legislature, or either of the houses composing it, to adjourn or disperse shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine of not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00), or both.

R.L. 1910, § 2165. Amended by Laws 1997, c. 133, § 161, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 81, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 161 from July 1, 1998, to July 1, 1999.

§21-304. Preventing legislative member or personnel from performing official duties - Penalty.

Any person who alone or in concert with others wilfully either by force, physical interference, fraud, intimidation, or by means of any independently unlawful act, prevents or attempts to prevent any member, officer or employee of either house of the State Legislature or any committee of either house of the State Legislature from performing any official act, function, power or duty shall be guilty of a misdemeanor.

R.L.1910, § 2166. Amended by Laws 1981, c. 148, § 3, eff. May 8, 1981.

§21-305. Compelling Legislature to perform or omit act.

Any person who willfully compels or attempts to compel either of the houses composing the Legislature to pass, amend or reject any bill or resolution, or to grant or refuse any petition, or to perform or omit to perform any other official act, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00), or both.

R.L. 1910, § 2167. Amended by Laws 1997, c. 133, § 162, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 82, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 162 from July 1, 1998, to July 1, 1999.

§21-306. Altering draft bill.

Any person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or certified by the presiding officer of either house, in language different from

that intended by such house, shall be guilty of a felony.
R.L. 1910, § 2168. Amended by Laws 1997, c. 133, § 163, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 163 from July 1, 1998, to July 1, 1999.

§21-307. Altering engrossed copy of bill.

Any person who fraudulently alters the engrossed copy or enrollment of any bill which has been passed by the Legislature, with intent to procure it to be approved by the Governor or certified by the Secretary of State, or printed or published by the printer of the statutes in language different from that in which it was passed by the Legislature, shall be guilty of a felony.
R.L. 1910, § 2169. Amended by Laws 1997, c. 133, § 164, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 164 from July 1, 1998, to July 1, 1999.

§21-308. Bribery of or influencing members.

Any person who gives or offers to give a bribe to any member of the Legislature, or attempts directly or indirectly, by menace, deceit, suppression of truth or any other corrupt means, to influence a member in giving or withholding his vote, or in not attending the house of which he is a member, or any committee thereof, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or both.
R.L. 1910, § 2170. Amended by Laws 1997, c. 133, § 165, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 83, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 165 from July 1, 1998, to July 1, 1999.

§21-309. Soliciting bribes - Trading votes.

Any member of either of the houses composing the Legislature, who asks, receives or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or who gives, or offers or promises to give any official vote in consideration that another member of the Legislature shall give any such vote, either upon the same or another question, is guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or both.
R.L. 1910, § 2171. Amended by Laws 1997, c. 133, § 166, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 84, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 166 from July 1, 1998, to July 1, 1999.

§21-310. Witness refusing to attend legislature or committee.

Every person who, being duly summoned to attend as a witness before either house of the Legislature or any committee thereof authorized to summon witnesses, refuses or neglects without lawful excuse to attend pursuant to such summons, is guilty of a misdemeanor.
R.L.1910, § 2172.

§21-311. Witness refusing to testify before legislature or committee.

Every person who, being present before either house of the Legislature or any committee thereof authorized to summon witnesses, willfully refuses to be sworn or affirmed, or to answer any material and proper question, or to produce upon reasonable notice any material and proper books, papers, or documents in his possession or under his control, is guilty of a misdemeanor.
R.L.1910, § 2173.

§21-312. Forfeiture of office - Disqualification to hold office.

The conviction of a member of the Legislature of any of the crimes defined in this article, involves as a consequence, in addition to the punishment prescribed by this code, a forfeiture of his office, and disqualifies him from ever afterwards holding any office under this state.
R.L.1910, § 2174.

§21-318. Bribery.

No person, firm, or member of a firm, corporation, or association shall give or offer any money, position or thing of value to any member of the State Legislature to influence him to work or to vote for any proposition, nor shall any member of the State Legislature accept any money, position, promise, or reward or thing of value for his work or vote upon any bill, resolution or measure before either house of the Legislature.
R.L.1910, § 2180.

§21-320. Penalty for violating Section 318.

Any person or member of any firm, corporation or association violating the provisions of Section 318 of this title shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than two (2) years nor more than five (5) years, and by a fine in the sum of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00).
R.L. 1910, § 2182. Amended by Laws 1997, c. 133, § 167, eff. July

1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 85, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 167 from July 1, 1998, to July 1, 1999.

§21-321. Member of legislature - Soliciting or securing employment with state department or institution.

It shall be unlawful for any member of the Legislature of Oklahoma to solicit, receive or accept any money or thing of value either directly or through another person for soliciting or securing employment of or for another person from any department or institution of the state, where the said department or institution is supported in whole or in part from revenues levied pursuant to law or appropriations made by the Legislature.
Laws 1937, p. 12, § 1.

§21-322. Penalty for violating Section 321.

Any member of the Legislature who shall violate the provisions of Section 321 of this title shall be guilty of a felony, and upon conviction shall be fined in any sum not less than One Hundred Dollars ($100.00) nor to exceed One Thousand Dollars ($1,000.00), and be sentenced to the State Penitentiary for a term not less than one (1) year nor to exceed five (5) years and, in addition thereto, the member shall forfeit office.
Added by Laws 1937, p. 12, § 2. Amended by Laws 1997, c. 133, § 168, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 86, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 168 from July 1, 1998, to July 1, 1999.

§21-331. Receipt to be given - Copy sent to Tax Commission.

Any person, firm or corporation soliciting or collecting funds, directly or indirectly for the primary purpose of promoting legislation for any person or group receiving grants or allotments from the state government must give a personal receipt for each amount collected. Each receipt must be on a form approved by the Oklahoma Tax Commission, must be made out in triplicate, one (1) copy to be retained by the donee and one (1) copy to be given to the donor and the third (3rd) copy must be sent to the Oklahoma Tax Commission on the first of each month. Each receipt must bear the date on which the money is received, must set forth the full name of the contributor and must be signed by the person collecting the money. Any person, firm, or corporation soliciting or collecting monies for the above cited purpose must give the receipt immediately after the money is received. Any person, firm or corporation soliciting or collecting money through the mail for the above cited reason must remit the receipt within five (5) days after receiving the donation. No receipt form shall be used unless it has had the

prior approval of the Oklahoma Tax Commission.
Laws 1949, p. 202, § 1.

§21-332. Records and information confidential.

Any records or information submitted to the Oklahoma Tax Commission under the provisions of this act shall be treated as confidential and shall not be released to any other department of state government except they shall be available to the Attorney General's office, to any court of competent jurisdiction, or any legislative committee desiring any information pertaining thereto.
Laws 1949, p. 202, § 2.

§21-333. Violations - Punishment.

Any person, firm or corporation failing to comply with the provisions of this act or using receipts not approved by the Oklahoma Tax Commission or who fails to give a receipt to a donor or who fails to send the third (3rd) copy of each receipt to the Oklahoma Tax Commission as required above shall be deemed guilty of a misdemeanor and shall be subject to a fine of Five Hundred Dollars ($500.00) or six (6) months in jail, or both such fine and imprisonment.
Laws 1949, p. 202, § 3.

§21-334. Compensation contingent upon influencing official action or legislation.

No person may retain or employ a lobbyist, as defined in Section 4249 of Title 74 of the Oklahoma Statutes, for compensation contingent in whole or in part on the passage or defeat of any official action or the approval or veto of any legislation, issuance of an executive order or approval or denial of a pardon or parole by the Governor. No lobbyist may accept any employment or render any service for compensation contingent on the passage or defeat of any legislation or the approval or veto of any legislation by the Governor. Any person convicted of violating the provisions of this section shall be guilty of a felony punishable by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the State Penitentiary not exceeding two (2) years or by both such fine and imprisonment.
Added by Laws 1995, c. 343, § 4, eff. July 1, 1995. Amended by Laws 1997, c. 133, § 169, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 87, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 169 from July 1, 1998, to July 1, 1999.

§21-341. Embezzlement and false accounts by officers.

Every public officer of the state or any county, city, town, or member or officer of the Legislature, and every deputy or clerk of

any such officer and every other person receiving any money or other thing of value on behalf of or for account of this state or any department of the government of this state or any bureau or fund created by law and in which this state or the people thereof, are directly or indirectly interested, who either:

First: Receives, directly or indirectly, any interest, profit or perquisites, arising from the use or loan of public funds in the officer's or person's hands or money to be raised through an agency for state, city, town, district, or county purposes; or

Second: Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to any moneys so received by him, on behalf of the state, city, town, district or county, or the people thereof, or in which they are interested; or

Third: Fraudulently alters, falsifies, cancels, destroys or obliterates any such account, shall, upon conviction, thereof, be deemed guilty of a felony and shall be punished by a fine of not to exceed Five Hundred Dollars ($500.00), and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than twenty (20) years and, in addition thereto, the person shall be disqualified to hold office in this state, and the court shall issue an order of such forfeiture, and should appeal be taken from the judgment of the court, the defendant may, in the discretion of the court, stand suspended from such office until such cause is finally determined.

R.L. 1910, § 2581. Amended by Laws 1997, c. 133, § 170, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 88, eff. July 1, 1999; Laws 2002, c. 460, § 4, eff. Nov. 1, 2002.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 170 from July 1, 1998, to July 1, 1999.

§21-341.1. Postage meter - Unlawful use.

Every person who uses a postage meter that is owned, operated or has been installed by any state department, board, commission or state educational institution, for his own personal use, or to the use of any person not entitled thereto, without authority of law, is guilty of a misdemeanor. Each state department, board, commission or state educational institution which has installed a postage meter machine shall place an imprint plate on such machine showing: first, that the mail carried by such postage is official State of Oklahoma mail; and second, that there is a penalty for the unlawful use of such postage meters for private purposes. The installation and cost of such imprint plates shall be paid from appropriations for postage and contingent expenses made to the various state departments, boards, commissions or state educational institutions.

Laws 1976, c. 57, § 1, emerg. eff. April 15, 1976.

§21-342. Suspension - Vacancy filled.

When any person is suspended from office by any court under the provisions of this section, said court shall certify the fact of such suspension to the proper officer or authority provided by law to fill a vacancy in such office. Such office shall be filled during the suspension in like manner as provided by law for filling vacancies in such offices.
R.L.1910, § 2582.

§21-343. Other violation of official conduct.
Every officer or other person mentioned in the last section, who willfully disobeys any provisions of law regulating his official conduct, in cases other than those specified in that section, is guilty of a misdemeanor.
R.L.1910, § 2583.

§21-344. Fraud by officer authorized to sell, lease or make contract.
A. Except as otherwise provided in this section, every public officer, being authorized to sell or lease any property, or make any contract in his or her official capacity, who voluntarily becomes interested individually in such sale, lease or contract, directly or indirectly, is guilty of a misdemeanor.
B. The provisions of this section shall not apply to:
1. Municipal officers who are subject to the provisions of Section 8-113 of Title 11 of the Oklahoma Statutes; and
2. Conservation district board members participating in programs authorized by Section 3-2-106 of Title 27A of the Oklahoma Statutes.
R.L.1910, § 2584; Laws 1989, c. 131, § 1, eff. Nov. 1, 1989; Laws 1999, c. 43, § 1, eff. Nov. 1, 1999.

§21-345. Refusal of officer to perform duty.
Every county clerk, court clerk, judge of the district court, district attorney, county commissioner, or sheriff, who willfully fails or refuses to perform the duties of his or her office according to law, is guilty of a misdemeanor.
R.L.1910, § 2585. Amended by Laws 1993, c. 239, § 16, eff. July 1, 1993; Laws 1998, c. 310, § 5, eff. Nov. 1, 1998.

§21-346. Obstructing the collection of taxes.
Every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which, or any part of which the people of this state are directly or indirectly interested, and which such officer is by law empowered to collect, is guilty of a misdemeanor.
R.L.1910, § 2586.

§21-347. Applies to all officers.

The provisions of the second preceding section shall also apply to county treasurers, justices of the peace, and all other county and precinct officers.
R.L.1910, § 2587.

§21-348. Willful neglect by state officers.

Any State Auditor and Inspector, State Treasurer, State Superintendent of Public Instruction, or any other state officer who willfully neglects or refuses to perform the duties of his office, as prescribed by law, is guilty of a misdemeanor.
R.L.1910, § 2588; Laws 1979, c. 30, § 8, emerg. eff. April 6, 1979.

§21-349. Injuring or burning public buildings.

Any person who willfully burns, destroys, or injures any public buildings or improvements in this state shall be guilty of a felony, punishable by imprisonment in the State Penitentiary not exceeding twenty-five (25) years.
R.L. 1910, § 2589. Amended by Laws 1997, c. 133, § 171, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 89, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 171 from July 1, 1998, to July 1, 1999.

§21-350. Seizing military stores.

Any person who enters any fort, magazine, arsenal, armory, arsenal yard or encampment and seizes or takes away any arms, ammunition, military stores or supplies belonging to the people of this state, and every person who enters any such place with intent so to do, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.
R.L. 1910, § 2590. Amended by Laws 1997, c. 133, § 172, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 90, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 172 from July 1, 1998, to July 1, 1999.

§21-351. False statement regarding taxes.

Every person who, in making any statement, oral or written, which is required or authorized by law to be made as the basis of imposing any tax or assessment, or of an application to reduce any tax or assessment, willfully states any material matter which he knows to be false, is guilty, upon conviction, of a misdemeanor and shall be punished by imprisonment in the county jail for not more than one (1) year or by the imposition of a fine not to exceed Five Thousand Dollars ($5,000.00), or by both said fine and imprisonment.
Amended by Laws 1984, c. 220, § 1, operative July 1, 1984.

§21-352. Unlawfully issuing or paying warrants.

It shall be unlawful for any state officer or deputy or employee of said officer to issue, cause to be issued or consent to the issuing, or to pay, cause to be paid or consent to the paying of any state warrant, order, or other evidence of public debt in excess of the appropriation duly made or when no appropriation has been made by the Legislature, for the fund upon which the same may be drawn.
R.L.1910, § 2592.

§21-353. Officer dealing in warrants - Misdemeanor.

A. It shall be unlawful for any public officer or deputy or employee of such officer to either directly or indirectly, buy, barter for, or otherwise engage in any manner in the purchase of any bonds, warrants or any other evidence of indebtedness against this state, any subdivision thereof, or municipality therein, of which he is an officer.

B. The provisions of this section shall not apply to those municipal officers and employees who are subject to Section 8-113 of Title 11 of the Oklahoma Statutes.
R.L.1910, § 2593.

§21-354. Penalty.

Any person who shall violate any of the provisions of the two preceding sections shall be deemed guilty of the unlawful issuing of warrants or the unlawful purchase of warrants as the case may be, and shall be punished by a fine of not exceeding One Thousand Dollars ($1,000.00).
R.L.1910, § 2594.

§21-355. Member of governing body not to furnish public supplies for consideration - Exceptions.

A. It shall be unlawful for any member of any board of county commissioners, city council or other governing body of any city, board of trustees of any town, board of directors of any township, board of education of any city or school district, to furnish, for a consideration any material or supplies for the use of the county, city, town, township, or school district.

B. The provisions of this section shall not apply to those municipal officers who are subject to Section 8-113 of Title 11 of the Oklahoma Statutes or to a member of any board of education of a school district in this state which does not include any part of a municipality with a population greater than two thousand five hundred (2,500) according to the latest Federal Decennial Census when the board member is the only person who furnishes the material or supplies within ten (10) miles of the corporate limits of the municipality. However, any activities permitted by this subsection shall not exceed Five Hundred Dollars ($500.00) for any single activity and shall not exceed Two Thousand Five Hundred Dollars

($2,500.00) for all activities in any calendar year.

C. It shall not be unlawful for any member of any board of county commissioners, city council or other governing body of any city, board of trustees of any town, board of directors of any township, or board of education of any school district to vote to purchase materials or supplies from a business that employs a member of the governing body or employs the spouse of a member if the member or the spouse of a member has an interest in the business of five percent (5%) or less.

R.L. 1910, § 2595. Amended by Laws 1996, c. 341, § 2, eff. Nov. 1, 1996; Laws 1997, c. 317, § 2, emerg. eff. May 29, 1997; Laws 1998, c. 365, § 1, eff. July 1, 1998.

§21-356. Contract or purchase void - Members of body liable.

Any contract or purchase made in violation of the first preceding section shall be void, and no appropriation of public funds shall be made to pay the amount of same; but the members of the body voting for such contract or purchase shall be held personally liable for the amount thereof.

R.L.1910, § 2596.

§21-357. Penalty for such contract or purchase.

Any member of any public body, such as is specified in Section 355 of this title, who shall be a party to any such contract or purchase therein declared unlawful, or who shall receive any money, warrant, certificate, or other consideration thereunder, or who shall vote for or assent to any such contract or purchase, shall be guilty of a felony punishable by a fine of not less than Fifty Dollars ($50.00), and imprisonment in the county jail not less than thirty (30) days, or by a fine of not more than Five Hundred Dollars ($500.00), with imprisonment in the State Penitentiary not exceeding five (5) years.

R.L. 1910, § 2597. Amended by Laws 1997, c. 133, § 173, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 91, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 173 from July 1, 1998, to July 1, 1999.

§21-358. False, fictitious, or fraudulent claim for payment of public funds or on employment application.

A. It shall be unlawful for any person, firm, corporation, association or agency to make, present, or cause to be presented to any employee or officer of the State of Oklahoma, or to any department or agency thereof, any false, fictitious or fraudulent claim for payment of public funds upon or against the State of Oklahoma, or any department or agency thereof, knowing such claim to be false, fictitious or fraudulent. A violation of this subsection shall be punished as provided in subsection A of Section 359 of this

title.

B. It shall be unlawful for any person applying for employment with the State of Oklahoma to make a materially false, fictitious or fraudulent statement or representation on an employment application, knowing such statement or representation to be materially false, fictitious or fraudulent. A violation of this subsection shall be punished as provided in subsection B of Section 359 of this title.
Added by Laws 1970, c. 151, § 1, emerg. eff. April 7, 1970. Amended by Laws 2004, c. 526, § 1, eff. Nov. 1, 2004.

§21-359. Penalties.

A. Any person, firm, corporation, association or agency found guilty of violating subsection A of Section 358 of this title shall be guilty of a felony punishable by a fine not exceeding Ten Thousand Dollars ($10,000.00), or by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or by both such fine and imprisonment.

B. Any person found guilty of violating subsection B of Section 358 of this title shall be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term not exceeding one (1) year, or by both such fine and imprisonment.
Added by Laws 1970, c. 151, § 2, emerg. eff. April 7, 1970. Amended by Laws 1997, c. 133, § 174, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 92, eff. July 1, 1999; Laws 2004, c. 526, § 2, eff. Nov. 1, 2004.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 174 from July 1, 1998 to July 1, 1999.

§21-360. Coercing political participation of state employees.

No public employee or public official, as defined in Section 304 of Title 51 of the Oklahoma Statutes, shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes. No public employee or official shall retaliate against any employee for exercising his or her rights or for not participating in permitted political activities as provided in Ethics Commission Rule 10-1-4. Any person convicted of willfully violating the provisions of this section shall be guilty of a felony and shall be punished by the imposition of a fine of not more than Ten Thousand Dollars ($10,000.00) or by imprisonment for not longer than two (2) years, or by both said fine and imprisonment.
Added by Laws 1995, c. 343, § 5, eff. July 1, 1995. Amended by Laws 1997, c. 133, § 175, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 93, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 175 from July 1, 1998, to July 1, 1999.

§21-361. Acceptance, use or redemption for personal gain.

It shall be unlawful for any person or persons, firm, company or corporation to accept, use, or redeem for personal gain any trading stamps, coupons, tickets, certificates, cards or similar devices, which are redeemable either for money or any products, goods, wares, articles, merchandise or any other items of value whatsoever in all cases wherein the basis for the credit, issuance, transfer, assignment or distribution of said trading stamps, coupons, tickets, certificates, cards, or similar devices results from purchases by the state, payment for which, either in whole or in part, has been or will be made from the State Treasury or from any other state funds whatsoever.

Laws 1953, p. 94, § 1.

§21-362. Vendors crediting, furnishing, etc. for personal use.

It shall be unlawful for any vendor selling to the State of Oklahoma to credit, furnish, distribute, transmit or supply to any person or persons, firm, company, or corporation, for personal use, any trading stamps, coupons, tickets, certificates, cards or similar devices, which are redeemable either for money or any products, goods, wares, articles, merchandise or any other items of value, in all cases wherein the basis for said credit, issuance, transfer, assignment or distribution results from the sale of any products, goods, wares, articles, merchandise or any other items of value whatsoever to the State of Oklahoma.

Laws 1953, p. 94, § 2.

§21-363. Violations - Punishment.

Any person or persons, companies, partnerships, firms or corporations violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00) and each violation of this act shall be deemed a separate offense.

Laws 1953, p. 94, § 3.

§21-364. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§21-371. Use in advertising prohibited.

Any person or persons, corporation or company, who shall use the flag or the coat of arms of the United States, or any pattern, imitation or representation thereof, either by printing thereon, or attaching thereto, any advertisement or device for the purpose of gain or profit, or as a trademark or label, shall be guilty of

misdemeanor.
Laws 1919, c. 72, p. 113, § 1.

§21-372. Mutilation, treating with indignity or destroying flag - Definitions.

A. Any person who shall contemptuously or maliciously tear down, burn, trample upon, mutilate, deface, defile, defy, treat with indignity, wantonly destroy, or cast contempt, either by word or act, upon any flag, standard, colors or ensign of the United States of America, shall be guilty of a felony.

B. The word "defile" as used in this section shall include public conduct which brings shame or disgrace upon any flag of the United States by its use for unpatriotic or profane purpose.

C. The terms "flag", "standard", "colors", or "ensign" of the United States as used in this section shall include any picture, representation or part thereof which an average person would believe, upon seeing and without deliberation, to represent the flag, standard, colors or ensign of the United States of America.
Added by Laws 1919, c. 72, p. 113, § 2. Amended by Laws 1967, c. 298, § 1; Laws 1971, c. 1, § 1, emerg. eff. Feb. 17, 1971; Laws 1997, c. 133, § 176, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 176 from July 1, 1998, to July 1, 1999.

§21-373. Penalty for violation of Section 372.

Any person, corporation or company violating any provision of Section 372 of this title, upon conviction thereof, shall be punished by a fine not exceeding Three Thousand Dollars ($3,000.00), or by imprisonment for not more than three (3) years, or both, in the discretion of the court.
Added by Laws 1919, c. 72, p. 113, § 3. Amended by Laws 1967, c. 298, § 2, emerg. eff. May 9, 1967; Laws 1997, c. 133, § 177, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 94, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 177 from July 1, 1998, to July 1, 1999.

§21-374. Display of red flag or emblem of disloyalty or anarchy.

Any person in this state, who shall carry or cause to be carried, or publicly display any red flag or other emblem or banner, indicating disloyalty to the Government of the United States or a belief in anarchy or other political doctrines or beliefs, whose objects are either the disruption or destruction of organized government, or the defiance of the laws of the United States or of the State of Oklahoma, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the Penitentiary of the State of Oklahoma for a term not exceeding ten (10) years, or by a fine not exceeding One Thousand Dollars ($1,000.00) or by both

such imprisonment and fine.
Added by Laws 1919, c. 83, p. 133, § 1, emerg. eff. April 2, 1919. Amended by Laws 1997, c. 133, § 178, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 95, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 178 from July 1, 1998, to July 1, 1999.

§21-375. Raising certain flags over tax-supported property prohibited - Penalty.

A. It shall be unlawful and constitute a misdemeanor for any person to place, hoist, raise or display any flag, standard, colors or ensign upon or over any publicly owned tax-supported property or premises except roads, streets, highways, stadiums or arenas in the State of Oklahoma, except:

1. The flag, standard, colors or ensign of the United States of America;

2. The flag of any nation formerly having dominion over the land now comprising the State of Oklahoma or any portion of said land;

3. The official flag of any of the fifty states of the United States;

4. An Alfred P. Murrah Federal Building commemorative flag;

5. The official flag of any municipality in this state;

6. The Boy Scouts of America flag;

7. The Girl Scouts United States of America flag;

8. The American Red Cross flag;

9. The American Ex-Prisoner of War flag;

10. The POW/MIA flag; and

11. Such other flags as may be approved by the governing board or agency having control over said public property.

B. Any person convicted of a violation of this section shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.
Added by Laws 1971, c. 79, § 1, emerg. eff. April 16, 1971. Amended by Laws 1987, c. 54, § 1, eff. Nov. 1, 1987; Laws 1996, c. 4, § 2, emerg. eff. March 12, 1996; Laws 2003, c. 107, § 1, eff. Nov. 1, 2003.

§21-380. Bribery of fiduciary.

A. Any fiduciary who, with a corrupt intent and without the consent of his beneficiary, intentionally or knowingly solicits, accepts, or agrees to accept any bribe from another person with the agreement or understanding that the bribe as defined by law will influence the conduct of the fiduciary in relation to the affairs of his beneficiary, upon conviction, is guilty of a felony punishable

by imprisonment in a state correctional institution for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00) or an amount fixed by the court not to exceed twice the value of the benefit gained from the bribe, or by both said imprisonment and fine.

B. Any person who offers, confers, or agrees to confer any bribe the acceptance of which is an offense pursuant to the provisions of subsection A of this section, upon conviction, is guilty of a felony punishable by imprisonment in a state correctional institution for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or both.

C. As used in subsection A of this section:

1. "Beneficiary" means any person for whom a fiduciary is acting;

2. "Fiduciary" means:

a. an agent or employee, or

b. a trustee, guardian, custodian, administrator, executor, conservator, receiver, or similar fiduciary, or

c. a lawyer, physician, accountant, appraiser, or other professional advisor, or

d. an officer, director, partner, manager, or other participant in the direction of the affairs of a corporation or association.

Added by Laws 1984, c. 155, § 1, eff. Nov. 1, 1984. Amended by Laws 1997, c. 133, § 179, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 96, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 179 from July 1, 1998, to July 1, 1999.

§21-380.1. Commercial bribery involving an insured depository institution.

A person commits the offense of commercial bribery involving an insured depository institution or credit union when the person gives, offers, promises, confers or agrees to confer any benefit to any employee, agent or fiduciary without the consent of the employer or principal and with intent to influence such person's conduct in relation to the affairs of the employer or principal.

Any person convicted of commercial bribery involving an insured depository institution shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not more than one (1) year; or, if there was intent to defraud, the violator, upon conviction, shall be guilty of a felony punishable by imprisonment in the Department of Corrections for a term not more than ten (10) years.

Added by Laws 2004, c. 298, § 1, emerg. eff. May 12, 2004.

§21-381. Bribing officers.

Whoever corruptly gives, offers, or promises to any executive, legislative, county, municipal, judicial, or other public officer, or any employee of the State of Oklahoma or any political subdivision thereof, including peace officers and any other law enforcement officer, or any person assuming to act as such officer, after his election or appointment, either before or after he has qualified or has taken his seat, any gift or gratuity whatever, with intent to influence his act, vote, opinion, decision, or judgment on any matter, question, cause, or proceeding which then may be pending, or may by law come or be brought before him in his official capacity, or as a consideration for any speech, work, or service in connection therewith, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine not exceeding Three Thousand Dollars ($3,000.00) and imprisonment in jail not exceeding one (1) year.

R.L. 1910, § 2183. Amended by Laws 1967, c. 1, § 1, emerg. eff. Feb. 1, 1967; Laws 1976, c. 41, § 1, emerg. eff. April 5, 1976; Laws 1997, c. 133, § 180, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 97, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 180 from July 1, 1998, to July 1, 1999.

§21-382. Officers receiving bribes.

Every executive, legislative, county, municipal, judicial, or other public officer, or any employee of the State of Oklahoma or any political subdivision thereof, including peace officers and any other law enforcement officer, or any person assuming to act as such officer, who corruptly accepts or requests a gift or gratuity, or a promise to make a gift, or a promise to do an act beneficial to such officer, or that judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may be by law brought before him in his official capacity, or as a consideration for any speech, work, or service in connection therewith, or that in such capacity he shall make any particular nomination or appointment, shall forfeit his office, be forever disqualified to hold any public office, trust, or appointment under the laws of this state, and be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00) and imprisonment in jail not exceeding one (1) year.

R.L. 1910, § 2184. Amended by Laws 1967, c. 1, § 2, emerg. eff. Feb. 1, 1967; Laws 1976, c. 41, § 2, emerg. eff. April 5, 1976; Laws 1997, c. 133, § 181, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 98, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 181 from July 1, 1998, to July 1, 1999.

§21-383. Bribing jurors, referees, etc.

Any person who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator, umpire or assessor, or to any person who may be authorized by law or agreement of parties interested to hear or determine any question or controversy, with intent to influence his vote, opinion or decision upon any matter or question which is or may be brought before him for decision, is guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or both.

R.L. 1910, § 2185. Amended by Laws 1997, c. 133, § 182, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 99, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 182 from July 1, 1998, to July 1, 1999.

§21-384. Receiving bribes by jurors, referees, etc.

Any juror, referee, arbitrator, umpire or assessor, and every person authorized by law to hear or determine any question or controversy, who asks, receives, or agrees to receive, any bribe upon any agreement or understanding that his vote, opinion or decision upon any matter or question which is or may be brought before him for decision, shall be thereby influenced, shall be guilty of a felony.

R.L. 1910, § 2186. Amended by Laws 1997, c. 133, § 183, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 183 from July 1, 1998, to July 1, 1999.

§21-385. Misconduct of jurors.

Every juror or person drawn or summoned as a juror, or chosen arbitrator, or umpire, or appointed referee, who either:

1. Makes any promise or agreement to give a verdict for or against any party; or,

2. Willfully permits any communication to be made to him, or receives any book, paper, instrument, or information relative to any cause pending before him, except according to the regular course of proceeding upon the trial of such cause, is guilty of a misdemeanor.

R.L.1910, § 2187.

§21-386. Accepting gifts.

Every judicial officer, juror, referee, arbitrator or umpire, who accepts any gift from any person, knowing him to be a party in interest or the attorney or counsel of any party in interest to any action or proceeding then pending or about to be brought before him, is guilty of a misdemeanor.

R.L.1910, § 2188.

§21-387. Gifts defined.

The word "gift" in the foregoing section shall not be taken to include property received by inheritance, by will or by gift in view of death.

R.L.1910, § 2189.

§21-388. Attempts to influence jurors.

Every person who attempts to influence a juror, or any person summoned or drawn as a juror, or chosen as arbitrator or appointed a referee, in respect to his or her verdict, or decision of any cause or matter pending, or about to be brought before him or her, either:

1. By means of any communication oral or written had with him or her, except in the regular course of proceedings upon the trial of the cause;

2. By means of any book, paper, or instrument, exhibited otherwise than in the regular course of proceedings, upon the trial of the cause;

3. By means of any threat or intimidation; or

4. By means of any assurance or promise of any pecuniary or other advantage,

is guilty of a felony punishable by a fine not to exceed Five Thousand Dollars ($5,000.00) or by imprisonment in the State Penitentiary not to exceed ten (10) years, or by both such fine and imprisonment.

R.L. 1910, § 2190. Amended by Laws 2014, c. 316, § 1, eff. Nov. 1, 2014.

§21-389. Drawing jurors fraudulently.

Every person authorized by law to assist at the drawing of any jurors to attend any court, who willfully puts or consents to the putting upon any list of jurors as having been drawn any name which shall not have been drawn for that purpose in the manner prescribed by law; or, who omits to place on such list any name that shall have been drawn in the manner prescribed by law, or who signs or certifies any list of jurors as having been drawn which was not drawn according to law; or, who is guilty of any other unfair, partial or improper conduct in the drawing of any such list of jurors, is guilty of a misdemeanor.

R.L.1910, § 2191.

§21-390. Misconduct by officer in charge of jury.

Every officer to whose charge any juror or jury is committed by any court or magistrate, who negligently or willfully permits them, or any one of them, either:

1. To receive any communication from any person;

2. To make any communication to any person;

3. To obtain or receive any book or paper or refreshment; or

4. To leave the jury room, the jury box, or his immediate custody or control, without the leave of such court or magistrate first obtained, is guilty of a misdemeanor.

Every bailiff, or other officer or person, into whose custody and care any court of record contemplates committing any juror or jury, before entering upon his duties as such for the court term or such lesser period of such service as the court may determine, shall first be admonished and shall make in writing and file with the clerk of such court a solemn oath, sworn to before the clerk or judge of such court, to the effect that he will regard the foregoing provisions of this section and that he will faithfully prevent the same and obstruct any attempt to accomplish or to attempt to do any of them, but at the same time to have regard to the comfort and well-being of the jurors and all of them, entrusted into his care in each and every jury trial in any cause during such court term or lesser period of appointment by such court.

In every court the same admonition shall be given and the same oath required as above, in each jury trial; but the court shall have the option whether the same be oral, or in writing and filed in such case, but thereafter during the trial of the same cause and until such jury is dismissed from further consideration of the same it shall not be necessary, for all intent and purposes of this act, to administer again such admonition or to require such oath.
R.L.1910, § 2192; Laws 1949, p. 203, § 1; Laws 1951, p. 59, § 1.

§21-399. Athletic contests - Bribery of participants, officials, etc.

Whoever corruptly gives, offers or promises any gift, gratuity or thing of value to any player, participant, coach, referee, umpire, official or any other person having authority in connection with the conducting of any amateur or professional athletic contest with the intent to influence the action, conduct, judgment, or decision of any such person in, or in connection with, such contest, or as a consideration for such person acting, playing or performing his functions in any such contest, in any manner calculated to affect the result thereof, or in consideration of such person failing to participate or engage in such contest, shall be deemed guilty of bribery, and upon conviction shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not to exceed five (5) years; or by a fine of not to exceed Three Thousand Dollars ($3,000.00) and imprisonment in the county jail for not to exceed one (1) year.
Added by Laws 1947, p. 231, § 1, emerg. eff. April 16, 1947.
Amended by Laws 1997, c. 133, § 184, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 100, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective

date of Laws 1997, c. 133, § 184 from July 1, 1998, to July 1, 1999.

§21-400. Acceptance of bribe by participant, official, etc.

Every player, participant, coach, umpire, referee or other person having or exercising authority in connection with the conducting of any amateur or professional athletic contest, who corruptly accepts or requests a gift or gratuity or a promise of any such gift or gratuity, or any other thing of value, or the performance of an act beneficial to any such person in consideration of such person performing any act or making any judgment or decision, or in consideration of such person playing or making decisions or judgments or conducting such athletic contest, in a manner intended or calculated to affect or change the result of such athletic contest, or in consideration of such person failing to participate or engage in any such contest, shall be deemed guilty of a felony and upon conviction shall be punished by imprisonment in the State Penitentiary for not to exceed one (1) year, or by a fine of not to exceed Three Thousand Dollars ($3,000.00) or imprisonment in the county jail for not to exceed one (1) year or by both such fine and imprisonment.

Added by Laws 1947, p. 232, § 2, emerg. eff. April 16, 1947. Amended by Laws 1997, c. 133, § 185, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 101, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 185 from July 1, 1998, to July 1, 1999.

§21-401. Gifts or rewards for outstanding play or meritorious service not prohibited.

The provisions of sections 1 and 2 of this act shall not be construed as preventing or prohibiting the giving or accepting of gifts or rewards by any of the persons specified in said sections for outstanding play or meritorious service in the performance of their duties in, or in connection with, any athletic contest or contests.

Laws 1947, p. 232, § 3.

§21-402. Forfeiture of monies, properties and assets used in violation of bribery laws.

All monies, properties and assets of any kind or character used in the violation of any and all of the bribery laws of this state, and which has been paid, delivered or turned over to any person, firm, corporation or public official, shall be forfeited to the state by order of the court before which the action concerning the person, firm, or corporation charged with such bribery has terminated with the conviction of such person, firm, or corporation.

Laws 1959, p. 113, § 1.

§21-403. Issuance of orders and writs pending trial.

The court before which bribery charges are pending, shall, pending the trial thereof, issue such orders and issue such writs as may be necessary directing the sheriff of the county in which such bribery charge is pending to seize and take possession of such monies, funds, properties or assets, and to hold the same subject to the further proceedings to be had therein.
Laws 1959, p. 113, § 2.

§21-404. Hearing - Judgment of forfeiture - Sale of properties or assets.

The court having jurisdiction of the monies, funds, properties or assets so seized upon conviction of the person, firm, or corporation charged, shall, without a jury, order an immediate hearing as to whether the monies, funds, properties or assets so seized were being used for unlawful purposes, and take such legal evidences as are offered on each behalf and determine the same as in civil cases. Should the court find from a preponderance of the testimony that the monies, funds, properties or assets so seized were being used for the violation of the bribery laws of the State of Oklahoma, it shall render judgment accordingly and declare said monies, funds, properties or assets forfeited to the State of Oklahoma. Thereupon, said properties or assets shall, under the order of said court, be sold by the officer having the same in charge, after ten (10) days' notice published in a daily newspaper of the county wherein said sale is to take place, or if no daily newspaper is published in said county, then by posting five notices in conspicuous places in the city or town wherein such sale is to be made; and if the same is money or a fund, or of such nature as being negotiable and sale unnecessary, then such money, fund or negotiable property shall be held by the officer having charge of same, until disposed of in accordance with the provisions of this act. All sales of property and assets hereunder shall be for cash.
Laws 1959, p. 114, § 3.

§21-405. Appeals - Disposition of proceeds.

Appeals may be allowed as in civil cases, but the possession of monies, funds, properties or assets being so unlawfully used shall be prima facie evidence that it is the properties, funds, monies or assets of the person so using it. Where said monies, funds, properties or assets are sold or otherwise ordered forfeited under the provisions of this act the proceeds shall be disbursed and applied as follows:

First. To the payment of the costs of the forfeiting proceedings and actual expenses of preserving the properties.

Second. One-eighth (1/8) of the proceeds remaining to the public official, witness, juror or other person to whom the bribe

was given, provided such public official, witness, juror or other person had theretofore voluntarily surrendered the same to the sheriff of the county and informed the proper officials of the bribery or attempted bribery.

Third. One-eighth (1/8) to the district attorney prosecuting the case.

Fourth. The balance to the county treasurer to be credited by him to the court fund of the county.

Laws 1959, p. 114, § 4.

§21-406. Fees as additional to salaries.

The fees paid to any officer and prosecuting officer as provided in the preceding section, shall be in addition to the salaries now provided for them by law.

Laws 1959, p. 114, § 5.

§21-421. Conspiracy – Definition - Punishment.

A. If two or more persons conspire, either:

1. To commit any crime; or

2. Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime; or

3. Falsely to move or maintain any suit, action or proceeding; or

4. To cheat and defraud any person of any property by any means which are in themselves criminal, or by any means which, if executed, would amount to a cheat or to obtaining money or property by false pretenses; or

5. To commit any act injurious to the public health, to public morals, or to trade or commerce, or for the perversion or obstruction of justice or the due administration of the laws, they are guilty of a conspiracy.

B. Except in cases where a different punishment is prescribed by law the punishment for conspiracy shall be a misdemeanor unless the conspiracy is to commit a felony.

C. Conspiracy to commit a felony shall be a felony and is punishable by payment of a fine not exceeding Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for a period not exceeding ten (10) years, or by both such fine and imprisonment.

R.L. 1910, § 2232. Amended by Laws 1968, c. 84, § 1, emerg. eff. April 1, 1968; Laws 1979, c. 174, § 1; Laws 1997, c. 133, § 186, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 102, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 186 from July 1, 1998, to July 1, 1999.

§21-422. Conspiracy outside state against the peace of the state.

If two or more persons, being out of this state, conspire to commit any act against the peace of this state, the commission or attempted commission of which, within this state, would be treason against the state, they shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.
R.L. 1910, § 2233. Amended by Laws 1997, c. 133, § 187, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 103, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 187 from July 1, 1998, to July 1, 1999.

§21-423. Overt act necessary.

No agreement to commit a felony or to commit a misdemeanor amounts to a conspiracy, unless some act besides such agreement be done to effect the object thereof, by one or more of the parties to such agreement.
R.L.1910, § 2234.

§21-424. Punishment for conspiracy against state.

If two or more persons conspire either to commit any offense against the State of Oklahoma, any county, school district, municipality or subdivision thereof, or to defraud the State of Oklahoma, any county, school district, municipality or subdivision thereof, in any manner or for any purpose, and if one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be guilty of a felony punishable by a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or imprisonment for not more than ten (10) years or by both such fine and imprisonment.
Added by Laws 1915, c. 260, § 1. Amended by Laws 1982, c. 148, § 1, operative Oct. 1, 1982; Laws 1997, c. 133, § 188, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 104, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 188 from July 1, 1998, to July 1, 1999.

§21-425. Engaging or conspiring to engage in pattern of criminal offenses.

A. Any person who engages in a pattern of criminal offenses in two or more counties in this state or who attempts or conspires with others to engage in a pattern of criminal offenses shall, upon conviction, be punishable by imprisonment in the Department of Corrections for a term not exceeding two (2) years, or imprisonment in the county jail for a term not exceeding one (1) year, or by a fine in an amount not more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment. Such punishment shall be in addition to any penalty imposed for any offense involved in the pattern of criminal offenses. Double jeopardy shall attach upon conviction.

B. For purposes of this act, "pattern of criminal offenses" means:

1. Two or more criminal offenses are committed that are part of the same plan, scheme, or adventure; or

2. A sequence of two or more of the same criminal offenses are committed and are not separated by an interval of more than thirty (30) days between the first and second offense, the second and third, and so on; or

3. Two or more criminal offenses are committed, each proceeding from or having as an antecedent element a single prior incident or pattern of fraud, robbery, burglary, theft, identity theft, receipt of stolen property, false personation, false pretenses, obtaining property by trick or deception, taking a credit or debit card without consent, or the making, transferring or receiving of a false or fraudulent identification card.

C. Jurisdiction and venue for a pattern of criminal offenses occurring in multiple counties in this state shall be determined as provided in Section 1 of this act.

Added by Laws 2004, c. 292, § 2, emerg. eff. May 11, 2004.

§21-431. Rearrest of escaped prisoners.

Every prisoner confined upon conviction for a criminal offense, who escapes from prison, may be pursued, retaken and imprisoned again, notwithstanding the term for which he was sentenced to be imprisoned may have expired at the time when he is retaken, and he shall remain so imprisoned until tried for such escape, or discharged, on a failure to prosecute therefor.

R.L.1910, § 2196.

§21-434. Attempt to escape from penitentiary.

Every prisoner confined in the penitentiary for a term less than for life, who attempts by force or fraud, although unsuccessfully, to escape from such prison, shall be guilty of a felony.

R.L. 1910, § 2198. Amended by Laws 1997, c. 133, § 189, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 189 from July 1, 1998, to July 1, 1999.

§21-436. Attempt to escape from other prison than penitentiary.

Any prisoner confined in any other prison than the penitentiary, who attempts by force or fraud, although unsuccessfully, to escape therefrom, is guilty of a felony punishable by imprisonment in a county jail not exceeding one (1) year, to commence from the expiration of the original term of his imprisonment.

R.L. 1910, § 2200. Amended by Laws 1997, c. 133, § 190, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 105, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective

date of Laws 1997, c. 133, § 190 from July 1, 1998, to July 1, 1999.

§21-437. Assisting prisoner to escape.

Any person who willfully by any means whatever, assists any prisoner confined in any prison to escape therefrom, is punishable as follows:

1. If such prisoner was confined upon a charge or conviction of a felony, such person shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

2. If such prisoner was confined otherwise than upon a charge or conviction of a felony, by imprisonment in the county jail not exceeding one (1) year, or by fine, not exceeding Five Hundred Dollars ($500.00), or both.

R.L. 1910, § 2201. Amended by Laws 1997, c. 133, § 191, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 106, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 191 from July 1, 1998, to July 1, 1999.

§21-438. Carrying into prison things to aid escape.

Any person who carries or sends into any prison anything useful to aid any prisoner in making his escape, with intent thereby to facilitate the escape of any prisoner confined therein, is punishable as follows:

1. If such prisoner was confined upon any charge or conviction of felony, by imprisonment in the State Penitentiary not exceeding ten (10) years.

2. If such prisoner was confined otherwise than upon a charge or conviction of felony, by imprisonment in the county jail not exceeding one (1) year, or by a fine of Five Hundred Dollars ($500.00), or both.

R.L. 1910, § 2202. Amended by Laws 1997, c. 133, § 192, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 107, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 192 from July 1, 1998, to July 1, 1999.

§21-439. Concealing escaped prisoner.

Every person who willfully and knowingly conceals any prisoner, who having been confined in prison upon a charge or conviction of misdemeanor, has escaped therefrom, is guilty of a misdemeanor.
R.L.1910, § 2203.

§21-440. Harboring criminals and fugitives – Assisting a sex offender in violation of registration requirements – Unlawful acts - Penalties.

A. Any person who shall knowingly feed, lodge, clothe, arm, equip in whole or in part, harbor, aid, assist or conceal in any manner any person guilty of any felony, or outlaw, or fugitive from

justice, or any person seeking to escape arrest for any felony committed within this state or any other state or territory, shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period not exceeding ten (10) years.

B. It shall be unlawful for any person who has reason to believe that a sex offender is in violation of the registration requirements of the Sex Offenders Registration Act and who has the intent to assist the sex offender in eluding arrest, to do any of the following:

1. Withhold information from, or fail to notify, a law enforcement agency about the noncompliance of the sex offender with the registration requirements of the Sex Offenders Registration Act, and, if known, the whereabouts of the offender;

2. Harbor, attempt to harbor, or assist another person in harboring or attempting to harbor, the sex offender;

3. Conceal, or attempt to conceal, or assist another person in concealing or attempting to conceal, the sex offender; or

4. Provide information to a law enforcement agency regarding the sex offender that the person knows to be false information.

C. Any person convicted of violating the provisions of subsection B of this section shall be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.

R.L. 1910, § 2204. Amended by Laws 1997, c. 133, § 193, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 108, eff. July 1, 1999; Laws 2009, c. 404, § 1, eff. Nov. 1, 2009.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 193 from July 1, 1998, to July 1, 1999.

§21-441. Assisting escape from officer.

Every person who willfully assists any prisoner in escaping or attempting to escape from the custody of any officer or person having the lawful charge of such prisoner under any process of law or under any lawful arrest, is guilty of a misdemeanor.

R.L.1910, § 2205.

§21-442. Prisoner defined.

The term prisoner in this article includes every person held in custody under process of law issued from a court of competent jurisdiction, whether civil or criminal, or under any lawful arrest.

R.L.1910, § 2206.

§21-443. Escape from city or county jail or custody of Department of Corrections - Penalty - Juvenile or youthful offender.

A. Any person having been imprisoned in a county or city jail

awaiting charges on a felony offense or prisoner awaiting trial or having been sentenced on a felony charge to the custody of the Department of Corrections or any other prisoner having been lawfully detained who escapes from a county or city jail, either while actually confined therein, while permitted to be at large as a trusty, or while awaiting transportation to a Department of Corrections facility for execution of sentence, shall be guilty of a felony punishable by imprisonment of not less than one (1) year nor more than seven (7) years.

B. Any person who is an inmate in the custody of the Department of Corrections who escapes from said custody, either while actually confined in a correctional facility, while assigned to an alternative to incarceration authorized by law, while assigned to the Preparole Conditional Supervision Program as authorized by Section 365 of Title 57 of the Oklahoma Statutes or while permitted to be at large as a trusty, shall be guilty of a felony punishable by imprisonment of not less than two (2) years nor more than seven (7) years.

C. For the purposes of this section, an inmate assigned to an alternative to incarceration authorized by law or to the Preparole Conditional Supervision Program shall be considered to have escaped if the inmate cannot be located within a twenty-four hour period or if he or she fails to report to a correctional facility or institution, as directed. This includes any person escaping by absconding from an electronic monitoring device or absconding after removing an electronic monitoring device from their body.

D. For the purposes of this section, if the individual who escapes has felony convictions for offenses other than the offense for which the person was serving imprisonment at the time of the escape, those previous felony convictions may be used for enhancement of punishment pursuant to the provisions of Section 434 of this title. The fact that any such convictions may have been used to enhance punishment in the sentence for the offense for which the person was imprisoned at the time of the escape shall not prevent such convictions from being used to enhance punishment for the escape.

E. Any juvenile or youthful offender lawfully placed in a juvenile detention facility or secure juvenile facility, other than a community intervention center, who escapes from the facility while actually confined therein, who escapes while escorted by a transportation officer, or who escapes while permitted to be on an authorized pass or work program outside the facility shall be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than three (3) years. For purposes of this subsection:

1. A juvenile or youthful offender permitted to be on an authorized pass or work program shall be considered to have escaped if the juvenile or youthful offender cannot be located within a

twenty-four-hour period or if the juvenile or youthful offender fails to report to the facility at the specified time, and shall include any juvenile or youthful offender escaping by absconding from an electronic monitoring device or absconding after removing an electronic monitoring device from the body of the juvenile or youthful offender; and

2. "Escape" means a juvenile or youthful offender in lawful custody who has absented himself or herself without official permission from a facility or secure placement, during transport to or from such facility, or failure to return from a pass issued by a facility.

Added by Laws 1939, p. 6, § 1. Amended by Laws 1943, p. 83, § 1; Laws 1974, c. 285, § 15, emerg. eff. May 29, 1974; Laws 1976, c. 175, § 1, emerg. eff. May 31, 1976; Laws 1983, c. 47, § 1, eff. Nov. 1, 1983; Laws 1986, c. 89, § 1, eff. Nov. 1, 1986; Laws 1988, c. 109, § 23, eff. Nov. 1, 1988; Laws 1988, c. 310, § 9, operative July 1, 1988; Laws 1993, c. 276, § 12, emerg. eff. May 27, 1993; Laws 1994, c. 290, § 50, eff. July 1, 1994; Laws 1997, c. 133, § 194, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 109, eff. July 1, 1999; Laws 2005, c. 74, § 1, eff. Nov. 1, 2005; Laws 2006, c. 161, § 1, eff. Nov. 1, 2006; Laws 2010, c. 401, § 1, eff. July 1, 2010.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 194 from July 1, 1998, to July 1, 1999.

§21-443a. Additional punishment under rules and regulations of prison after escape.

In addition, all prisoners who escape from either of the aforesaid prisons either while confined therein, or while at large as a trusty, when apprehended and returned to the prison, shall be punishable by the prison authorities in such manner as may be prescribed by the rules and regulations of the prison provided that such punishment shall not be cruel or unusual.

Laws 1939, p. 7, § 2.

§21-444. Escape or attempt to escape from arrest or detention - Removal of monitoring device.

A. It is unlawful for any person, after being lawfully arrested or detained by a peace officer, to escape or attempt to escape from such peace officer.

B. Any person who escapes or attempts to escape after being lawfully arrested or detained for custody for a misdemeanor offense shall be guilty of a misdemeanor.

C. Any person who escapes or attempts to escape after being lawfully arrested or detained for custody for a felony offense shall be guilty of a felony.

D. It is unlawful for any person admitted to bail or released

on recognizance, bond, or undertaking for appearance before any magistrate or court of the State of Oklahoma, and required as a condition of such release from detention to wear any electronic monitoring device on the body of the person to remove such device without authorization from the court. For purposes of this subsection, any person charged with a misdemeanor offense who removes such device without authorization from the court shall be guilty of a misdemeanor and any person charged with a felony offense who removes such device without authorization from the court shall be guilty of a felony.
Added by Laws 1981, c. 163, § 1. Amended by Laws 1997, c. 133, § 195, eff. July 1, 1999; Laws 2010, c. 226, § 4, eff. Nov. 1, 2010.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 195 from July 1, 1998, to July 1, 1999.

§21-445. Unauthorized entry into penal institution, jail, etc. - Penalties.

Any person who willfully gains unauthorized entry into any state penal institution, jail, any place where prisoners are located, or the penal institution grounds, upon conviction, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years, or by the imposition of a fine of not less than Five Hundred Dollars ($500.00) or more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.
Added by Laws 1985, c. 84, § 1, eff. Nov. 1, 1985. Amended by Laws 1997, c. 133, § 196, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 110, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 196 from July 1, 1998, to July 1, 1999.

§21-446. Unlawful transport of alien - Concealing, harboring or sheltering from detection - Destroying, hiding, altering, or keeping documentation.

A. It shall be unlawful for any person to transport, move, or attempt to transport in the State of Oklahoma any alien knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law, in furtherance of the illegal presence of the alien in the United States.

B. It shall be unlawful for any person to conceal, harbor, or shelter from detection any alien in any place within the State of Oklahoma, including any building or means of transportation, knowing or in reckless disregard of the fact that the alien has come to, entered, or remained in the United States in violation of law.

C. It shall be unlawful for any person to intentionally destroy, hide, alter, abscond with or keep documentation, including

birth certificates, visas, passports, green cards or other documents utilized in the regular course of business to either verify or legally extend an individual's legal status within the United States for the purpose of trafficking a person in violation of Section 748 of this title.

D. Nothing in this section shall be construed so as to prohibit or restrict the provision of any state or local public benefit described in 8 U.S.C., Section 1621(b), or regulated public health services provided by a private charity using private funds.

E. Any person violating the provisions of subsections A, B or C of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year, or by a fine of not less than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

Added by Laws 2007, c. 112, § 3, eff. Nov. 1, 2007. Amended by Laws 2010, c. 409, § 2, eff. Nov. 1, 2010.

§21-451. Offering false evidence.

Any person who, upon any trial, proceedings, inquiry or investigation whatever, authorized by law, offers in evidence, as genuine, any book, paper, document, record, or other instrument in writing, knowing the same to have been forged, or fraudulently altered, shall be guilty of a felony and shall be punished in the same manner as the forging or false alteration of such instrument is made punishable by the provisions of this title.

R.L. 1910, § 2226. Amended by Laws 1997, c. 133, § 197, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 197 from July 1, 1998, to July 1, 1999.

§21-452. Deceiving witness.

Every person who practices any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token or writing, to any witness or person about to be called as a witness, upon any trial, proceeding, inquiry or investigation whatever, proceeding by authority of law, with intent to affect the testimony of such witness, is guilty of a misdemeanor.

R.L.1910, § 2227.

§21-453. Preparing false evidence.

Any person guilty of falsely preparing any book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced as genuine upon any trial, proceeding or inquiry whatever, authorized by law, shall be guilty of a felony.

R.L. 1910, § 2228. Amended by Laws 1997, c. 133, § 198, eff. July

1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 198 from July 1, 1998, to July 1, 1999.

§21-454. Destroying evidence.

Every person who knowing that any book, paper, record, instrument in writing, or other matter or thing, is about to be produced in evidence upon any trial, proceeding, inquiry or investigation whatever, authorized by law, willfully destroys the same, with intent thereby to prevent the same from being produced, is guilty of a misdemeanor.
R.L.1910, § 2229. d

§21-455. Preventing witness from giving testimony - Threatening witness who has given testimony.

A. Every person who willfully prevents or attempts to prevent any person from giving testimony or producing any record, document or other object, who has been duly summoned or subpoenaed or endorsed on the criminal information or juvenile petition as a witness, or who makes a report of abuse or neglect pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes or Section 10-104 of Title 43A of the Oklahoma Statutes, or who is a witness to any reported crime, or threatens or procures physical or mental harm through force or fear with the intent to prevent any witness from appearing in court to give his or her testimony or produce any record, document or other object, or to alter his or her testimony is, upon conviction, guilty of a felony punishable by not less than one (1) year nor more than ten (10) years in the custody of the Department of Corrections.

B. Every person who threatens physical harm through force or fear or causes or procures physical harm to be done to any person or harasses any person or causes a person to be harassed because of testimony given by such person in any civil or criminal trial or proceeding, or who makes a report of abuse or neglect pursuant to Section 1-2-101 of Title 10A of the Oklahoma Statutes or Section 10-104 of Title 43A of the Oklahoma Statutes, is, upon conviction, guilty of a felony punishable by not less than one (1) year nor more than ten (10) years in the custody of the Department of Corrections.
R.L. 1910, § 2230. Amended by Laws 1977, c. 158, § 1, eff. Oct. 1, 1977; Laws 1981, c. 92, § 1, eff. Oct. 1, 1981; Laws 1991, c. 296, § 29, eff. Sept. 1, 1991; Laws 1993, c. 182, § 1, emerg. eff. May 17, 1993; Laws 1997, c. 133, § 199, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 111, eff. July 1, 1999; Laws 2013, c. 243, § 1, eff. Nov. 1, 2013.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 199 from July 1, 1998, to July 1, 1999.

§21-456. Bribing witness - Subornation of perjury.

Any person who gives or offers or promises to give to any witness or person about to be called as a witness in any matter whatever, including contests before United States land officers or townsite commissioners, any bribe upon any understanding or agreement that the testimony of such witness shall be influenced, or who attempts by any other means fraudulently to induce any witness to give false testimony shall be guilty of a felony, but if the offer, promise, or bribe is in any way to induce the witness to swear falsely, then it shall be held to be subornation of perjury.

R.L. 1910, § 2231. Amended by Laws 1997, c. 133, § 200, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 200 from July 1, 1998, to July 1, 1999.

§21-461. Larceny or destruction of records by clerk or officer.

Any clerk, register or other officer having the custody of any record, maps or book, or of any paper or proceeding of any court of justice, filed or deposited in any public office, who is guilty of stealing, willfully destroying, mutilating, defacing, altering or falsifying or unlawfully removing or secreting such record, map, book, paper or proceeding, or who permits any other person so to do, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, and in addition thereto, such person shall forfeit office.

R.L. 1910, § 2207. Amended by Laws 1997, c. 133, § 201, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 112, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 201 from July 1, 1998, to July 1, 1999.

§21-462. Larceny or destruction of records by other persons.

Any person not an officer such as is mentioned in Section 461 of this title, who is guilty of any of the acts specified in that section shall be guilty of a felony, punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a 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.

R.L. 1910, § 2208. Amended by Laws 1997, c. 133, § 202, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 113, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 202 from July 1, 1998, to July 1, 1999.

§21-463. Offering forged or false instruments for record.

Any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United

States, shall be guilty of a felony.
R.L. 1910, § 2209. Amended by Laws 1997, c. 133, § 203, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 203 from July 1, 1998, to July 1, 1999.

§21-464. Forging name to petition - Penalties.

Any person who shall knowingly sign, subscribe or forge the name of any other person, without the consent of such other person, to any petition, application, remonstrance, or other instrument of writing, authorized by law to be filed in or with any court, board or officer, with intent to deceive or mislead such court, board or officer, shall be punished by a fine of not exceeding Five Hundred Dollars ($500.00), or imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.
R.L.1910, § 2210.

§21-471. Repealed by Laws 2013, c. 90, § 1, eff. Nov. 1, 2013.

§21-481. Employment of relatives unlawful, when.

A. It shall be unlawful for any executive, legislative, ministerial or judicial officer to appoint or vote for the appointment of any person related to him by affinity or consanguinity within the third degree, to any clerkship, office, position, employment or duty in any department of the state, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages, pay or compensation of such appointee is to be paid out of the public funds or fees of such office. Provided, however, that for the purposes of this chapter, a divorce of husband and wife shall terminate all relationship by affinity that existed by reason of the marriage, regardless of whether the marriage has resulted in issue who are still living.

B. The provisions of this section shall not apply to any situation covered by Section 5-113 of Title 70 of the Oklahoma Statutes.
R.L. 1910, § 2235. Amended by Laws 1953, p. 95, § 1; Laws 2001, c. 29, § 1, eff. Nov. 1, 2001.

§21-482. Unlawful to pay salary to ineligible persons.

It shall be unlawful for any such executive, legislative, ministerial or judicial officer mentioned in the preceding section, to draw or authorize the drawing of any warrant or authority for the payment out of any public fund, of the salary, wages, pay or compensation of any such ineligible person, and it shall be unlawful for any executive, legislative, ministerial or judicial officer to pay out of any public funds in his custody or under his control the

salary, wages, pay or compensation of any such ineligible person.
R.L.1910, § 2236.

§21-483. Appointment of one related to another officer.

It shall be unlawful for any executive, legislative, ministerial, or judicial officer to appoint and furnish employment for any person whose services are to be rendered under his direction and control and paid for out of the public funds, and who is related by either blood or marriage within the third degree to any other executive, legislative, ministerial or judicial officer when such appointment is made in part consideration that such other officer shall appoint and furnish employment to any one so related to the officer making such appointment.
R.L.1910, § 2237.

§21-484. Relatives cannot hold office, when.

Any person related within the third degree by affinity or consanguinity to any elected member of the legislative, judicial or executive branch of the state government shall not be eligible to hold any clerkship, office, position, employment or duty for which compensation is received in the same agency as such elected member of the state government.
Amended by Laws 1988, c. 303, § 37, emerg. eff. July 1, 1988.

§21-484.1. Applicability.

The provisions of Sections 481 through 484 of Title 21 of the Oklahoma Statutes shall not apply to any situation covered by Sections 5-113 and 5-113.1 of Title 70 of the Oklahoma Statutes.
Added by Laws 2009, c. 253, § 3, eff. July 1, 2009.

§21-485. Penalty.

Any executive, legislative, ministerial or judicial officer who shall violate any provision of this Article, shall be deemed guilty of a misdemeanor involving official misconduct, and shall be punished by a fine of not less than One Hundred or more than One Thousand Dollars ($1,000.00), and shall forfeit his office.
R.L.1910, § 2239.

§21-486. Removal from office for violation of article.

Every person guilty of violating the provisions of this article, shall, independently of, or in addition to any criminal prosecution that may be instituted, be removed from office according to the mode of trial and removal prescribed in the Constitution and laws of this State.
R.L.1910, § 2240.

§21-486.1. Exemption of employees already in service of district

from certain nepotism provisions.

Upon the election of a board member of a rural water, sewer, gas and solid waste management district created pursuant to the Rural Water, Sewer, Gas and Solid Waste Management Districts Act, the provisions of Sections 481 through 487 of Title 21 of the Oklahoma Statutes shall not prohibit any employee already in the service of such rural water, sewer, gas and solid waste management district from continuing in such service or from promotion therein. Provided, however, the board member related to the employee shall excuse himself from the board meeting during any discussion of or action taken on any matter that could affect the employment or compensation for employment of such employee.

Added by Laws 1997, c. 172, § 3, emerg. eff. May 7, 1997.

§21-487. Officers affected.

Under the designation executive, legislative, ministerial or judicial officer as mentioned herein are included the Governor, Lieutenant Governor, Speaker of the House of Representatives, Corporation Commissioners, all the heads of the departments of the state government, judges of all the courts of this State, mayors, clerks, councilmen, trustees, commissioners and other officers of all incorporated cities and towns, public school trustees, officers and boards of managers of the state university and its several branches, state normals, the penitentiaries and eleemosynary institutions, members of the commissioners court, and all other officials of the State, district, county, cities or other municipal subdivisions of the state.

R.L.1910, § 2241.

§21-491. Perjury defined - Defense.

Whoever, in a trial, hearing, investigation, deposition, certification or declaration, in which the making or subscribing of a statement is required or authorized by law, makes or subscribes a statement under oath, affirmation or other legally binding assertion that the statement is true, when in fact the witness or declarant does not believe that the statement is true or knows that it is not true or intends thereby to avoid or obstruct the ascertainment of the truth, is guilty of perjury. It shall be a defense to the charge of perjury as defined in this section that the statement is true.

R.L.1910, § 2211; Laws 1965, c. 126, § 1, emerg. eff. May 24, 1965.

§21-492. Oath defined.

The term "oath," as used in the last section, includes an affirmation, and every other mode of attesting the truth of that which is stated, which is authorized by law.

R.L.1910, § 2212.

§21-493. Oath of office.

So much of an oath of office as relates to the future performance of official duties is not such an oath as is intended by the previous sections.

R.L.1910, § 2213.

§21-494. Irregularities no defense.

It is no defense to a prosecution for perjury that the oath was administered or taken in an irregular manner.

R.L.1910, § 2214.

§21-495. Incompetency no defense.

It is no defense to a prosecution for perjury that the accused was not competent to give the testimony, deposition or certificate of which falsehood is alleged. It is sufficient that he actually was required to give such testimony or made such deposition or certificate.

R.L.1910, § 2215.

§21-496. Contradictory statements as perjury.

Whoever, in one or more trials, hearings, investigations, depositions, certifications or declarations, in which the making or subscribing of statements is required or authorized by law, makes or subscribes two or more statements under oath, affirmation or other legally binding assertion that the statements are true, when in fact two or more of the statements contradict each other, is guilty of perjury.

R.L.1910, § 2216; Laws 1965, c. 126, § 2, emerg. eff. May 24, 1965.

§21-497. Making deposition or certificate.

The making of a deposition or certificate is deemed to be complete, within the provisions of this article, from the time when it is delivered by the accused to any other person with the intent that it be uttered or published as true.

R.L.1910, § 2217.

§21-498. Degree of proof required.

(a) Proof of guilt beyond a reasonable doubt is sufficient for conviction under this act, and it shall not be necessary also that proof be by a particular number of witnesses or by documentary or other type of evidence.

(b) Lack of materiality of the statement is not a defense but the degree to which a perjured statement might have affected some phase or detail of the trial, hearing, investigation, deposition, certification or declaration shall be considered, together with the other evidence or circumstances, in imposing sentence.

(c) In a prosecution for perjury by contradictory statements, as defined in Section 496 of Title 21, it is unnecessary to prove which, if any, of the statements is not true.
R.L.1910, § 2218; Laws 1965, c. 126, § 3, emerg. eff. May 24, 1965.

§21-499. Defenses to charges of perjury.
(1) Upon accusation of a charge of perjury by single statement, as defined in Section 491 of Title 21, it is a defense that the statement is true.
(2) Upon accusation of a charge of perjury by contradictory statements, as defined in Section 496 of Title 21, it is a defense that the accused at the time he made each statement believed the statement was true.
Laws 1965, c. 126, § 4.

§21-500. Perjury as a felony.
Perjury is a felony punishable by imprisonment in the State Penitentiary as follows:
1. When committed on the trial of an indictment for felony, by imprisonment not less than two (2) years nor more than twenty (20) years;
2. When committed on any other trial proceeding in a court of justice, by imprisonment for not less than one (1) year nor more than ten (10) years; and
3. In all other cases by imprisonment not more than five (5) years.
R.L. 1910, § 2219. Amended by Laws 1931, p. 8, § 1. Renumbered from § 499 of this title by Laws 1965, c. 126, § 6, emerg. eff. May 24, 1965. Amended by Laws 1997, c. 133, § 204, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 114, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 204 from July 1, 1998, to July 1, 1999.

§21-501. Summary committal of witness.
Whenever it appears probable in any court of record, that any person who has testified in any action or proceeding in such court has committed perjury, such court must immediately commit such person by an order or process for that purpose to prison or take a recognizance with sureties for his appearance and answering to an indictment for perjury.
R.L.1910, § 2220; Laws 1965, c. 126, § 6.

§21-502. Witness bound over to appear.
Such court shall thereupon bind over the witnesses to establish such perjury to appear at the proper court to testify before grand jury, and upon the trial, in case an indictment is found for such perjury, and shall also cause immediate notice of such commitment or

recognizance, with the names of the witnesses so bound over, to be given to the district attorney.
R.L.1910, § 2221; Laws 1965, c. 126, § 6.

§21-503. Documents may be retained.

If, upon the hearing of such action or proceeding in which such perjury has probably been committed, any papers or documents produced by either party shall be deemed necessary to be used on the prosecution for such perjury, the court may by order detain such papers or documents from the party producing them, and direct them to be delivered to the district attorney.
R.L.1910, § 2222; Laws 1965, c. 126, § 6.

§21-504. Perjury by subornation - Felony - Attempted perjury by subornation.

Whoever procures another to commit perjury is guilty of perjury by subornation. Perjury by subornation is a felony, punishable as provided in Section 505 of this title. Whoever does any act with the specific intent to commit perjury by subornation but fails to complete that offense is guilty of attempted perjury by subornation.
Added by Laws 1965, c. 126, § 5, emerg. eff. May 24, 1965. Amended by Laws 1997, c. 133, § 205, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 115, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 205 from July 1, 1998, to July 1, 1999.

§21-505. Punishment of subornation of perjury.

Any person guilty of subornation of perjury is punishable in the same manner as he would be if personally guilty of the perjury so procured.
R.L.1910, § 2224; Laws 1965, c. 126, § 6.

§21-521. Rescuing prisoners.

Any person who by force or fraud rescues or attempts to rescue, or aids another person in rescuing or in attempting to rescue any prisoner from any officer or other person having him in lawful custody, is punishable as follows:

1. If such prisoner was in custody upon a charge or conviction of felony, such person shall be guilty of a felony by imprisonment in the State Penitentiary for not less than ten (10) years; or

2. If such prisoner was in custody otherwise than upon a charge or conviction of a felony, by imprisonment in a county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.
R.L. 1910, § 2194. Amended by Laws 1997, c. 133, § 206, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 116, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective

date of Laws 1997, c. 133, § 206 from July 1, 1998, to July 1, 1999.

§21-522. Taking goods from legal custody.

Every person who willfully injures or destroys, takes or attempts to take, or assists any other person in taking or attempting to take from the custody of any officer or person, any personal property which such officer or person has in charge under any process of law, is guilty of a misdemeanor.
R.L.1910, § 2195.

§21-531. Destruction or falsification of records.

Any sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer who mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office shall be guilty of a felony.
R.L.1910, § 2243. Amended by Laws 1997, c. 133, § 207, eff. July 1, 1999; Laws 2002, c. 460, § 5, eff. Nov. 1, 2002.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 207 from July 1, 1998, to July 1, 1999.

§21-532. Permitting escapes.

Any sheriff, coroner, clerk of a court, constable or other ministerial officer and any deputy or subordinate of any ministerial officer, who either:

1. Willfully or carelessly allows any person lawfully held by him in custody to escape or go at large, except as may be permitted by law; or

2. Receives any gratuity or reward, or any security or promise of one, to procure, assist, connive at or permit any prisoner in his custody to escape, whether such escape is attempted or not; or

3. Commits any unlawful act tending to hinder justice,

shall be guilty of a felony.
R.L. 1910, § 2244. Amended by Laws 1997, c. 133, § 208, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 208 from July 1, 1998, to July 1, 1999.

§21-533. Refusing to receive or fingerprint prisoners - Medical exceptions.

A. Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes, for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law or by contract to receive into custody any person as a prisoner, willfully neglects or refuses so to receive such person into custody

is guilty of a misdemeanor.

B. Except as provided in this section and Section 979a of Title 22 of the Oklahoma Statutes, for emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, any peace officer or jail or prison contractor who, in violation of a duty imposed upon the officer or contractor by law or by contract to fingerprint any person received into custody as a prisoner, willfully neglects or refuses so to fingerprint such person is guilty of a misdemeanor.

C. Any person coming into contact with a peace officer prior to being actually received into custody at a jail facility or holding facility, including, but not limited to, during the time of any arrest, detention, transportation, investigation of any incident, accident or crime, who needs emergency medical treatment for an injury or condition that threatens life or threatens the loss or use of a limb, shall be taken directly to a medical facility or hospital for such emergency medical care notwithstanding any duty imposed pursuant to this section or any other provision of law to first take such person into custody or to fingerprint such person. The responsibility for payment of such emergency medical costs shall be the sole responsibility of the person coming into the officer's contact and shall not be the responsibility of any jail, law enforcement agency, jail or prison contractor, sheriff, peace officer, municipality or county, except when the condition is a direct result of injury caused by such officer acting outside the scope of lawful authority.

R.L.1910, § 2245. Amended by Laws 2003, c 199, § 1, eff. Nov. 1, 2003; Laws 2005, c. 470, § 1, emerg. eff. June 9, 2005.

§21-534. Delaying to take before magistrate.

Every public officer or other person having arrested any person upon any criminal charge, who willfully delays to take such person before a magistrate having jurisdiction to take his examination, is guilty of a misdemeanor.

R.L.1910, § 2246.

§21-535. Arrest without authority.

Every public officer or person pretending to be a public officer, who under the pretense or color of any process or other legal authority, arrests any person, or detains him against his will, or seizes or levies upon any property, or dispossesses anyone of any lands or tenements without due and legal process, is guilty of a misdemeanor.

R.L.1910, § 2247.

§21-536. Misconduct in executing a search warrant.

Every peace officer who, in executing a search warrant,

willfully exceeds his authority, or exercises it with unnecessary severity, is guilty of a misdemeanor.
R.L.1910, § 2248.

§21-537. Refusing to aid officer.
Every person who, after having been lawfully commanded to aid any officer in arresting any person or in retaking any person who has escaped from legal custody, or in executing any legal process, willfully neglects or refuses to aid such officer, is guilty of a misdemeanor.
R.L.1910, § 2249.

§21-538. Refusing to make arrest.
Every person who, after having been lawfully commanded by any magistrate to arrest another person, willfully neglects or refuses so to do, is guilty of a misdemeanor.
R.L.1910, § 2250.

§21-539. Resisting execution of process in time of insurrection.
Any person who, after proclamation issued by the Governor declaring any county to be in a state of insurrection, resists or aids in resisting the execution of process in the county declared to be in a state of insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting a force ordered out by the government to quell or suppress an insurrection, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than two (2) years.
R.L. 1910, § 2251. Amended by Laws 1997, c. 133, § 209, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 117, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 209 from July 1, 1998, to July 1, 1999.

§21-540. Obstructing officer.
Any person who willfully delays or obstructs any public officer in the discharge or attempt to discharge any duty of his or her office, is guilty of a misdemeanor. Nothing in this section shall preclude a person from recording the activity of law enforcement in a public area, as long as the recording activity does not delay or obstruct the law enforcement agent in his or her duties.
R.L. 1910, § 2252. Amended by Laws 2015, c. 286, § 1, eff. Nov. 1, 2015.

§21-540A. Eluding peace officer.
A. Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a peace officer driving a motor vehicle showing the same to be an official police,

sheriff, highway patrol or state game ranger vehicle directing the operator to bring the vehicle to a stop and who willfully increases the speed or extinguishes the lights of the vehicle in an attempt to elude such peace officer, or willfully attempts in any other manner to elude the peace officer, or who does elude such peace officer, is guilty of a misdemeanor. The peace officer, while attempting to stop a violator of this section, may communicate a request for the assistance of other peace officers from any office, department or agency. Any peace officer within this state having knowledge of such request is authorized to render such assistance in stopping the violator and may effect an arrest under this section upon probable cause. Violation of this subsection shall constitute a misdemeanor and shall be punishable by not more than one (1) year imprisonment in the county jail or by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Thousand Dollars ($2,000.00) or by both such fine and imprisonment. A second or subsequent violation of this subsection shall be punishable by not more than one (1) year in the county jail or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) or both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section in such manner as to endanger any other person shall be deemed guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years, or by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

C. 1. Any person who causes an accident, while eluding or attempting to elude an officer, resulting in great bodily injury to any other person while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of this section may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony punishable by imprisonment in a state correctional institution for not less than one (1) year and not more than five (5) years, and a fine of not more than Five Thousand Dollars ($5,000.00).

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

Added by Laws 1965, c. 52, § 1, emerg. eff. March 26, 1965. Amended by Laws 1980, c. 115, § 1, eff. Oct. 1, 1980; Laws 1981, c. 104, § 1, eff. Oct. 1, 1981; Laws 1991, c. 81, § 1, emerg. eff. April 18, 1991; Laws 1991, c. 182, § 63, eff. Sept. 1, 1991; Laws 1996, c. 110, § 1, eff. Nov. 1, 1996; Laws 1997, c. 133, § 210, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 118, eff. July 1, 1999; Laws

2000, c. 185, § 1, eff. July 1, 2000.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 210 from July 1, 1998, to July 1, 1999.

§21-540B. Roadblocks.

A peace officer may set up one or more roadblocks to apprehend any person riding upon or within a motor vehicle traveling upon a highway, street, turnpike, or area accessible to motoring public, when the officer has probable cause to believe such person is committing or has committed:

1. A violation of Section 540A of this title;

2. Escape from the lawful custody of any peace officer;

3. A felony under the laws of this state or the laws of any other jurisdiction.

A roadblock is defined as a barricade, sign, standing motor vehicle, or similar obstacle temporarily placed upon or adjacent to a public street, highway, turnpike or area accessible to the motoring public, with one or more peace officers in attendance thereof directing each operator of approaching motor vehicles to stop or proceed.

Any operator of a motor vehicle approaching such roadblock has a duty to stop at the roadblock unless directed otherwise by a peace officer in attendance thereof and the willful violation hereof shall constitute a separate offense from any other offense committed. Any person who willfully attempts to avoid such roadblock or in any manner willfully fails to stop at such roadblock or who willfully passes by or through such roadblock without receiving permission from a peace officer in attendance thereto is guilty of a felony and shall be punished by imprisonment in the State Penitentiary for not less than one (1) year, nor more than five (5) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00) or by both such fine and imprisonment.
Added by Laws 1980, c. 115, § 2, eff. Oct. 1, 1980. Amended by Laws 1997, c. 133, § 211, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 119, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 211 from July 1, 1998, to July 1, 1999.

§21-540C. Fortification of access point where felony under Controlled Dangerous Substances Act is being committed.

A. It shall be unlawful for any person to willfully fortify an access point into any dwelling, structure, building or other place where a felony offense prohibited by the Uniform Controlled Dangerous Substances Act is being committed, or attempted, and the fortification is for the purpose of preventing or delaying entry or access by a law enforcement officer, or to harm or injure a law enforcement officer in the performance of official duties.

B. For purposes of this section, "fortify an access point" means to willfully construct, install, position, use or hold any material or device designed to injure a person upon entry or to strengthen, defend, restrict or obstruct any door, window or other opening into a dwelling, structure, building or other place to any extent beyond the security provided by a commercial alarm system, lock or deadbolt, or a combination of alarm, lock or deadbolt.

C. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or by a fine in an amount not exceeding Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment. Added by Laws 2009, c. 405, § 1, eff. Nov. 1, 2009.

§21-541. Extrajudicial oaths.

Every person who takes an oath before an officer or person authorized to administer judicial oaths, except when such oath is required or authorized by law, or is required by the provisions of some contract as the basis of or in proof of a claim, or when the same has been agreed to be received by some person as proof of any fact, in the performance of any contract, obligation or duty instead of other evidence, is guilty of a misdemeanor.
R.L.1910, § 2253.

§21-542. Administering extrajudicial oaths.

Every officer or other person who administers an oath to another person, or who makes and delivers any certificate that another person, has taken an oath, except when such oath is required by the provisions of some contract as a basis of or proof of a claim, or when the same has been agreed to be received by some person as proof of any fact in the performance of any contract, obligation or duty, instead of other evidence, is guilty of a misdemeanor.
R.L.1910, § 2257.

§21-543. Compounding crimes.

Any person who, having knowledge of the actual commission of a crime or violation of statute, takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal such crime, or violation of statute, or to abstain from any prosecution therefor, or to withhold any evidence thereof, is punishable as follows:

1. By imprisonment for a felony in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, if the crime compounded is one punishable either by death or by imprisonment in the State Penitentiary for life;

2. By imprisonment for a felony in the State Penitentiary not

exceeding three (3) years, or in a county jail not exceeding six (6) months, if the crime compounded was punishable by imprisonment in the State Penitentiary for any other term than for life; or

3. By imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding Two Hundred Fifty Dollars ($250.00), or by both such fine and imprisonment, if the crime or violation of statute compounded is a crime punishable by imprisonment in a county jail, or by fine, or is a misdemeanor, or violation of statute for which a pecuniary or other penalty or forfeiture is prescribed.

R.L. 1910, § 2255. Amended by Laws 1997, c. 133, § 212, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 120, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 212 from July 1, 1998, to July 1, 1999.

§21-544. Compounding prosecution.

Every person who takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound, discontinue or delay any prosecution then pending for any crime or violation of statute, or to withhold any evidence in aid thereof, is guilty of a misdemeanor.

R.L.1910, § 2256.

§21-545. Attempt to intimidate officer.

Every person who, directly or indirectly, utters or addresses any threat or intimidation to any judicial or ministerial officer, to any juror, referee, arbitrator, umpire or assessor or other person authorized by law to hear or determine any controversy, with intent to induce him either to any act not authorized by law, or to omit or delay the performance of any duty imposed upon him by law, is guilty of a misdemeanor.

R.L.1910, § 2257.

§21-546. Suppressing evidence.

Every person who maliciously practices any deceit or fraud, or uses any threat, menace or violence, with intent to prevent any party to an action or proceeding from obtaining or producing therein any book, paper, or other matter or thing which might be evidence, or from procuring the attendance or testimony of any witness therein, or with intent to prevent any person having in his possession any book, paper or other matter or thing which might be evidence in such suit or proceeding, or prevent any person being cognizant of any fact material thereto from producing or disclosing the same, is guilty of a misdemeanor.

R.L.1910, § 2259.

§21-547. Buying lands in suit.

Every person who takes any conveyance of any lands or tenements, or of any interest or estate therein, from any person not being in the possession thereof, while such lands or tenements are the subject of controversy, by suit in any court, knowing the pendency of such suit, and that the grantor was not in possession of such lands or tenements, is guilty of a misdemeanor.
R.L. 1910, § 2259.

§21-548. Buying or selling pretended right or title to land.

Any person who buys or sells, or in any manner procures, or makes or takes any promise or covenant to convey any pretended right or title to any lands or tenements, unless the grantor thereof, or the person making such promise or covenant has been in possession, or he and those by whom he claims have been in possession of the same, or of the reversion and remainder thereof, or have taken the rents and profits thereof for the space of one (1) year before such grant, conveyance, sale promise, or covenant made, is guilty of a misdemeanor. Provided, however, that the provisions of this Section shall not be construed to be a restriction or limitation upon the sale of Indian lands by the allottees or the heirs of such allottees of their inherited interest in said lands.
R.L.1910, § 2261.

§21-549. Mortgage of land adversely possessed not prohibited.

The two last sections shall not be construed to prevent any person having a just title to lands, upon which there shall be an adverse possession, from executing a mortgage on such lands.
R.L.1910, § 2261.

§21-550. Common barratry defined.

Common barratry is the practice of exciting groundless judicial proceedings.
R.L.1910, § 2262.

§21-551. Barratry a misdemeanor.

Common barratry is a misdemeanor.
R.L.1910, § 2263.

§21-552. Repealed by Laws 1997, c. 405, § 8, emerg. eff. June 13, 1997.

§21-553. Interest of accused no defense to barratry prosecution.

Upon prosecution for common barratry the fact that the accused was himself a party in interest or upon the record to any proceedings at law complained of, is not a defense.
R.L.1910, § 2265. d

§21-554. Attorneys - Buying demands for suit - Misleading inferior courts.

Every attorney who either directly or indirectly buys or is interested in buying any evidence of debt or thing in action with intent to bring suit thereon is guilty of a misdemeanor. Any attorney who in any proceeding before any court of a justice of the peace or police judge or other inferior court in which he appears as attorney, willfully misstates any proposition or seeks to mislead the court in any matter of law is guilty of a misdemeanor and on any trial therefor the state shall only be held to prove to the court that the cause was pending, that the defendant appeared as an attorney in the action, and showing what the legal statement was, wherein it is not the law. If the defense be that the act was not willful the burden shall be on the defendant to prove that he did not know that there was error in his statement of the law.
R.L.1910, § 2266.

§21-555. District attorneys and their partners.

Every attorney who directly or indirectly advises in relation to, or aids or promotes the defense of any action or proceeding in any court, the prosecution of which is carried on, aided or promoted by any person as district attorney or other public prosecutor; with whom such person is directly or indirectly connected as a partner, or who takes or receives, directly or indirectly, from or on behalf of any defendant therein, any valuable consideration, upon any understanding or agreement whatever, express or implied, having relation to the defense thereof, is guilty of a misdemeanor; and in addition to the punishment prescribed therefor, he shall forfeit his license to practice.
R.L.1910, § 2267.

§21-556. Prosecutor advising the defense.

Every attorney who, having prosecuted or in any manner aided or promoted any action or proceeding in any court, as district attorney or other public prosecutor, afterward, directly or indirectly, advises in relation to, or takes any part in the defense thereof, as attorney or otherwise, or takes or receives any valuable consideration from or on behalf of any defendant therein, upon any understanding or agreement whatever, express or implied, having relation to the defense thereof, is guilty of a misdemeanor; and in addition to the punishment prescribed therefor he shall forfeit his license to practice.
R.L.1910, § 2268.

§21-557. Attorneys may defend themselves.

The two last sections do not prohibit an attorney from defending himself in person, as attorney or as counsel, when prosecuted either

civilly or criminally.
R.L.1910, § 2269.

§21-559. Claims for collection, loans or advances on.

Every attorney, justice of the peace or constable, who, directly or indirectly, lends or advances any money or property, or agrees for or procures any loan or advance, to any person, as a consideration for or inducement toward committing any evidence of debt or thing in action to such attorney, justice, constable or any other person, for collection, is guilty of a misdemeanor.
R.L.1910, § 2271.

§21-562. Receiving claims in payment of debts.

Nothing in the preceding sections shall be construed to prohibit the receiving in payment of any evidence of debt or thing in action for any estate, real or personal, or for any services of any attorney actually rendered, or for a debt antecedently contracted, or the buying or receiving any evidence of debt or the thing in action for the purpose of remittance, and without any intent to violate the preceding section.
R.L.1910, § 2274.

§21-563. Application of preceding sections.

The provisions of the foregoing sections relating to the buying of claims by an attorney with intent to prosecute them, or to the lending or advancing money by an attorney in consideration of a claim being delivered for collection, shall apply to every case of such buying a claim, or lending or advancing money by any person prosecuting a suit or demanding in person.
R.L.1910, § 2275.

§21-564. Privilege of witnesses in respect to claims or debts sold.

No person shall be excused from testifying in any civil action, to any facts showing that an evidence of debt or thing in action has been bought, sold or received contrary to law, upon the ground that his testimony might tend to convict him of a crime. But no evidence derived from the examination of such person shall be received against him upon any criminal prosecution.
R.L.1910, § 2276.

§21-565. Contempts, direct and indirect – Definitions.

Contempts of court shall be divided into direct and indirect contempts. Direct contempts shall consist of disorderly or insolent behavior committed during the session of the court and in its immediate view, and presence, and of the unlawful and willful refusal of any person to be sworn as a witness, and the refusal to answer any legal or proper question; and any breach of the peace,

noise or disturbance, so near to it as to interrupt its proceedings, shall be deemed direct contempt of court, and may be summarily punished as hereinafter provided for. Indirect contempts of court shall consist of willful disobedience of any process or order lawfully issued or made by court; resistance willfully offered by any person to the execution of a lawful order or process of a court.
R.L.1910, § 2277

§21-565.1. Trial court - Power to punish contempt - Censure - Contempt proceedings.

A. The trial judge has the power to cite for contempt anyone who, in his presence in open court, willfully obstructs judicial proceedings. If necessary, the trial judge may punish a person cited for contempt after an opportunity to be heard has been given.

B. Censure shall be imposed by the trial judge only if:

1. it is clear from the identity of the offender and the character of his acts that disruptive conduct is willfully contemptuous; or

2. the conduct warranting the sanction is preceded by a clear warning that the conduct is impermissible and that specified sanctions may be imposed for its repetition.

C. The trial judge, as soon as practicable after he is satisfied that courtroom misconduct requires contempt proceedings, should inform the alleged offender of his intention to institute said proceedings.

D. Before imposing any punishment for contempt, the judge shall give the offender notice of the charges and an opportunity to adduce evidence or argument relevant to guilt or punishment.

E. The judge before whom courtroom misconduct occurs may impose appropriate sanctions including punishment for contempt. If the judge's conduct was so integrated with the contempt that he contributed to it or was otherwise involved or his objectivity can reasonably be questioned, the matter shall be referred to another judge.
Added by Laws 1984, c. 14, § 1, eff. Nov. 1, 1984.

§21-566. Direct or indirect contempt - Penalties - Cases involving failure to comply with court orders regarding children.

A. Unless otherwise provided for by law, punishment for direct or indirect contempt shall be by the imposition of a fine in a sum not exceeding Five Hundred Dollars ($500.00) or by imprisonment in the county jail not exceeding six (6) months, or by both, at the discretion of the court.

B. Any court in this state has the power to enforce an order for current child support, past-due child support and child support arrearage payments, other support, visitation, or other court orders regarding minor children and to punish an individual for failure to

comply therewith, as set forth in subsection A of this section. Venue for an action under this section is proper, at the option of the petitioner:

1. In the county in this state in which the support order was entered, docketed or registered;

2. In the county in this state in which the obligee resides; or

3. In the county in this state in which the obligor resides or receives income.

Orders for current child support, past-due child support and child support arrearage payments are enforceable until paid in full. The remedies provided by this section are available regardless of the age of the child.

R.L.1910, § 2278. Amended by Laws 1984, c. 14, § 2, eff. Nov. 1, 1984; Laws 1989, c. 362, § 5, eff. Nov. 1, 1989; Laws 1990, c. 101, § 1, operative July 1, 1990; Laws 2002, c. 461, § 1, eff. Nov. 1, 2002; Laws 2007, c. 140, § 1, eff. Nov. 1, 2007; Laws 2008, c. 407, § 12, eff. Nov. 1, 2008.

§21-566.1. Noncompliance with child support order - Indirect civil contempt.

A. When a court of competent jurisdiction has entered an order compelling a parent to furnish child support, necessary food, clothing, shelter, medical support, payment of child care expenses, or other remedial care for the minor child of the parent:

1. Proof that:

a. the order was made, filed, and served on the parent,

b. the parent had actual knowledge of the existence of the order,

c. the order was granted by default after prior due process notice to the parent, or

d. the parent was present in court at the time the order was pronounced; and

2. Proof of noncompliance with the order,

shall be prima facie evidence of an indirect civil contempt of court.

B. 1. In the case of indirect contempt for the failure to comply with an order for child support, child support arrears, or other support, punishment shall be, at the discretion of the court:

a. incarceration in the county jail not exceeding six (6) months, or

b. incarceration in the county jail on weekends or at other times that allow the obligor to be employed, seek employment or engage in other activities ordered by the court.

2. Punishment may also include imposition of a fine in a sum not exceeding Five Hundred Dollars ($500.00).

3. In the case of indirect contempt for the failure to comply with an order for child support, child support arrears, or other

support, if the court finds by a preponderance of the evidence that the obligor is willfully unemployed, the court may require the obligor to work two (2) eight-hour days per week in a community service program as defined in Section 339.7 of Title 19 of the Oklahoma Statutes, if the county commissioners of that county have implemented a community service program.

C. 1. During proceedings for indirect contempt of court, the court may order the obligor to complete an alternative program and comply with a payment plan for child support and arrears. If the obligor fails to complete the alternative program and comply with the payment plan, the court shall proceed with the indirect contempt and shall impose punishment pursuant to subsection B of this section.

2. An alternative program may include:

a. a problem-solving court program for obligors when child support services under the state child support plan as provided in Section 237 of Title 56 of the Oklahoma Statutes are being provided for the benefit of the child. A problem-solving court program is an immediate and highly structured judicial intervention process for the obligor and requires completion of a participation agreement by the obligor and monitoring by the court. A problem-solving court program differs in practice and design from the traditional adversarial contempt prosecution and trial systems. The problem-solving court program uses a team approach administered by the judge in cooperation with a child support state's attorney and a child support court liaison who focuses on removing the obstacles causing the nonpayment of the obligor. The obligors in this program shall be required to sign an agreement to participate in this program as a condition of the Department of Human Services agreement to stay contempt proceedings or in lieu of incarceration after a finding of guilt. The court liaisons assess the needs of the obligor, develop a community referral network, make referrals, monitor the compliance of the obligor in the program, and provide status reports to the court, and

b. participation in programs such as counseling, treatment, educational training, social skills training or employment training to which the obligor reports daily or on a regular basis at specified times for a specified length of time.

D. In the case of indirect contempt for the failure to comply with an order for child support, child support arrears, or other support, the Supreme Court shall promulgate guidelines for determination of the sentence and purge fee. If the court fails to

follow the guidelines, the court shall make a specific finding stating the reasons why the imposition of the guidelines would result in inequity. The factors that shall be used in determining the sentence and purge fee are:

1. The proportion of the child support, child support arrearage payments, or other support that was unpaid in relation to the amount of support that was ordered paid;

2. The proportion of the child support, child support arrearage payments, or other support that could have been paid by the party found in contempt in relation to the amount of support that was ordered paid;

3. The present capacity of the party found in contempt to pay any arrearages;

4. Any willful actions taken by the party found in contempt to reduce the capacity of that party to pay any arrearages;

5. The past history of compliance or noncompliance with the support order; and

6. Willful acts to avoid the jurisdiction of the court.

Added by Laws 2008, c. 407, § 13, eff. Nov. 1, 2008. Amended by Laws 2013, c. 28, § 1, eff. Nov. 1, 2013.

§21-567. Indirect contempts - Proceedings.

A. In all cases of indirect contempt the party charged with contempt shall be notified in writing of the accusation and have a reasonable time for defense; and the party so charged shall, upon demand, have a trial by jury.

B. In the event the party so charged shall demand a trial by jury, the court shall thereupon set the case for trial at the next jury term of said court, unless such time is waived by the party so charged, in which event the case shall be set for trial at a time determined by the court. The court shall fix the amount of an appearance bond to be posted by said party charged, which bond shall be signed by said party and two sureties, which sureties together shall qualify by showing ownership of real property, the equal of which property shall be in double the amount of the bond, or, in the alternative, the party charged may deposit with the court clerk cash equal to the amount of the appearance bond.

C. In a case of indirect contempt, it shall not be necessary for the party alleging indirect contempt, or an attorney for that party, to attend an initial appearance or arraignment hearing for the party charged with contempt, unless the party alleging the indirect contempt is seeking a cash bond. If a cash bond is not being requested, the clerk of the court shall, upon request, notify the party alleging the indirect contempt of the date of the trial.

R.L. 1910, § 2279. Amended by Laws 1963, c. 55, § 1, emerg. eff. May 13, 1963; Laws 1990, c. 309, § 8, eff. Sept. 1, 1990; Laws 1993, c. 73, § 1, eff. Sept. 1, 1993; Laws 1997, c. 403, § 6, eff. Nov. 1,

1997.

§21-567A. Violation of child custody order – Affirmative defense – Emergency or protective custody.

A. Any parent or other person who violates an order of any court of this state granting the custody of a child under the age of eighteen (18) years to any person, agency, institution, or other facility, with the intent to deprive the lawful custodian of the custody of the child, shall be guilty of a felony. The fine for a violation of this subsection shall not exceed Five Thousand Dollars ($5,000.00).

B. The offender shall have an affirmative defense if the offender reasonably believes that the act was necessary to preserve the child from physical, mental, or emotional danger to the child's welfare and the offender notifies the local law enforcement agency nearest to the location where the custodian of the child resides.

C. If a child is removed from the custody of the child's lawful custodian pursuant to the provisions of this section any law enforcement officer may take the child into custody without a court order and, unless there is a specific court order directing a law enforcement officer to take the child into custody and release or return the child to a lawful custodian, the child shall be held in emergency or protective custody pursuant to the provisions of Section 1-4-201 of Title 10A of the Oklahoma Statutes.

Added by Laws 1999, c. 385, § 1, emerg. eff. June 8, 1999. Amended by Laws 2009, c. 234, § 119, emerg. eff. May 21, 2009.

§21-567B. Failure to appear for jury service - Sanctions.

An individual who fails to appear in person on the date scheduled for jury service and who has failed to obtain a postponement in compliance with the provisions for requesting a postponement, or who fails to appear on the date set pursuant to Section 9 of this act, shall be in indirect contempt of court and shall be punished by the imposition of a fine not to exceed Five Hundred Dollars ($500.00). The prospective juror may be excused from paying sanctions for good cause shown or in the interests of justice. In addition to or in lieu of the fine, the court may order that the prospective juror complete a period of community service for a period no less than if the prospective juror would have completed jury service, and provide proof of completion of this community service to the court.

Added by Laws 2004, c. 525, § 1, eff. July 1, 2004.

§21-568. Contempt - Substance of offense made of record.

Whenever a person shall be imprisoned for contempt the substance of the offense shall be set forth in the order for his confinement, and made a matter of record in the court.

R.L.1910, § 2280.

§21-569. Attorneys - Second application to another judge to stay trial.

Every attorney or counselor at law who, knowing that an application has been made for an order staying the trial of an indictment, to a judge authorized to grant the same, and has been denied, without leave reserved to renew it, makes an application to another judge to stay the same trial, is guilty of a misdemeanor.
R.L.1910, § 2281.

§21-570. Grand juror acting after challenge allowed.

Every grand juror who, with knowledge that a challenge, interposed against him by a defendant, has been allowed, is present at or takes part, or attempts to take part, in the consideration of the charge against the defendant who interposed the challenge, or the deliberations of the grand jury thereon, is guilty of a misdemeanor.
R.L.1910, § 2282.

§21-571. Disclosure of deposition.

Every magistrate, or clerk of any magistrate, who willfully permits any deposition taken on an information or examination of a defendant before such magistrate, and remaining in the custody of such magistrate or clerk to be inspected by any person except a judge of a court having jurisdiction of the offense, the Attorney General, the district attorney and his assistants, and the defendant and his counsel, is guilty of a misdemeanor.
R.L.1910, § 2283.

§21-572. Disclosure of deposition returned by grand jury.

Every clerk of any court who willfully permits any deposition returned by any grand jury with a presentment made by them, and filed with such clerk, to be inspected by any person except the court, the deputies or assistants of such clerk, and the district attorney and his assistants, until after the arrest of the defendant, is guilty of a misdemeanor.
R.L.1910, § 2284.

§21-573. Fraudulent concealment of property.

Every person who, having been called upon, by the lawful order of any court, to make a true exhibit of his real and personal effects, either:

1. Willfully conceals any of his estate or effects, or any books or writing relative thereto; or,

2. Willfully omits to disclose to the court any debts or demands which he has collected, or any transfer of his property

which he had made after being ordered to make an exhibit thereof, is guilty of a misdemeanor.
R.L.1910, § 2285.

§21-575. Attorneys, misconduct by - Deceit - Delaying suit - Receiving allowance for money not laid out.

Every attorney who, whether as attorney or as counselor, who:

1st, is guilty of any deceit or collusion, or consents to any deceit or collusion with intent to deceive the court or any party; or,

2nd, willfully delays his client's suit, with a view to his own gain; or,

3rd, willfully receives any money or allowance for or on account of any money which he has not laid out or become answerable for, is guilty of a misdemeanor; and, in addition to the punishment prescribed therefor by this code, he forfeits to the party injured treble damages, to be recovered in a civil action.
R.L.1910, § 2287.

§21-576. Attorney permitting other person to use his name.

If any attorney knowingly permits any person not being his general law partner or a clerk in his office to sue out any process or to prosecute or defend any action in his name, except as authorized by the next section, such attorney, and every person who shall so use his name is guilty of a misdemeanor.
R.L.1910, § 2288.

§21-577. Attorneys, use of name lawful, when.

Whenever an action or proceeding is authorized by law to be prosecuted or defended in the name of the people, or of any public officer, board of officers or municipal corporation, on behalf of another party, the Attorney-General or district attorney, or attorney of such public officer or board or corporation may permit any proceeding therein to be taken in his name by an attorney to be chosen by the party in interest.
R.L.1910, § 2289.

§21-578. Inheritance, intercepting by fraudulent production of infant.

Any person who fraudulently produces an infant, falsely pretending it to have been born of any parent whose child would be entitled to inherit any real estate or to receive a share of any personal estate, with intent to intercept the inheritance of any such real estate, or the distribution of any such personal estate, from any person lawfully entitled thereto, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

R.L. 1910, § 2290. Amended by Laws 1997, c. 133, § 213, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 121, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 213 from July 1, 1998, to July 1, 1999.

§21-579. Substituting child.

Any person to whom an infant has been confided for nursing, education, or any other person, who, with intent to deceive any parent or guardian of such child, substitutes or produces to such parent or guardian another child in the place of the one so confided shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding seven (7) years.
R.L. 1910, § 2291. Amended by Laws 1997, c. 133, § 214, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 122, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 214 from July 1, 1998, to July 1, 1999.

§21-580. Public officers - Willful neglect of duty a misdemeanor.

A public officer or person holding a public trust or employment upon whom any duty is enjoined by law, who willfully neglects to perform the duty is guilty of a misdemeanor. This section does not apply to cases of official acts or omissions, the prevention or punishment of which is otherwise specially provided by statute.
R.L.1910, § 2292.

§21-581. Willful omission of duty by public officers.

Where any duty is or shall be enjoined by law upon any public officer, or upon any person holding any public trust or employment, every willful omission to perform such duty where no special provision shall have been made for the punishment of such delinquency, is punishable as a misdemeanor.
R.L.1910, § 2293.

§21-582. Disclosing presentment or indictment.

In the event the presiding judge orders a presentment or an indictment be sealed until the defendant is arrested, every grand juror, district attorney, clerk, judge, or other officer, who, excepting by issuing or in executing a warrant to arrest the defendant, willfully discloses the content of a sealed presentment or indictment, until the defendant has been arrested, is guilty of a misdemeanor.
R.L.1910, § 2294. Amended by Laws 2012, c. 176, § 1, eff. Nov. 1, 2012.

§21-583. Disclosing proceedings of grand jury.

Every grand juror, district attorney, clerk, judge or other officer who, except when required by a court, willfully discloses

any evidence adduced before the grand jury or anything which he himself or any member of the grand jury may have said, or in what manner any grand juror may have voted on a matter before him, is guilty of a misdemeanor.
R.L.1910, § 2295; Laws 1974, c. 24, § 1, emerg. eff. April 8, 1974.

§21-584. Prosecuting suit or bringing action or procuring arrest in false name.

Every person who maliciously institutes or prosecutes any action or legal proceeding; or makes or procures any arrest, in the name of a person who does not exist, or has not consented that it be instituted or made, is guilty of a misdemeanor.
R.L.1910, § 2296.

§21-586. Communicating with a convict.

Every person who, not being authorized by law, or by a written permission from an inspector, or by the consent of the warden, communicates with any convict in the penitentiary, or brings into or conveys out of the penitentiary any letter or printing to or from any convict, is guilty of a misdemeanor.
R.L.1910, § 2298.

§21-587. False certificate by public officer.

Every public officer who, being authorized by law to make or give any certificate or other writing, knowingly makes and delivers as true any such certificate or writing containing any statement which he knows to be false, is guilty of a misdemeanor.
R.L.1910, § 2299.

§21-588. Recording of grand or petit jury proceedings - Listening or observing - Penalty.

If any person, firm or corporation shall knowingly and willfully, by means of any device whatsoever, records or attempts to record the proceedings of any grand or petit jury in any court of the State of Oklahoma while such jury is deliberating or voting or listens to or observes, or attempts to listen to or observe, the proceedings of any grand or petit jury of which he is not a member in any court of the State of Oklahoma while such jury is deliberating or voting shall be guilty of a felony and shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned not more than two (2) years, or both. Provided, however, that nothing in this section shall be construed to prohibit the taking of notes by a grand juror in any court of the State of Oklahoma in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.
Added by Laws 1957, p. 160, § 1. Amended by Laws 1997, c. 133, § 215, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 123, eff.

July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 215 from July 1, 1998, to July 1, 1999.

§21-589. False reporting of crime - False reporting of missing child.

A. It shall be unlawful to willfully, knowingly and without probable cause make a false report to any person of any crime or circumstances indicating the possibility of crime having been committed, including the unlawful taking of personal property, which report causes or encourages the exercise of police action or investigation. Any person convicted of violating the provisions of this subsection shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than ninety (90) days or by a fine of not more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

B. It shall be unlawful to willfully, knowingly, and without probable cause communicate false information concerning a missing child to a law enforcement agency that causes or encourages the activation of an AMBER alert warning system. Any person convicted of violating the provisions of this subsection shall be guilty of a felony punishable by imprisonment in the county jail for not more than one (1) year or by a fine of not less than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.
Added by Laws 1961, p. 227, § 1. Amended by Laws 2005, c. 109, § 1, eff. Nov. 1, 2005; Laws 2007, c. 189, § 1, eff. Nov. 1, 2007.

§21-590. Maintenance of financial and business records - Retention and disposal procedure - Violations.

A. Every state governmental entity shall, for a period of two (2) years, maintain accurate and complete records, as defined in Section 203 of Title 67 of the Oklahoma Statutes, reflecting all financial and business transactions, which records shall include support documentation for each transaction. No such records shall be disposed of for three (3) years thereafter, except upon a unanimous vote of the members of the Archives and Records Commission pursuant to Section 306 of Title 67 of the Oklahoma Statutes, or upon a majority vote of the members of the Commission for records more than five (5) years old. The disposition of such records shall be in accordance with the provisions of Sections 305 through 317 of Title 67 of the Oklahoma Statutes, provided all state or federal audits have been completed, unless such audits request such records to be maintained for some given period of time.

B. Any person who willfully violates the provisions of this section shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a period of not more than three (3) years or by a fine of not more than Five Thousand Dollars ($5,000.00), or

by both such fine and imprisonment. Any person convicted of any such violation who holds any elective or appointive public office shall also be subject to immediate removal from office.
Added by Laws 1980, c. 194, § 1, eff. Oct. 1, 1980. Amended by Laws 1985, c. 27, § 1, eff. Nov. 1, 1985; Laws 1997, c. 133, § 216, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 124, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 216 from July 1, 1998, to July 1, 1999.

§21-591. Definitions.

A. As used in this section:

1. "Agent" means any person who acts for another at the request or with the knowledge of the other in dealing with third persons; and

2. "Runner", "capper", and "steerer" mean any person acting within this state for compensation as an agent for an attorney in the solicitation of employment for the attorney.

B. No attorney shall, by means of an agent, runner, capper, steerer, or other person who is not an attorney, solicit or procure a person to employ the attorney to present, compromise, or settle a claim under the workers' compensation laws of this state.

C. No attorney shall, directly or indirectly, pay or promise to pay any person, other than another attorney, any money, service, fee, commission, or other thing of value in consideration for the employment of the attorney to present, compromise, or settle a claim under the workers' compensation laws of this state.

D. No person shall act or agree to act as an agent, runner, capper, or steerer for an attorney.

E. Subsections B and C of this section shall not prohibit participation by an attorney in a voluntary attorney referral program including, but not limited to, referral programs operated by an association of attorneys. This subsection shall not authorize a referral program which is otherwise unauthorized under the Rules of Professional Conduct adopted by the Supreme Court.

F. Any contract for employment of an attorney secured in violation of this section shall be void and unenforceable and no attorney shall appear or otherwise provide services in an action in violation of this section.

G. Any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of up to Two Thousand Five Hundred Dollars ($2,500.00) for each offense, which shall not be subject to Section 101 of Title 85 of the Oklahoma Statutes. Penalties imposed pursuant to this section shall be in addition to any penalties which might be imposed by the Oklahoma Bar Association or similar organization of another state or by a court when punishing for contempt or when imposing sanctions against an attorney or party.

Added by Laws 1994, 2nd Ex. Sess., c. 1, § 47, emerg. eff. Nov. 4, 1994.

§21-592. Definitions.

A. As used in this section:

1. "Agent" means any person who acts for another at the request or with the knowledge of the other in dealing with third persons;

2. "Medical care provider" means any person licensed in Oklahoma as a medical doctor, a chiropractor, a podiatrist, a dentist, an osteopathic physician or an optometrist or a hospital; and

3. "Runner", "capper", and "steerer" mean any person acting within this state for compensation as an agent for a medical care provider in the solicitation of a person to employ the medical care provider to provide medical services.

B. No medical care provider shall, by means of an agent, runner, capper, steerer, or other person who is not a medical care provider, solicit or procure a person to employ the medical care provider to provide medical services under the workers' compensation laws of this state.

C. No medical care provider shall, directly or indirectly, pay or promise to pay any person, other than another medical care provider, any money, service, fee, commission, or other thing of value in consideration for the employment of the medical care provider to provide medical services under the workers' compensation laws of this state.

D. No person shall act or agree to act as an agent, runner, capper, or steerer for a medical care provider.

E. Subsections B and C of this section shall not prohibit participation by a medical care provider in a voluntary medical care provider referral program including, but not limited to, referral programs operated by an association of medical care providers.

F. Any contract for employment of a medical care provider secured in violation of this section shall be void and unenforceable and no medical care provider shall provide medical services in violation of this section.

G. Any person who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of up to Two Thousand Five Hundred Dollars ($2,500.00) for each offense, which shall not be subject to Section 101 of Title 85 of the Oklahoma Statutes. Penalties imposed pursuant to this section shall be in addition to any penalties which might be imposed by the professional licensing organization for the medical care provider or similar organization of another state or by a court when punishing for contempt or when imposing sanctions against a medical care provider or party.

Added by Laws 1994, 2nd Ex. Sess., c. 1, § 48, emerg. eff. Nov. 4,

1994.

§21-641. Assault defined.

An assault is any willful and unlawful attempt or offer with force or violence to do a corporal hurt to another.

R.L. 1910 Sec. 2340.

§21-642. Battery defined.

A battery is any willful and unlawful use of force or violence upon the person of another.

R.L.1910, § 2341.

§21-643. Force against another not unlawful, when - Self-defense - Defense of property.

To use or to attempt to offer to use force or violence upon or toward the person of another is not unlawful in the following cases:

1. When necessarily committed by a public officer in the performance of any legal duty, or by any other person assisting such officer or acting by such officer's direction;

2. When necessarily committed by any person in arresting one who has committed any felony, and delivering such person to a public officer competent to receive such person in custody;

3. When committed either by the person about to be injured, or by any other person in such person's aid or defense, in preventing or attempting to prevent an offense against such person, or any trespass or other unlawful interference with real or personal property in such person's lawful possession; provided the force or violence used is not more than sufficient to prevent such offense;

4. When committed by a parent or the authorized agent of any parent, or by any guardian, master or teacher, in the exercise of a lawful authority to restrain or correct such person's child, ward, apprentice or scholar, provided restraint or correction has been rendered necessary by the misconduct of such child, ward, apprentice or scholar, or by the child's refusal to obey the lawful command of such parent or authorized agent or guardian, master or teacher, and the force or violence used is reasonable in manner and moderate in degree;

5. When committed by a carrier of passengers, or the authorized agents or servants of such carrier, or by any person assisting them at their request, in expelling from any carriage, railroad car, vessel or other vehicle, any passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force and violence used is not more than is sufficient to expel the offending passenger, with a reasonable regard to such passenger's personal safety; and

6. When committed by any person in preventing a person who is

impaired by reason of mental retardation or developmental disability as defined by Section 1430.2 of Title 10 of the Oklahoma Statutes, a mentally ill person, insane person or other person of unsound mind, including persons temporarily or partially deprived of reason, from committing an act dangerous to such person's self or to another, or enforcing such restraint as is necessary for the protection of the person or for restoration to health, during such period only as shall be necessary to obtain legal authority for the restraint or custody of the person.
R.L. 1910, § 2342. Amended by Laws 1998, c. 246, § 12, eff. Nov. 1, 1998.

§21-644. Assault - Assault and battery - Domestic abuse.

A. Assault shall be punishable by imprisonment in a county jail not exceeding thirty (30) days, or by a fine of not more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

B. Assault and battery shall be punishable by imprisonment in a county jail not exceeding ninety (90) days, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

C. Any person who commits any assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. Upon conviction for a second or subsequent offense, the person shall be punished by imprisonment in the custody of the Department of Corrections for not more than four (4) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense.

D. 1. Any person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon a current or former spouse, a present spouse of a former spouse, a parent, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has a child, a person who formerly lived in

the same household as the defendant, or a person living in the same household as the defendant with any sharp or dangerous weapon, upon conviction, is guilty of domestic assault or domestic assault and battery with a dangerous weapon which shall be a felony and punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

2. Any person who, without such cause, shoots a current or former spouse, a present spouse of a former spouse, a parent, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant, by means of any deadly weapon that is likely to produce death shall, upon conviction, be guilty of domestic assault and battery with a deadly weapon which shall be a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction for a violation of this paragraph.

E. Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy shall be guilty of a misdemeanor, punishable by imprisonment in the county jail for not more than one (1) year.

Any person convicted of a second or subsequent offense of domestic abuse against a pregnant woman with knowledge of the pregnancy shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than ten (10) years.

Any person convicted of domestic abuse committed against a pregnant woman with knowledge of the pregnancy and a miscarriage occurs or injury to the unborn child occurs shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than twenty (20) years.

F. Any person convicted of domestic abuse as defined in subsection C of this section that results in great bodily injury to the victim shall be guilty of a felony and punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years, or by imprisonment in the county jail for not more than one (1) year. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection.

G. Any person convicted of domestic abuse as defined in subsection C of this section that was committed in the presence of a

child shall be punished by imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent domestic abuse as defined in subsection C of this section that was committed in the presence of a child shall be punished by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or by a fine not exceeding Seven Thousand Dollars ($7,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent offense. For every conviction of domestic abuse, domestic assault or domestic assault and battery with a dangerous weapon, or domestic assault and battery with a deadly weapon, the court shall:

1. Specifically order as a condition of a suspended sentence or probation that a defendant participate in counseling or undergo treatment to bring about the cessation of domestic abuse as specified in paragraph 2 of this subsection;

2. a. The court shall require the defendant to participate in counseling or undergo treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General. If the defendant is ordered to participate in a domestic abuse counseling or treatment program, the order shall require the defendant to attend the program for a minimum of fifty-two (52) weeks, complete the program, and be evaluated before and after attendance of the program by a program counselor or a private counselor. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered domestic abuse counseling or treatment program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.

b. A program for anger management, couples counseling, or family and marital counseling shall not solely qualify for the counseling or treatment requirement for domestic abuse pursuant to this subsection. The counseling may be ordered in addition to counseling specifically for the treatment of domestic abuse or per evaluation as set forth below. If, after sufficient evaluation and attendance at required counseling sessions, the domestic violence treatment program or licensed professional determines that the defendant does not evaluate as a perpetrator of

domestic violence or does evaluate as a perpetrator of domestic violence and should complete other programs of treatment simultaneously or prior to domestic violence treatment, including but not limited to programs related to the mental health, apparent substance or alcohol abuse or inability or refusal to manage anger, the defendant shall be ordered to complete the counseling as per the recommendations of the domestic violence treatment program or licensed professional;

3. a. The court shall set a review hearing no more than one hundred twenty (120) days after the defendant is ordered to participate in a domestic abuse counseling program or undergo treatment for domestic abuse to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court may suspend sentencing of the defendant until the defendant has presented proof to the court of enrollment in a program of treatment for domestic abuse by an individual licensed practitioner or a domestic abuse treatment program certified by the Attorney General and attendance at weekly sessions of such program. Such proof shall be presented to the court by the defendant no later than one hundred twenty (120) days after the defendant is ordered to such counseling or treatment. At such time, the court may complete sentencing, beginning the period of the sentence from the date that proof of enrollment is presented to the court, and schedule reviews as required by subparagraphs a and b of this paragraph and paragraphs 4 and 5 of this subsection. Three unexcused absences in succession or seven unexcused absences in a period of fifty-two (52) weeks from any court-ordered domestic abuse counseling or treatment program shall be prima facie evidence of the violation of the conditions of probation for the district attorney to seek acceleration or revocation of any probation entered by the court.

b. The court shall set a second review hearing after the completion of the counseling or treatment to assure the attendance and compliance of the defendant with the provisions of this subsection and the domestic abuse counseling or treatment requirements. The court shall retain continuing jurisdiction over the defendant during the course of ordered counseling through the final review hearing;

4. The court may set subsequent or other review hearings as the court determines necessary to assure the defendant attends and fully complies with the provisions of this subsection and the domestic abuse counseling or treatment requirements;

5. At any review hearing, if the defendant is not satisfactorily attending individual counseling or a domestic abuse counseling or treatment program or is not in compliance with any domestic abuse counseling or treatment requirements, the court may order the defendant to further or continue counseling, treatment, or other necessary services. The court may revoke all or any part of a suspended sentence, deferred sentence, or probation pursuant to Section 991b of Title 22 of the Oklahoma Statutes and subject the defendant to any or all remaining portions of the original sentence;

6. At the first review hearing, the court shall require the defendant to appear in court. Thereafter, for any subsequent review hearings, the court may accept a report on the progress of the defendant from individual counseling, domestic abuse counseling, or the treatment program. There shall be no requirement for the victim to attend review hearings; and

7. If funding is available, a referee may be appointed and assigned by the presiding judge of the district court to hear designated cases set for review under this subsection. Reasonable compensation for the referees shall be fixed by the presiding judge. The referee shall meet the requirements and perform all duties in the same manner and procedure as set forth in Sections 1-8-103 and 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees appointed in juvenile proceedings.

The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.

H. As used in subsection G of this section, "in the presence of a child" means in the physical presence of a child; or having knowledge that a child is present and may see or hear an act of domestic violence. For the purposes of subsections C and G of this section, "child" may be any child whether or not related to the victim or the defendant.

I. For the purposes of subsections C and G of this section, any conviction for assault and battery against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or any person living in the same household as the defendant, shall constitute a sufficient basis for a felony charge:

1. If that conviction is rendered in any state, county or

parish court of record of this or any other state; or

2. If that conviction is rendered in any municipal court of record of this or any other state for which any jail time was served; provided, no conviction in a municipal court of record entered prior to November 1, 1997, shall constitute a prior conviction for purposes of a felony charge.

J. Any person who commits any assault and battery with intent to cause great bodily harm by strangulation or attempted strangulation against a current or former spouse, a present spouse of a former spouse, a former spouse of a present spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is or was in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall, upon conviction, be guilty of domestic abuse by strangulation and shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than one (1) year nor more than three (3) years, or by a fine of not more than Three Thousand Dollars ($3,000.00), or by both such fine and imprisonment. Upon a second or subsequent conviction for a violation of this section, the defendant shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than three (3) years nor more than ten (10) years, or by a fine of not more than Twenty Thousand Dollars ($20,000.00), or by both such fine and imprisonment. The provisions of Section 51.1 of this title shall apply to any second or subsequent conviction of a violation of this subsection. As used in this subsection, "strangulation" means any form of asphyxia; including, but not limited to, asphyxia characterized by closure of the blood vessels or air passages of the neck as a result of external pressure on the neck or the closure of the nostrils or mouth as a result of external pressure on the head.

K. Any district court of this state and any judge thereof shall be immune from any liability or prosecution for issuing an order that requires a defendant to:

1. Attend a treatment program for domestic abusers certified by the Attorney General;

2. Attend counseling or treatment services ordered as part of any suspended or deferred sentence or probation; and

3. Attend, complete, and be evaluated before and after attendance by a treatment program for domestic abusers, certified by the Attorney General.

L. There shall be no charge of fees or costs to any victim of domestic violence, stalking, or sexual assault in connection with the prosecution of a domestic violence, stalking, or sexual assault offense in this state.

M. In the course of prosecuting any charge of domestic abuse, stalking, harassment, rape, or violation of a protective order, the prosecutor shall provide the court, prior to sentencing or any plea agreement, a local history and any other available history of past convictions of the defendant within the last ten (10) years relating to domestic abuse, stalking, harassment, rape, violation of a protective order, or any other violent misdemeanor or felony convictions.

N. Any plea of guilty or finding of guilt for a violation of subsection C, F, G, I or J of this section shall constitute a conviction of the offense for the purpose of this act or any other criminal statute under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any court imposed probationary term; provided, the person has not, in the meantime, been convicted of a misdemeanor involving moral turpitude or a felony.

O. For purposes of subsection F of this section, "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

P. Any pleas of guilty or nolo contendere or finding of guilt to a violation of any provision of this section shall constitute a conviction of the offense for the purpose of any subsection of this section under which the existence of a prior conviction is relevant for a period of ten (10) years following the completion of any sentence or court imposed probationary term.

R.L.1910, § 2343. Amended by Laws 1986, c. 143, § 1, emerg. eff. April 21, 1986; Laws 1996, c. 197, § 2, emerg. eff. May 20, 1996; Laws 1999, c. 309, § 1, eff. Nov. 1, 1999; Laws 2000, c. 6, § 31, emerg. eff. March 20, 2000; Laws 2004, c. 516, § 1, eff. July 1, 2005; Laws 2005, c. 1, § 12, eff. July 1, 2005; Laws 2005, c. 348, § 9, eff. July 1, 2005; Laws 2006, c. 284, § 1, emerg. eff. June 7, 2006; Laws 2008, c. 174, § 1, eff. Nov. 1, 2008; Laws 2008, c. 318, § 1, eff. Nov. 1, 2008; Laws 2009, c. 2, § 1, emerg. eff. March 12, 2009; Laws 2009, c. 87, § 1, eff. Nov. 1, 2009; Laws 2010,c. 113, § 1; Laws 2010, c. 348, § 1, eff. Nov. 1, 2010; Laws 2011, c. 385, § 2, eff. Nov. 1, 2011; Laws 2014, c. 71, § 1, eff. Nov. 1, 2014.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 217 from July 1, 1998, to July 1, 1999.

NOTE: Laws 1997, c. 133, § 217 repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999. Laws 1997, c. 368, § 3 repealed by Laws 2000, c. 6, § 34, emerg. eff. March 20, 2000. Laws 2004, c. 520, § 1 repealed by Laws 2005, c. 1, § 13, eff. July 1, 2005. Laws 2008, c. 403, § 1 repealed by Laws 2009, c. 2, § 2, emerg. eff. March 12, 2009.

§21-644.1. Domestic abuse with a prior pattern of physical abuse

A. Any person who commits domestic abuse, as defined by subsection C of Section 644 of this title, and has a prior pattern of physical abuse shall be guilty of a felony, upon conviction, punishable by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years or by a fine not exceeding Five Thousand Dollars ($5,000.00) or by both such fine and imprisonment.

B. For purposes of this section, "prior pattern of physical abuse" means two or more separate incidences, including the current incident, occurring on different days and each incident relates to an act constituting assault and battery or domestic abuse committed by the defendant against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, a person living in the same household as the defendant, a current intimate partner or former intimate partner, or any combination of such persons, where proof of each incident prior to the present incident is established by the sworn testimony of a third party who was a witness to the alleged physical abuse or by other admissible direct evidence that is independent of the testimony of the victim.

Added by Laws 2009, c. 457, § 1, eff. July 1, 2009. Amended by Laws 2014, c. 71, § 2, eff. Nov. 1, 2014; Laws 2016, c. 128, § 1, eff. Nov. 1, 2016.

§21-645. Assault, battery, or assault and battery with dangerous weapon.

Every person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon the person of another with any sharp or dangerous weapon, or who, without such cause, shoots at another, with any kind of firearm, air gun, conductive energy weapon or other means whatever, with intent to injure any person, although without the intent to kill such person or to commit any felony, upon conviction is guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year.

R.L. 1910, § 2344. Amended by Laws 1957, p. 161, § 1; Laws 1961, p. 229, § 1; Laws 1982, c. 173, § 1, emerg. eff. April 16, 1982; Laws 1997, c. 133, § 218, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 125, eff. July 1, 1999; Laws 2006, c. 62, § 1, emerg. eff. April 17, 2006.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 218 from July 1, 1998, to July 1, 1999.

§21-646. Aggravated assault and battery defined.

A. An assault and battery becomes aggravated when committed under any of the following circumstances:

1. When great bodily injury is inflicted upon the person assaulted; or

2. When committed by a person of robust health or strength upon one who is aged, decrepit, or incapacitated, as defined in Section 641 of this title.

B. For purposes of this section "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

Added by Laws 1951, p. 59, § 1. Amended by Laws 1957, p. 161, § 2; Laws 1989, c. 197, § 10, eff. Nov. 1, 1989; Laws 2002, c. 460, § 6, eff. Nov. 1, 2002.

§21-647. Punishment for aggravated assault and battery.

Aggravated assault and battery shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not more than Five Hundred Dollars ($500.00), or both such fine and imprisonment.

Added by Laws 1951, p. 59, § 2. Amended by Laws 1957, p. 162, § 3; Laws 2002, c. 460, § 7, eff. Nov. 1, 2002.

§21-648. Definitions.

A. "Police officer", "police" or "peace officer" means any duly appointed person who is charged with the responsibility of maintaining public order, safety, and health by the enforcement of all laws, ordinances or orders of this state or any of its political subdivisions and who is authorized to bear arms in execution of his responsibilities, including reserve force deputies, reserve municipal police officers, and tribal law enforcement officers who are commissioned pursuant to a cross-deputization agreement authorized by Section 1221 of Title 74 of the Oklahoma Statutes.

B. "Police dog" means any dog used by a law enforcement agency of this state, a political subdivision of this state or a tribal law enforcement officer who is commissioned pursuant to a cross-deputization agreement authorized by Section 1221 of Title 74 of the Oklahoma Statutes, which is especially trained for law enforcement work and is subject to the control of a dog handler.

C. "Police horse" means any horse which is used by a law enforcement agency of this state, a political subdivision of this state or a tribal law enforcement officer who is commissioned pursuant to a cross-deputization agreement authorized by Section 1221 of Title 74 of the Oklahoma Statutes for law enforcement work.

D. "Dog handler" means any police officer or peace officer who

has successfully completed training in the handling of a police dog as established by the policy or standard of the law enforcement agency employing said officer.
Added by Laws 1965, c. 221, § 1, emerg. eff. June 16, 1965. Amended by Laws 1986, c. 54, § 1, eff. July 1, 1986; Laws 1990, c. 75, § 1, eff. Sept. 1, 1990; Laws 2001, c. 324, § 3, eff. July 1, 2001; Laws 2004, c. 57, § 1, emerg. eff. April 1, 2004.

§21-649. Assault, battery or assault and battery upon police officer or other peace officer - Penalties.

A. Every person who, without justifiable or excusable cause, knowingly commits any assault upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or state peace officer employed or duly appointed by any state governmental agency to enforce state laws while the officer is in the performance of his or her duties is punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

B. Every person who, without justifiable or excusable cause knowingly commits battery or assault and battery upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or other state peace officer employed or duly appointed by any state governmental agency to enforce state laws while the officer is in the performance of his or her duties, upon conviction, shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections of not more than five (5) years or county jail for a period not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

C. As used in this section and in Section 650 of this title, "corrections personnel" means any person, employed or duly appointed by the state or by a political subdivision, who has direct contact with inmates of a jail or state correctional facility, and includes but is not limited to, Department of Corrections personnel in job classifications requiring direct contact with inmates, persons providing vocational-technical training to inmates, education personnel who have direct contact with inmates because of education programs for inmates, and persons employed or duly appointed by county or municipal jails to supervise inmates or to provide medical treatment or meals to inmates of jails.

D. For the purposes of this section, assault and battery upon law officers includes any attempt to reach for or gain control of the firearm of any police officer, sheriff, deputy sheriff, highway patrol, corrections personnel as defined in Section 649 of this title, or any peace officer employed by any state or federal governmental agency to enforce state laws.

E. For purposes of this section, if an officer is off duty and the nature of the assault or assault and battery relates back to, or in any manner or circumstances has to do with, his or her official position as a law enforcement officer then it shall fall within the meaning of "in the performance of his or her duties" as an officer.

F. This section shall not supersede any other act or acts, but shall be cumulative thereto.

Added by Laws 1965, c. 221, § 2, emerg. eff. June 16, 1965. Amended by Laws 1989, c. 183, § 1, eff. Nov. 1, 1989; Laws 1990, c. 58, § 1, eff. Sept. 1, 1990; Laws 1997, c. 133, § 219, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 126, eff. July 1, 1999; Laws 2001, c. 324, § 4, eff. July 1, 2001; Laws 2015, c. 17, § 1, eff. Nov. 1, 2015; Laws 2015, c. 117, § 1, eff. Nov. 1, 2015.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 219 from July 1, 1998, to July 1, 1999.

§21-649.1. Striking, tormenting, and other mistreatment of a police dog or horse - Penalties - Restitution.

A. No person shall willfully strike, torment, administer a nonpoisonous desensitizing substance to, or otherwise mistreat a police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.

B. No person shall willfully interfere with the lawful performance of any police dog or police horse.

C. Except as provided in subsection D of this section, any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by the imposition of a fine not exceeding Five Hundred Dollars ($500.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

D. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the custody of the Department of Corrections not exceeding two (2) years, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

Added by Laws 1986, c. 54, § 2, eff. July 1, 1986. Amended by Laws 1990, c. 75, § 2, eff. Sept. 1, 1990; Laws 1997, c. 133, § 220, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 127, eff. July 1,

1999; Laws 2014, c. 222, § 1, eff. Nov. 1, 2014.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 220 from July 1, 1998, to July 1, 1999.

§21-649.2. Killing, disfiguring, disabling, and other acts committed against a police dog or horse - Penalties - Restitution - Exceptions.

A. No person shall willfully kill; beat; torture; injure so as to disfigure or disable; administer poison to; set a booby trap device for the purpose of injury so as to disfigure, disable or kill; or pay or agree to pay bounty for purposes of injury so as to disfigure, disable or kill any police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.

B. Except as provided in subsection C of this section, any person convicted of violating the provisions of this section is guilty of a misdemeanor punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

C. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the custody of the Department of Corrections not exceeding five (5) years, or by both such fine and imprisonment. In addition, the person shall be ordered to pay restitution, which shall be paid to the law enforcement agency or political subdivision of the state which employed the service of the police dog or horse.

D. The provisions of this section shall not apply:

1. To a peace officer or veterinarian who terminates the life of a police dog or a police horse for the purpose of relieving the dog or horse of undue pain or suffering; or

2. If a police dog is off duty and is running loose without supervision of a police officer and gets run over by a motor vehicle or is perceived to be a threat to the public.

Added by Laws 1986, c. 54, § 3, eff. July 1, 1986. Amended by Laws 1990, c. 75, § 3, eff. Sept. 1, 1990; Laws 1997, c. 133, § 221, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 128, eff. July 1, 1999; Laws 2014, c. 222, § 2, eff. Nov. 1, 2014.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 221 from July 1, 1998, to July 1, 1999.

§21-649.3. Harming, mistreating or killing service animal – Willful interference with service animal's performance - Permitting animal to fight, injure or kill service animal – Penalties – Exemption from registration or license fees.

A. No person shall willfully harm, including torture, torment, beat, mutilate, injure, disable, or otherwise mistreat or kill a service animal that is used for the benefit of any handicapped person in the state.

B. No person including, but not limited to, any municipality or political subdivision of the state, shall willfully interfere with the lawful performance of any service animal used for the benefit of any handicapped person in the state.

C. Except as provided in subsection D of this section, any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

D. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony, punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the Department of Corrections not exceeding two (2) years, or by both such fine and imprisonment.

E. Any person who encourages, permits or allows an animal owned or kept by such person to fight, injure, disable or kill a service animal used for the benefit of any handicapped person in this state, or to interfere with a service animal in any place where the service animal resides or is performing, shall, upon conviction, be guilty of a misdemeanor punishable as provided in subsection C of this section. In addition to the penalty imposed, the court shall order the violator to make restitution to the owner of the service animal for actual costs and expenses incurred as a direct result of any injury, disability or death caused to the service animal, including but not limited to costs of replacing and training any new service animal when a service animal is killed, disabled or unable to perform due to injury. For purpose of this subsection, when a person informs the owner of an animal that the animal is a threat and requests the owner to control or contain the animal and the owner disregards the request, the owner shall be deemed to have encouraged, permitted or allowed any resulting injury to or interference with a service animal.

F. Notwithstanding any ordinance in effect as of the effective date of this act, no municipality or political subdivision of the state, or any official thereof, may enact or enforce any ordinance or rule that requires any registration or licensing fee for any

service animal as defined in this section that is used for the purpose of guiding or assisting a disabled person who has a sensory, mental, or physical impairment. Any official violating the provisions of this paragraph shall be guilty of a misdemeanor punishable by a fine of not less than Fifty Dollars ($50.00).

G. As used in this section, "service animal" means an animal that is trained for the purpose of guiding or assisting a disabled person who has a sensory, mental, or physical impairment.

Added by Laws 2004, c. 281, § 1, emerg. eff. May 10, 2004. Amended by Laws 2005, c. 158, § 1, eff. Nov. 1, 2005.

§21-650. Aggravated assault and battery upon peace officer.

A. Every person who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a police officer, sheriff, deputy sheriff or highway patrolman, corrections personnel as defined in Section 649 of this title, or any state peace officer employed by any state or federal governmental agency to enforce state laws, while the officer is in the performance of his or her duties shall upon conviction thereof be guilty of a felony, which shall be punishable by imprisonment in the custody of the Department of Corrections for not more than life or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

B. Every person who, without justifiable or excusable cause, commits any aggravated assault and battery upon a person that the violator knows or should reasonably know is a police officer, sheriff, deputy sheriff or highway patrolman, corrections personnel as defined in Section 649 of this title, or any state peace officer employed by any state or federal governmental agency to enforce state laws, that results in maiming as defined in Section 751 of this title, while the officer is in the performance of his or her duties shall upon conviction be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections of not less than five (5) years nor more than life or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

C. For purposes of this section, aggravated assault and battery upon law officers, includes the physical contact with and in attempt to gain control of the firearm of any police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel as defined in Section 649 of this title, or any peace officer employed by any state or federal governmental agency to enforce state laws.

D. This section shall not supersede any other act or acts, but shall be cumulative thereto.

Added by Laws 1969, c. 95, §§ 1, 2, emerg. eff. March 27, 1969. Amended by Laws 1989, c. 183, § 2, eff. Nov. 1, 1989; Laws 1990, c. 58, § 2, eff. Sept. 1, 1990; Laws 1997, c. 133, § 222, eff. July 1,

1999; Laws 1999, 1st Ex.Sess., c. 5, § 129, eff. July 1, 1999; Laws 2011, c. 385, § 3, eff. Nov. 1, 2011; Laws 2015, c. 17, § 2, eff. Nov. 1, 2015.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 222 from July 1, 1998, to July 1, 1999.

§21-650.1. Athletic contests - Assault and battery upon referee, umpire, etc.

Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery, assault and battery upon the person of a referee, umpire, timekeeper, coach, official, or any person having authority in connection with any amateur or professional athletic contest is guilty of a misdemeanor and is punishable by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.
Amended by Laws 1984, c. 297, § 1.

§21-650.2. Assault or battery upon Corrections, Human Services or Juvenile Affairs employee or contractor.

A. Every person in the custody of the Oklahoma Department of Corrections who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon the person of a Department of Corrections employee while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

B. Every person incarcerated in an institution operated by a private prison contractor, pursuant to Section 561, 563.1 or 563.2 of Title 57 of the Oklahoma Statutes, who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon the person of an employee of the contractor while said employee is in the performance of duties shall, upon conviction thereof, be guilty of a felony.

C. Every person in the custody of the Department of Human Services who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a Department of Human Services employee, or a person contracting with the Department to provide services, while the employee or contractor is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

D. Every person in the custody of the Office of Juvenile Affairs who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon the person of an Office of Juvenile Affairs employee while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

E. Every person in the custody of the Office of Juvenile

Affairs who, without justifiable or excusable cause, knowingly commits any battery or assault and battery resulting in bodily injury to any employee of the Office of Juvenile Affairs or employee of any residential facility while said employee is in the performance of duties of employment shall, upon conviction thereof, be guilty of a felony. The fine for a violation of this subsection shall not be less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), which may be imposed whether or not a period of incarceration is imposed.
Added by Laws 1985, c. 75, § 1, eff. Nov. 1, 1985. Amended by Laws 1993, c. 326, § 2, emerg. eff. June 7, 1993; Laws 1996, c. 247, § 27, eff. July 1, 1996; Laws 1997, c. 133, § 223, eff. July 1, 1999; Laws 1997, c. 293, § 36, eff. July 1, 1999; Laws 1999, c. 99, § 1, eff. Nov. 1, 1999; Laws 1999, c. 166, § 1, emerg. eff. May 21, 1999; Laws 2008, c. 121, § 2, eff. Nov. 1, 2008.
NOTE: Laws 1997, c. 333, § 4 repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999, but was subsequently amended by Laws 1999, c. 99, § 1. Laws 1997, c. 333, § 3 repealed by Laws 2000, c. 6, § 34, emerg. eff. March 20, 2000.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 223 from July 1, 1998, to July 1, 1999. Laws 1998, 1st Ex.Sess., c. 2, § 24 amended the effective date of Laws 1997, c. 293, § 36 from July 1, 1998, to July 1, 1999. Laws 1998, 1st Ex.Sess., c. 2, § 25 amended the effective date of Laws 1997, c. 333, § 4 from July 1, 1998, to July 1, 1999.

§21-650.3. Delaying, obstructing or interfering with emergency medical technician or other emergency medical care provider - Punishment.

Every person who willfully delays, obstructs or in any way interferes with an emergency medical technician or other emergency medical care provider in the performance of or attempt to perform emergency medical care and treatment or in going to or returning from the scene of a medical emergency, upon conviction, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not to exceed Five Hundred Dollars ($500.00), or by both such fine and imprisonment.
Added by Laws 1990, c. 320, § 1, emerg. eff. May 30, 1990.

§21-650.4. Assault and battery upon emergency medical care providers.

A. Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any assault, battery or assault and battery upon the person of an emergency medical care provider who is performing medical care duties, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or

by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

B. As used in this section, "emergency medical care provider" means doctors, residents, interns, nurses, nurses' aides, ambulance attendants and operators, paramedics, emergency medical technicians, and members of a hospital security force.

Added by Laws 1990, c. 320, § 2, emerg. eff. May 30, 1990. Amended by Laws 2000, c. 143, § 1, eff. Nov. 1, 2000; Laws 2009, c. 337, § 1, emerg. eff. May 27, 2009.

§21-650.5. Aggravated assault and battery or assault with firearm or other dangerous weapon upon emergency medical technician or other emergency medical care provider - Penalty.

Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any aggravated assault and battery or any assault with a firearm or other deadly weapon upon the person of an emergency medical technician or other emergency medical care provider, upon conviction, is guilty of a felony punishable by imprisonment in a state correctional institution for not more than one (1) year, or by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

Added by Laws 1990, c. 320, § 3, emerg. eff. May 30, 1990. Amended by Laws 1997, c. 133, § 224, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 130, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 224 from July 1, 1998, to July 1, 1999.

§21-650.6. Assault or battery or assault and battery upon officer of state district or appellate court, Workers' Compensation Court, witness or juror - Penalty.

A. Every person who commits any assault upon any officer of a state district or appellate court, or the Workers' Compensation Court, including but not limited to judges, bailiffs, court reporters, court clerks or deputy court clerks, or upon any witnesses or juror, because of said person's service in such capacity or within six (6) months of said person's service in such capacity, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such imprisonment and fine.

B. Every person who commits any battery or assault and battery upon any officer of a state district or appellate court, or the Workers' Compensation Court, including but not limited to judges, bailiffs, court reporters, court clerks or deputy court clerks, or upon any witnesses or juror, because of said person's service in such capacity or within six (6) months of said person's service in such capacity, shall be guilty of a felony punishable by

imprisonment in the custody of the Department of Corrections for not more than five (5) years, by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.
Added by Laws 1993, c. 326, § 1, emerg. eff. June 7, 1993. Amended by Laws 1997, c. 133, § 225, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 131, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 225 from July 1, 1998, to July 1, 1999.

§21-650.7. Assault, battery, or assault and battery upon school employee or student – Notice - Definition.

A. As used in this section, "school employee" means a teacher, principal, or any duly appointed person employed by a school system or employees of a firm contracting with a school system for any purpose, including any personnel not directly related to the teaching process and school board members during school board meetings.

B. Any person who, without justifiable or excusable cause, commits any assault, battery, or assault and battery upon the person of a school employee while such employee is in the performance of any duties as a school employee or upon any student while such student is participating in any school activity or attending classes on school property during school hours shall, upon conviction, be guilty of a misdemeanor. The convicted person shall be punished by a term of imprisonment in the county jail for a period not exceeding one (1) year, or by a fine not exceeding Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

C. Any person who, without justifiable or excusable cause, commits any aggravated battery or aggravated assault and battery upon the person of a school employee while such employee is in the performance of any duties as a school employee shall, upon conviction, be guilty of a felony punishable by a term of imprisonment in the State Penitentiary for a period not exceeding two (2) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

D. Every school site shall post in a prominent place a notice having the following or similar language: "FELONY CHARGES MAY BE FILED AGAINST ANY PERSON(S) COMMITTING AN AGGRAVATED ASSAULT OR BATTERY UPON ANY SCHOOL EMPLOYEE."

E. For purposes of this section, "assault" shall be defined by Section 641 of Title 21 of the Oklahoma Statutes, "battery" shall be defined by Section 642 of Title 21 of the Oklahoma Statutes, and "aggravated assault and battery" shall be defined by Section 646 of Title 21 of the Oklahoma Statutes.
Added by Laws 1971, c. 281, § 6-113, eff. July 2, 1971. Amended by Laws 1978, c. 31, § 1, eff. Oct. 1, 1978; Laws 1980, c. 78, § 1, eff. Oct. 1, 1980; Laws 1995, c. 241, § 1, eff. July 1, 1995.

Renumbered from § 6-113 of Title 70 by Laws 1995, c. 241, § 3, eff. July 1, 1995. Amended by Laws 2001, c. 380, § 1, eff. July 1, 2001.

§21-650.8. Felony assault, battery or assault and battery upon employee of facility for delinquent children, juvenile detention center or juvenile bureau.

A. Every person who, without justifiable or excusable cause, knowingly commits any assault, battery or assault and battery upon the person of an employee of a facility maintained by the Office of Juvenile Affairs, a facility maintained by a private contractor pursuant to a contract with the Office of Juvenile Affairs primarily for delinquent children, a juvenile detention center, or a juvenile bureau, while the employee is in the performance of his duties, shall upon conviction thereof be guilty of a felony.

B. This section shall not supersede any other act or acts, but shall be cumulative thereto.

Added by Laws 1984, c. 276, § 1, emerg. eff. May 30, 1984. Renumbered from § 1149 of Title 10 by Laws 1995, c. 352, § 200, eff. July 1, 1995. Amended by Laws 1996, c. 247, § 28, eff. July 1, 1996; Laws 1997, c. 133, § 226, eff. July 1, 1999; Laws 1999, c. 99, § 2, eff. Nov. 1, 1999.

NOTE: Laws 1997, c. 293, § 38 repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999, but was subsequently amended by Laws 1999, c. 99, § 2. Laws 1997, c. 293, § 37 repealed by Laws 2000, c. 6, § 34, emerg. eff. March 20, 2000.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 226 from July 1, 1998, to July 1, 1999. Laws 1998, 1st Ex.Sess., c. 2, § 24 amended the effective date of Laws 1997, c. 293, § 38 from July 1, 1998, to July 1, 1999.

§21-650.9. Persons in custody - Placing body wastes or fluids upon government employee or contractor.

Every person in the custody of the state, a county or city or a contractor of the state, a county or a city who throws, transfers or in any manner places feces, urine, semen, saliva or blood upon the person of an employee of the state, a county or a city or an employee of a contractor of the state, a county or a city shall, upon conviction thereof, be guilty of a felony.

Added by Laws 1996, c. 199, § 1, eff. Nov. 1, 1996. Amended by Laws 1997, c. 133, § 227, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 227 from July 1, 1998, to July 1, 1999.

§21-650.10. Touching assistive device with intent to harass - Penalties.

Every person who, without justifiable or excusable cause and with intent to harass, touches any assistive device of another

person, shall upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a period of not more than one (1) year, or by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

As used in this section, "assistive device" means any device that enables a person with a disability to communicate, see, hear, or maneuver.

Added by Laws 2000, c. 83, § 1, eff. Nov. 1, 2000.

§21-650.11. Medical battery – Penalties - Definition.

A. Medical battery is a felony, upon conviction, punishable by imprisonment in the county jail for a term of not more than one (1) year, or imprisonment in the custody of the Department of Corrections for a term of not more than four (4) years, and a fine in an amount not more than Five Thousand Dollars ($5,000.00). In addition, the defendant shall be ordered to make restitution to the victim in an amount as determined by the court.

B. For purposes of this section, "medical battery" means:

1. The defendant has been found guilty of practicing dentistry, medicine, osteopathic medicine, or surgery, without a license or authority as prohibited by the provisions of the State Dental Act, the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, or the Oklahoma Osteopathic Medicine Act;

2. The treatment, or course of treatment, practiced in violation of the provisions of the State Dental Act, the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, or the Osteopathic Medicine Act resulted in the victim having permanent physical injury or disfigurement;

3. The victim consented to such treatment, or course of treatment, under a belief that the defendant was licensed and authorized to diagnose and perform the treatment; and

4. The defendant willfully performed the act knowing that such act was prohibited pursuant to law.

Added by Laws 2008, c. 358, § 6, eff. Nov. 1, 2008.

§21-651. Poison, attempt to kill by administering.

Any person who, with intent to kill, administers or causes or procures to be administered to another any poison which is actually taken by such other person but by which death is not caused shall be guilty of a felony, punishable by imprisonment in the State Penitentiary not less than ten (10) years.

R.L. 1910, § 2335. Amended by Laws 1997, c. 133, § 228, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 132, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 228 from July 1, 1998, to July 1, 1999.

§21-652. Shooting or discharging firearm with intent to kill - Use

of vehicle to facilitate discharge of weapon in conscious disregard of safety of others - Assault and battery with deadly weapon, etc.

A. Every person who intentionally and wrongfully shoots another with or discharges any kind of firearm, with intent to kill any person, including an unborn child as defined in Section 1-730 of Title 63 of the Oklahoma Statutes, shall upon conviction be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding life.

B. Every person who uses any vehicle to facilitate the intentional discharge of any kind of firearm, crossbow or other weapon in conscious disregard for the safety of any other person or persons, including an unborn child as defined in Section 1-730 of Title 63 of the Oklahoma Statutes, shall upon conviction be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years nor exceeding life.

C. Any person who commits any assault and battery upon another, including an unborn child as defined in Section 1-730 of Title 63 of the Oklahoma Statutes, by means of any deadly weapon, or by such other means or force as is likely to produce death, or in any manner attempts to kill another, including an unborn child as defined in Section 1-730 of Title 63 of the Oklahoma Statutes, or in resisting the execution of any legal process, shall upon conviction be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding life.

D. The provisions of this section shall not apply to:

1. Acts which cause the death of an unborn child if those acts were committed during a legal abortion to which the pregnant woman consented; or

2. Acts which are committed pursuant to usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

E. Under no circumstances shall the mother of the unborn child be prosecuted for causing the death of the unborn child unless the mother has committed a crime that caused the death of the unborn child.

R.L.1910, § 2336. Amended by Laws 1955, p. 186, § 1; Laws 1977, c. 42, § 1, eff. May 11, 1977; Laws 1987, c. 58, § 1, emerg. eff. April 30, 1987; Laws 1992, c. 192, § 1, emerg. eff. May 11, 1992; Laws 1997, c. 133, § 229, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 133, eff. July 1, 1999; Laws 2005, c. 200, § 2, emerg. eff. May 20, 2005; Laws 2007, c. 358, § 2, eff. July 1, 2007.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 229 from July 1, 1998, to July 1, 1999.

§21-653. Punishment for other assaults with intent to kill.

Any person who is guilty of an assault with intent to kill any

person, the punishment for which is not prescribed by Section 652 of this title, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years, or in a 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.
R.L. 1910, § 2337. Amended by Laws 1997, c. 133, § 230, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 134, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 230 from July 1, 1998, to July 1, 1999.

§21-661. Duel defined.
A duel is any combat with deadly weapons fought between two persons by agreement.
R.L.1910, § 2354.

§21-662. Dueling a felony.
Any person guilty of fighting any duel, although no death or wound ensues, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.
R.L. 1910, § 2355. Amended by Laws 1997, c. 133, § 231, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 135, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 231 from July 1, 1998, to July 1, 1999.

§21-681. Assaults with intent to commit felony.
A. Any person who is guilty of an assault with intent to commit any felony, except an assault with intent to kill, the punishment for which assault is not otherwise prescribed in this code, shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding five (5) years, or in a 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.
B. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of subsection A of this section and the offense involved sexual assault, shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.
R.L. 1910, § 2338. Amended by Laws 1997, c. 133, § 232, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 136, eff. July 1, 1999; Laws 2007, c. 261, § 3, eff. Nov. 1, 2007.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective

date of Laws 1997, c. 133, § 232 from July 1, 1998, to July 1, 1999.

§21-684. Performance of partial-birth abortion.

A. Any physician who knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined Ten Thousand Dollars ($10,000.00), or imprisoned in the State Penitentiary for a period of not more than two (2) years, or by both such fine and imprisonment. This subsection shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness or injury.

B. Definitions. As used in this section:

1. "Partial-birth abortion" means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

2. "Physician" means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the state, or any other individual legally authorized by the state to perform abortions; provided, however, that any individual who is not a physician or not otherwise legally authorized by the state to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

3. "Vaginally delivers a living fetus before killing the fetus" means deliberately and intentionally delivers into the vagina a living fetus or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus.

C. Civil Action:

1. The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of eighteen (18) years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

2. Such relief shall include money damages for all injuries, psychological and physical, occasioned by the violation of this section, and statutory damages equal to three times the cost of the partial-birth abortion.

D. Review by State Board of Medical Licensure and Supervision:

1. A defendant accused of an offense under this section may seek a hearing before the State Board of Medical Licensure and Supervision on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

2. The findings on that issue are admissible at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than thirty (30) days

to permit such a hearing to take place.

E. A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section or for a conspiracy to violate this section.

Added by Laws 1998, c. 122, § 1, emerg. eff. April 15, 1998.

§21-691. Homicide defined.

A. Homicide is the killing of one human being by another.

B. As used in this section, "human being" includes an unborn child, as defined in Section 1-730 of Title 63 of the Oklahoma Statutes.

C. Homicide shall not include:

1. Acts which cause the death of an unborn child if those acts were committed during a legal abortion to which the pregnant woman consented; or

2. Acts which are committed pursuant to the usual and customary standards of medical practice during diagnostic testing or therapeutic treatment.

D. Under no circumstances shall the mother of the unborn child be prosecuted for causing the death of the unborn child unless the mother has committed a crime that caused the death of the unborn child.

R.L. 1910 Sec. 2308. Amended by Laws 2006, c. 185, § 1, eff. Nov. 1, 2006.

§21-692. Homicide classified.

Homicide is either:

1. Murder;

2. Manslaughter;

3. Excusable homicide; or,

4. Justifiable homicide.

R.L.1910, § 2309.

§21-693. Proof necessary to conviction of murder or manslaughter.

No person can be convicted of murder or manslaughter, or of aiding suicide, unless the death of the person alleged to have been killed and the fact of the killing by the accused are each established as independent facts beyond a reasonable doubt.

R.L. 1910, § 2310.

§21-694. Certain common law rules abolished.

A. The rules of the common law distinguishing the killing of a master by his servant and of a husband by his wife as petit treason are abolished and these offenses are deemed homicides, punishable in the manner prescribed by Section 691 et seq. of this title.

B. The rule of the common law providing that a death occurring after a year and a day from the date of a criminal corporal injury

is irrebuttably presumed not to be the result of that injury is abolished.
R.L.1910, § 2311; Laws 1994, c. 65, § 1, emerg. eff. April 15, 1994.

§21-695. Confidential or domestic relation may be considered.

Whenever the grade or punishment of homicide is made to depend upon its having been committed under circumstances evincing a depraved mind or unusual cruelty, or in a cruel manner, the jury may take into consideration the fact that any domestic or confidential relation existed between the accused and the person killed, in determining the moral quality of the acts proved.
R.L.1910, § 2312.

§21-701.7. Murder in the first degree.

A. A person commits murder in the first degree when that person unlawfully and with malice aforethought causes the death of another human being. Malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

B. A person also commits the crime of murder in the first degree, regardless of malice, when that person or any other person takes the life of a human being during, or if the death of a human being results from, the commission or attempted commission of murder of another person, shooting or discharge of a firearm or crossbow with intent to kill, intentional discharge of a firearm or other deadly weapon into any dwelling or building as provided in Section 1289.17A of this title, forcible rape, robbery with a dangerous weapon, kidnapping, escape from lawful custody, eluding an officer, first degree burglary, first degree arson, unlawful distributing or dispensing of controlled dangerous substances or synthetic controlled substances, trafficking in illegal drugs, or manufacturing or attempting to manufacture a controlled dangerous substance.

1. Except as provided in paragraph 3 of this subsection, the term "synthetic controlled substance" means a substance:

a. the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II,

b. which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II, or

c. with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system

that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.

2. The designation of gamma butyrolactone does not preclude a finding pursuant to paragraph 1 of this subsection that the chemical is a synthetic controlled substance.

3. Such term does not include:

a. a controlled substance,

b. any substance for which there is an approved new drug application,

c. with respect to a particular person any substance, if an exemption is in effect for investigational use, for that person, under Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to the extent conduct with respect to such substance is pursuant to such exemption, or

d. any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

C. A person commits murder in the first degree when the death of a child results from the willful or malicious injuring, torturing, maiming or using of unreasonable force by said person or who shall willfully cause, procure or permit any of said acts to be done upon the child pursuant to Section 843.5 of this title. It is sufficient for the crime of murder in the first degree that the person either willfully tortured or used unreasonable force upon the child or maliciously injured or maimed the child.

D. A person commits murder in the first degree when that person unlawfully and with malice aforethought solicits another person or persons to cause the death of a human being in furtherance of unlawfully manufacturing, distributing or dispensing controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, unlawfully possessing with intent to distribute or dispense controlled dangerous substances, or trafficking in illegal drugs.

E. A person commits murder in the first degree when that person intentionally causes the death of a law enforcement officer, correctional officer, or corrections employee while the officer or employee is in the performance of official duties.

Added by Laws 1976, 1st Ex.Sess., c. 1, § 1, eff. July 24, 1976. Amended by Laws 1982, c. 279, § 1, operative Oct. 1, 1982; Laws 1989, c. 259, § 1, emerg. eff. May 19, 1989; Laws 1996, c. 161, § 1, eff. Nov. 1, 1996; Laws 1997, c. 386, § 23, emerg. eff. June 10, 1997; Laws 1998, c. 5, § 11, emerg. eff. March 4, 1998; Laws 2004, c. 520, § 2, eff. Nov. 1, 2004; Laws 2006, c. 186, § 2, eff. July 1, 2006; Laws 2009, c. 234, § 120, emerg. eff. May 21, 2009; Laws 2012,

c. 128, § 1, eff. Nov. 1, 2012; Laws 2012, c. 208, § 1, eff. Nov. 1, 2012.
NOTE: Laws 1989, c. 253, § 1 repealed by Laws 1989, c. 353, § 14, emerg. eff. June 3, 1989. Laws 1997, c. 324, § 1 repealed by Laws 1998, c. 5, § 29, emerg. eff. March 4, 1998.

§21-701.8. Murder in the second degree.

Homicide is murder in the second degree in the following cases:

1. When perpetrated by an act imminently dangerous to another person and evincing a depraved mind, regardless of human life, although without any premeditated design to effect the death of any particular individual; or

2. When perpetrated by a person engaged in the commission of any felony other than the unlawful acts set out in Section 1, subsection B, of this act.

Added by Laws 1976, 1st Ex.Sess., c. 1, § 2, eff. July 24, 1976.

§21-701.9. Punishment for murder.

A. A person who is convicted of or pleads guilty or nolo contendere to murder in the first degree shall be punished by death, by imprisonment for life without parole or by imprisonment for life. A person who is convicted of or pleads guilty or nolo contendere to murder in the first degree, as described in subsection E of Section 701.7 of this title, shall not be entitled to or afforded the benefit of deferment of the sentence.

B. A person who is convicted of or pleads guilty or nolo contendere to murder in the second degree shall be guilty of a felony punishable by imprisonment in a state penal institution for not less than ten (10) years nor more than life.

Added by Laws 1976, 1st Ex.Sess., c. 1, § 3, eff. July 24, 1976. Amended by Laws 1987, c. 96, § 1, eff. Nov. 1, 1987; Laws 1997, c. 133, § 233, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 137, eff. July 1, 1999; Laws 2004, c. 520, § 3, eff. Nov. 1, 2004.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 233 from July 1, 1998 to July 1, 1999.

§21-701.10. Sentencing proceeding - Murder in the first degree - State seeking death penalty.

A. Upon conviction or adjudication of guilt of a defendant of murder in the first degree, wherein the state is seeking the death penalty, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death, life imprisonment without parole or life imprisonment. The proceeding shall be conducted by the trial judge before the same trial jury as soon as practicable without presentence investigation.

B. If the trial jury has been waived by the defendant and the state, or if the defendant pleaded guilty or nolo contendere, the

sentencing proceeding shall be conducted before the court.

C. In the sentencing proceeding, evidence may be presented as to any mitigating circumstances or as to any of the aggravating circumstances enumerated in Section 701.7 et seq. of this title. Only such evidence in aggravation as the state has made known to the defendant prior to his trial shall be admissible. In addition, the state may introduce evidence about the victim and about the impact of the murder on the family of the victim.

D. This section shall not be construed to authorize the introduction of any evidence secured in violation of the Constitutions of the United States or of the State of Oklahoma. The state and the defendant or his counsel shall be permitted to present argument for or against sentence of death.

Added by Laws 1976, 1st Ex.Sess., c. 1, § 4, eff. July 24, 1976. Amended by Laws 1987, c. 96, § 2, eff. Nov. 1, 1987; Laws 1989, c. 365, § 1, emerg. eff. June 3, 1989; Laws 1992, c. 67, § 1, emerg. eff. April 13, 1992; Laws 2013, c. 6, § 1, eff. Nov. 1, 2013.

§21-701.10-1. Sentencing proceeding - Murder in the first degree - Life imprisonment.

A. Upon conviction or adjudication of guilt of a defendant of murder in the first degree, wherein the state is not seeking the death penalty but has alleged that the defendant has prior felony convictions, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to life imprisonment without parole or life imprisonment, wherein the state shall be given the opportunity to prove any prior felony convictions beyond a reasonable doubt. The proceeding shall be conducted by the trial judge before the same trial jury as soon as practicable without presentence investigation.

B. If the trial jury has been waived by the defendant and the state, or if the defendant pleaded guilty or nolo contendere, the sentencing proceeding shall be conducted before the court.

Added by Laws 2013, c. 6, § 2, eff. Nov. 1, 2013.

§21-701.10a. Sentencing proceeding on remand - Murder in the first degree - Admissibility of evidence.

Notwithstanding subsection A of Section 701.10 of this title, which requires that the same jury sit in the sentencing phase of a capital murder trial, the following shall apply:

1. Upon any appeal by the defendant where the sentence is of death, the appellate court, if it finds prejudicial error in the sentencing proceeding only, may set aside the sentence of death and remand the case to the trial court in the jurisdiction in which the defendant was originally sentenced. No error in the sentencing proceeding shall result in the reversal of the conviction for a capital felony. When a capital case is remanded after vacation of a

death sentence, the prosecutor may:

a. move the trial court to impose any sentence authorized by law at the time of the commission of the crime, which the trial court shall impose after a non-jury sentencing proceeding, provided, the original sentencing proceeding was conducted before the court or the original sentencing proceeding was conducted before a jury and both the defendant and the state waive jury sentencing after remand; or

b. move the trial court to impanel a new sentencing jury who shall determine the sentence of the defendant, which may be any sentence authorized by law at the time of the commission of the crime, provided, the original sentencing proceeding was conducted before a jury;

2. If the prosecutor elects to utilize the procedure provided in paragraph b of subsection 1 of this section, the trial court shall impanel a new jury for the purpose of conducting new sentencing proceedings;

3. Resentencing proceedings shall be governed by the provisions of Sections 701.10, 701.11 and 701.12 of this title;

4. All exhibits and a transcript of all testimony and other evidence properly admitted in the prior trial and sentencing shall be admissible in the new sentencing proceeding; additional relevant evidence may be admitted including testimony of witnesses who testified at the previous trial;

5. The provisions of this section are procedural and shall apply retroactively to any defendant sentenced to death;

6. This section shall not be construed to amend the provisions of Section 701.10 of this title, requiring the same jury to sit in both the guilt and sentencing phases of the original trial.

Laws 1989, c. 365, § 3, emerg. eff. June 3, 1989; Laws 1993, c. 325, § 12, emerg. eff. June 7, 1993.

§21-701.10b. Death sentence prohibited for defendants who were mentally retarded prior to age 18 - Sentencing proceedings.

A. For purposes of this section:

1. "Mental retardation" or "mentally retarded" means significantly subaverage general intellectual functioning, existing concurrently with significant limitations in adaptive functioning;

2. "Significant limitations in adaptive functioning" means significant limitations in two or more of the following adaptive skill areas; communication, self-care, home living, social skills, community use, self-direction, health, safety, functional academics, leisure skills and work skills; and

3. "Significantly subaverage general intellectual functioning" means an intelligence quotient of seventy (70) or below.

B. Regardless of any provision of law to the contrary, no defendant who is mentally retarded shall be sentenced to death; provided, however, the onset of the mental retardation must have been manifested before the defendant attained the age of eighteen (18) years.

C. The defendant has the burden of production and persuasion to demonstrate mental retardation by showing significantly subaverage general intellectual functioning, significant limitations in adaptive functioning, and that the onset of the mental retardation was manifested before the age of eighteen (18) years. An intelligence quotient of seventy (70) or below on an individually administered, scientifically recognized standardized intelligence quotient test administered by a licensed psychiatrist or psychologist is evidence of significantly subaverage general intellectual functioning; however, it is not sufficient without evidence of significant limitations in adaptive functioning and without evidence of manifestation before the age of eighteen (18) years. In determining the intelligence quotient, the standard measurement of error for the test administrated shall be taken into account.

However, in no event shall a defendant who has received an intelligence quotient of seventy-six (76) or above on any individually administered, scientifically recognized, standardized intelligence quotient test administered by a licensed psychiatrist or psychologist, be considered mentally retarded and, thus, shall not be subject to any proceedings under this section.

D. A defendant charged with capital murder who intends to raise mental retardation as a bar to the death sentence shall provide to the state notice of such intention at least ninety (90) days after formal arraignment or within ninety (90) days after the filing of a bill of particulars, whichever is later. The notice shall include a brief but detailed statement specifying the witnesses, nature and type of evidence sought to be introduced. The notice must demonstrate sufficient facts that demonstrate a good-faith belief as to the mental retardation of the defendant.

E. The district court shall conduct an evidentiary hearing to determine whether the defendant is mentally retarded. If the court determines, by clear and convincing evidence, that the defendant is mentally retarded, the defendant, if convicted, shall be sentenced to life imprisonment or life without parole. If the district court determines that the defendant is not mentally retarded, the capital trial of the offense may proceed. A request for a hearing under this section shall not waive entitlement by the defendant to submit the issue of mental retardation to a jury during the sentencing phase in a capital trial if convicted of an offense punishable by death. The court’s determination on the issue of mental retardation shall not be the subject of an interlocutory appeal.

F. The court shall submit a special issue to the jury as to whether the defendant is mentally retarded. This special issue shall be considered and answered by the jury during the sentencing stage and prior to the determination of sentence. If the jury unanimously determines that the defendant is mentally retarded, the defendant may only be sentenced to life imprisonment or life without parole. The defendant has the burden of production and persuasion to demonstrate mental retardation to the jury by a preponderance of the evidence.

G. If the jury determines that the defendant is not mentally retarded or is unable to reach a unanimous decision, the jury shall proceed to determine the existence of aggravating and mitigating factors in determining whether the sentence of death shall be imposed. In those deliberations, the jury may consider any evidence of mental retardation as a mitigating factor in sentencing the defendant.

H. If the jury determines that the defendant is not mentally retarded and imposes a death sentence, the trial court shall make findings of fact and conclusions of law relating to the issue of whether the determination on the issue of mental retardation was made under the influence of passion, prejudice, or any other arbitrary factor. The findings shall be attached as an exhibit to the report of the trial judge required under Section 701.13 of Title 21 of the Oklahoma Statutes. If the trial court finds that the determination of mental retardation was not supported by the evidence, the issue may be raised on appeal to the Oklahoma Court of Criminal Appeals for consideration as part of its mandatory sentence review.

I. The standard of review for a trier of fact mental retardation determination shall be whether, after reviewing the evidence in the light most favorable to the state, any rational trier of fact could have found the defendant not mentally retarded as defined by this section, giving full deference to the findings of the trier of fact.

J. The court shall give appropriate instructions in those cases in which evidence of the mental retardation of the defendant requires the consideration by the jury of the provisions of this section.

Added by Laws 2006, c. 290, § 1, eff. July 1, 2006.

§21-701.11. Instructions - Jury findings of aggravating circumstance.

In the sentencing proceeding, the statutory instructions as determined by the trial judge to be warranted by the evidence shall be given in the charge and in writing to the jury for its deliberation. The jury, if its verdict be a unanimous recommendation of death, shall designate in writing, signed by the

foreman of the jury, the statutory aggravating circumstance or circumstances which it unanimously found beyond a reasonable doubt. In nonjury cases the judge shall make such designation. Unless at least one of the statutory aggravating circumstances enumerated in this act is so found or if it is found that any such aggravating circumstance is outweighed by the finding of one or more mitigating circumstances, the death penalty shall not be imposed. If the jury cannot, within a reasonable time, agree as to punishment, the judge shall dismiss the jury and impose a sentence of imprisonment for life without parole or imprisonment for life.
Amended by Laws 1987, c. 96, § 3, eff. Nov. 1, 1987.

§21-701.11a. Clemency not affected.
Nothing in this act shall be construed to impair or abrogate the use of clemency by way of commutation or pardon.
Amended by Laws 1987, c. 96, § 3, eff. Nov. 1, 1987.

§21-701.12. Aggravating circumstances.
Aggravating circumstances shall be:
1. The defendant was previously convicted of a felony involving the use or threat of violence to the person;
2. The defendant knowingly created a great risk of death to more than one person;
3. The person committed the murder for remuneration or the promise of remuneration or employed another to commit the murder for remuneration or the promise of remuneration;
4. The murder was especially heinous, atrocious, or cruel;
5. The murder was committed for the purpose of avoiding or preventing a lawful arrest or prosecution;
6. The murder was committed by a person while serving a sentence of imprisonment on conviction of a felony;
7. The existence of a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; or
8. The victim of the murder was a peace officer as defined by Section 99 of this title, or correctional employee of an institution under the control of the Department of Corrections, and such person was killed while in performance of official duty.
Added by Laws 1976, 1st Ex. Sess., c. 1 , § 6, eff. July 24, 1976. Amended by Laws 1981, c. 147, § 1, emerg. eff. May 8, 1981; Laws 2011, c. 160, § 1, eff. Nov. 1, 2011.

§21-701.13. Death penalty - Review of sentence.
A. Whenever the death penalty is imposed, and upon the judgment becoming final in the trial court, the sentence shall be reviewed on the record by the Oklahoma Court of Criminal Appeals. The court reporter of the trial court shall prepare all transcripts necessary

for appeal within six (6) months of the imposition of the sentence.

The clerk of the trial court, within ten (10) days after receiving the transcript, shall transmit the entire record and transcript to the Oklahoma Court of Criminal Appeals together with a notice prepared by the clerk and a report prepared by the trial judge. The notice shall set forth the title and docket number of the case, the name of the defendant and the name and address of his attorney, a narrative statement of the judgment, the offense, and the punishment prescribed. The report shall be in the form of a standard questionnaire prepared and supplied by the Oklahoma Court of Criminal Appeals.

B. The Oklahoma Court of Criminal Appeals shall consider the punishment as well as any errors enumerated by way of appeal.

C. With regard to the sentence, the court shall determine:

1. Whether the sentence of death was imposed under the influence of passion, prejudice, or any other arbitrary factor; and

2. Whether the evidence supports the jury's or judge's finding of a statutory aggravating circumstance as enumerated in Section 701.12 of this title.

D. Both the defendant and the state shall have the right to submit briefs within the time provided by the court, and to present oral argument to the court. The defendant shall have one hundred twenty (120) days from the date of receipt by the court of the record, transcript notice, and report provided for in subsection A of this section, in which to submit a brief. The state shall have sixty (60) days from the date of filing of the defendant's brief to file a reply brief. The defendant may file a reply brief within a time period established by the court, however the receipt of the reply brief, the hearing of oral arguments, and the rendering of a decision by the court all shall be concluded within one (1) year after the date of the filing of the reply brief. If the defendant or the state fails to submit their respective briefs within the period prescribed by law, the defendant or the state shall transmit a written statement of explanation to the Presiding Judge of the Court of Criminal Appeals who shall have the authority to grant an extension of the time to submit briefs, based upon a showing of just cause. Failure to submit briefs in the required time may be punishable as indirect contempt of court.

E. In addition to its authority regarding correction of errors, the court, with regard to review of death sentences, shall be authorized to:

1. Affirm the sentence of death; or

2. Set the sentence aside and remand the case for resentencing by the trial court.

F. The sentence review shall be in addition to direct appeal, if taken, and the review and appeal shall be consolidated for consideration. The court shall render its decision on legal errors

enumerated, the factual substantiation of the verdict, and the validity of the sentence.

G. If the court reporter of the trial court fails to complete preparation of the transcripts necessary for appeal within the six-month period required by the provisions of subsection A of this section, the court reporter shall transmit a written statement of explanation of such failure to the Chief Justice of the Oklahoma Supreme Court, the Presiding Judge of the Court of Criminal Appeals, and the Administrative Director of the Courts. The Court of Criminal Appeals shall have the authority to grant an extension of the time for filing the transcripts, based upon a showing of just cause. Failure to complete the transcripts in the required time may be punishable as indirect contempt of court and except for just cause shown may result in revocation of the license of the court reporter.

Added by Laws 1976, 1st Ex.Sess., c. 1, § 7, eff. July 24, 1976. Amended by Laws 1985, c. 265, § 1, emerg. eff. July 16, 1985.

§21-701.14. Repealed by Laws 1991, c. 238, § 37, eff. July 1, 1991.

§21-701.15. Constitutionality - Sentence.

In the event the death penalty is held to be unconstitutional by the Oklahoma Court of Criminal Appeals or the United States Supreme Court, the court having jurisdiction over a person previously sentenced to death shall cause such person to be brought before the court, and the court shall sentence such person to imprisonment for life without parole.

Amended by Laws 1985, c. 105, § 1, eff. Nov. 1, 1985.

§21-701.16. Solicitation for murder in the first degree.

It shall be unlawful for any person or agent of that person to solicit another person or persons to cause the death of a human being by the act of murder in the first degree as is defined by Section 701.7 of this title. A person who is convicted, pleads guilty or pleads nolo contendere to the act of solicitation for murder in the first degree, except as provided in Section 701.7 of this title, shall be guilty of a felony punishable by imprisonment in a state penal institution for not less than five (5) years nor more than life imprisonment in the State Penitentiary.

Added by Laws 1981, c. 147, § 2, emerg. eff. May 8, 1981. Amended by Laws 1989, c. 259, § 2, emerg. eff. May 19, 1989; Laws 1997, c. 133, § 234, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 138, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 234 from July 1, 1998, to July 1, 1999.

§21-701.17. Repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-702. Design to effect death inferred.

A design to effect death is inferred from the fact of killing, unless the circumstances raise a reasonable doubt whether such design existed.

R.L.1910, § 2314.

§21-703. Premeditation.

A design to effect death sufficient to constitute murder may be formed instantly before committing the act by which it is carried into execution.

R.L.1910, § 2315.

§21-704. Anger or intoxication no defense.

Homicide committed with a design to effect death is not the less murder because the perpetrator was in a state of anger or voluntary intoxication at the time.

R.L.1910, § 2316.

§21-705. Act imminently dangerous and evincing depraved mind.

Homicide perpetrated by an act imminently dangerous to others and evincing a depraved mind, regardless of human life, is not the less murder because there was no actual intent to injure others.

R.L.1910, § 2317.

§21-711. Manslaughter in the first degree defined.

Homicide is manslaughter in the first degree in the following cases:

1. When perpetrated without a design to effect death by a person while engaged in the commission of a misdemeanor.

2. When perpetrated without a design to effect death, and in a heat of passion, but in a cruel and unusual manner, or by means of a dangerous weapon; unless it is committed under such circumstances as constitute excusable or justifiable homicide.

3. When perpetrated unnecessarily either while resisting an attempt by the person killed to commit a crime, or after such attempt shall have failed.

R.L.1910, § 2320.

§21-712. Liability of physicians.

Every physician who being in a state of intoxication without a design to effect death, administers any poison, drug or medicine, or does any other act as such physician to another person, which produces the death of such other person, is guilty of manslaughter in the first degree.

R.L.1910, § 2321.

§21-713. Repealed by Laws 2006, c. 185, § 23, eff. Nov. 1, 2006.

§21-714. Procuring destruction of unborn child.

Every person who administers to any woman pregnant with a quick child, or who prescribes for such woman, or advises or procures any such woman to take any medicine, drug or substance whatever, or who uses or employs any instrument or other means with intent thereby to destroy such child, unless the same shall have been necessary to preserve the life of such mother, is guilty in case the death of the child or of the mother is thereby produced, of manslaughter in the first degree.
R.L.1910, § 2323.

§21-715. Manslaughter in the first degree a felony.
Any person guilty of manslaughter in the first degree shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not less than four (4) years.
R.L. 1910, § 2324. Amended by Laws 1997, c. 133, § 235, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 139, eff. July 1, 1999; Laws 2005, c. 200, § 4, emerg. eff. May 20, 2005; Laws 2006, c. 185, § 2, eff. Nov. 1, 2006.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 235 from July 1, 1998, to July 1, 1999.

§21-716. Manslaughter in the second degree.

Every killing of one human being by the act, procurement or culpable negligence of another, which, under the provisions of this chapter, is not murder, nor manslaughter in the first degree, nor excusable nor justifiable homicide, is manslaughter in the second degree.
R.L.1910, § 2325.

§21-717. Owner of mischievous animal which kills person.

If the owner of a mischievous animal, knowing its propensities, wilfully suffers it to go at large, or keeps it without ordinary care, and such animal, while so at large or not confined, kills any human being who has taken all the precautions which the circumstances permitted, to avoid such animal, the owner is deemed guilty of manslaughter in the second degree.
R.L.1910, § 2326.

§21-722. Manslaughter in the second degree a felony - Penalty.

Any person guilty of manslaughter in the second degree shall be guilty of a felony punishable by imprisonment in the State Penitentiary not more than four (4) years and not less than two (2)

years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both fine and imprisonment.
R.L. 1910, § 2331. Amended by Laws 1997, c. 133, § 236, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 140, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 236 from July 1, 1998, to July 1, 1999.

§21-723. Offender's knowledge of victim's pregnancy.

Any offense committed pursuant to the provisions of Sections 652 and 713 of Title 21 of the Oklahoma Statutes does not require proof that the person engaging in the conduct had knowledge or should have had knowledge that the victim of the underlying offense was pregnant or that the offender intended to cause the death or bodily injury to the unborn child.
Added by Laws 2005, c. 200, § 5, emerg. eff. May 20, 2005.

§21-731. Excusable homicide, what is.

Homicide is excusable in the following cases:

1. When committed by accident and misfortune in doing any lawful act, by lawful means, with usual and ordinary caution, and without any unlawful intent.

2. When committed by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation, or upon a sudden combat provided that no undue advantage is taken, nor any dangerous weapon used, and that the killing is not done in a cruel or unusual manner.
Amended by Laws 1985, c. 90, § 1, eff. Nov. 1, 1985.

§21-732. Justifiable homicide by officer.

A peace officer, correctional officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when:

1. The officer is acting in obedience to and in accordance with any judgment of a competent court in executing a penalty of death; or

2. In effecting an arrest or preventing an escape from custody following arrest and the officer reasonably believes both that:

   a. such force is necessary to prevent the arrest from being defeated by resistance or escape, and

   b. there is probable cause to believe that the person to be arrested has committed a crime involving the infliction or threatened infliction of serious bodily harm, or the person to be arrested is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay; or

3. The officer is in the performance of his legal duty or the

execution of legal process and reasonably believes the use of the force is necessary to protect himself or others from the infliction of serious bodily harm; or

4. The force is necessary to prevent an escape from a penal institution or other place of confinement used primarily for the custody of persons convicted of felonies or from custody while in transit thereto or therefrom unless the officer has reason to know:

a. the person escaping is not a person who has committed a felony involving violence, and

b. the person escaping is not likely to endanger human life or to inflict serious bodily harm if not apprehended.

R.L.1910, § 2333. Amended by Laws 1990, c. 179, § 1, emerg. eff. May 3, 1990.

§21-733. Justifiable homicide by any person.

A. Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder such person, or to commit any felony upon him, or upon or in any dwelling house in which such person is;

2. When committed in the lawful defense of such person or of another, when the person using force reasonably believes such force is necessary to prevent death or great bodily harm to himself or herself or another or to terminate or prevent the commission of a forcible felony; or

3. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed; or in lawfully suppressing any riot; or in lawfully keeping and preserving the peace.

B. As used in this section, "forcible felony" means any felony which involves the use or threat of physical force or violence against any person.

R.L. 1910, § 2334. Amended by Laws 2014, c. 391, § 1, emerg. eff. June 3, 2014.

§21-741. Kidnapping defined.

Any person who, without lawful authority, seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away another, with intent, either:

1. To cause such other person to be confined or imprisoned in this state against the will of the other person; or

2. To cause such other person to be sent out of this state against the will of the other person; or

3. To cause such person to be sold as a slave, or in any way held to service against the will of such person,

shall be guilty of a felony punishable by imprisonment in the

custody of the Department of Corrections for a term not exceeding twenty (20) years. Upon any trial for a violation of this section, the consent thereto of the person kidnapped or confined, shall not be a defense, unless it appears satisfactorily to the jury, that such person was above the age of twelve (12) years, and that such consent was not extorted by threat, or by duress.

Except for persons sentenced to life or life without parole, on and after the effective date of this act, any person sentenced to imprisonment for a violation of this section and the offense involved sexual abuse or sexual exploitation, shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

R.L.1910, § 2374. Amended by Laws 1997, c. 133, § 237, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 141, eff. July 1, 1999; Laws 2004, c. 275, § 3, eff. July 1, 2004; Laws 2007, c. 261, § 4, eff. Nov. 1, 2007; Laws 2009, c. 444, § 1, eff. July 1, 2009; Laws 2012, c. 92, § 1, eff. Nov. 1, 2012.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 237 from July 1, 1998, to July 1, 1999.

§21-745. Kidnapping for purpose of extortion - Assisting in disposing, receiving, possessing or exchanging money or property received.

A. Every person who, without lawful authority, forcibly seizes and confines another, or inveigles or kidnaps another, for the purpose of extorting any money, property or thing of value or advantage from the person so seized, confined, inveigled or kidnapped, or from any other person, or in any manner threatens either by written instrument, word of mouth, message, telegraph, telephone, by placing an ad in a newspaper, or by messenger, demands money or other thing of value, shall be guilty of a felony, and upon conviction shall suffer death or imprisonment in the State Penitentiary, not less than ten (10) years.

B. Every person, not a principal in the kidnapping and not a relative or agent authorized by a relative of a kidnapped person, but who knowingly aids, assists, or participates in the disposing, receiving, possession or exchanging of any moneys, property or thing of value or advantage from the person so seized, confined, inveigled or kidnapped, shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary, not less than five (5) years.

R.L. 1910, § 2378. Amended by Laws 1935, p. 17, § 1; Laws 1937, p. 13, § 1; Laws 1997, c. 133, § 238, eff. July 1, 1999; Laws 1999, 1st

Ex.Sess., c. 5, § 142, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 238 from July 1, 1998, to July 1, 1999.

§21-746. Venue.

Every offense prohibited in the last section may be tried in the county in which the crime may have been committed or in any county through which the person so seized, confined, inveigled or kidnapped shall have been taken, carried, or into which such person may be brought.
R.L.1910, § 2379.

§21-747. Holder of hostage - Telephone communications.

A. The supervising law enforcement official having jurisdiction in the geographical area where any hostage is held or any suspect is barricaded who has probable cause to believe that the holder of any hostage or that any suspect is committing a crime shall have the authority to order a telephone company to arrange to cut, reroute or divert telephone lines in any emergency in which any hostage is being held or any suspect is barricaded, for the purpose of preventing telephone communication by the holder of any hostage or any barricaded suspect with any person other than a peace officer or a person authorized by the peace officer.

B. The serving telephone company within the geographical area of a law enforcement unit shall designate appropriate telephone company management employees to provide, or cause to be provided, all required assistance to law enforcement officials to carry out the purposes of this section.

C. Good faith reliance on an order by a supervising law enforcement official pursuant to this section, shall constitute a complete defense to any civil or criminal action brought against a telephone company, its agents or employees, as a result of compliance with said order.

D. During any hostage or barricaded suspect situation as provided in subsection A of this section it shall be unlawful for any person to publicly disseminate, unless with the consent or at the request of the law enforcement agency of the supervising law enforcement officer, any information received from any hostage holder or barricaded suspect when a cellular telephone has been used to establish contact with such hostage holder or barricaded suspect. Every person convicted of a violation of this subsection shall be guilty of a misdemeanor punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).
Added by Laws 1979, c. 80, § 1, emerg. eff. April 20, 1979. Amended by Laws 1998, c. 9, § 1, eff. July 1, 1998.

§21-748. Human trafficking.

A. As used in Sections 748 and 748.2 of this title:

1. "Coercion" means compelling, forcing or intimidating a person to act by:

a. threats of harm or physical restraint against any person,

b. any act, scheme, plan, or pattern intended to cause a person to believe that performing, or failing to perform, an act would result in serious physical, financial, or emotional harm or distress to or physical restraint against any person,

c. the abuse or threatened abuse of the law or legal process,

d. knowingly destroying, concealing, removing, confiscating or possessing any actual or purported passport, labor or immigration document, or other government identification document, including but not limited to a driver license or birth certificate, of another person,

e. facilitating or controlling a person's access to any addictive or controlled substance other than for legal medical purposes,

f. blackmail,

g. demanding or claiming money, goods, or any other thing of value from or on behalf of a prostituted person where such demand or claim arises from or is directly related to the act of prostitution,

h. determining, dictating or setting the times at which another person will be available to engage in an act of prostitution with a third party,

i. determining, dictating or setting the places at which another person will be available for solicitation of, or to engage in, an act of prostitution with a third party, or

j. determining, dictating or setting the places at which another person will reside for purposes of making such person available to engage in an act of prostitution with a third party;

2. "Commercial sex" means any form of commercial sexual activity such as sexually explicit performances, prostitution, participation in the production of pornography, performance in a strip club, or exotic dancing or display;

3. "Debt bondage" means the status or condition of a debtor arising from a pledge by the debtor of his or her personal services or of those of a person under his or her control as a security for debt if the value of those services as reasonably assessed is not applied toward the liquidation of the debt or the length and nature of those services are not respectively limited and defined;

4. "Human trafficking" means modern-day slavery that includes, but is not limited to, extreme exploitation and the denial of freedom or liberty of an individual for purposes of deriving benefit from that individual's commercial sex act or labor;

5. "Human trafficking for labor" means:

a. recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion or for purposes of engaging the person in labor, or

b. benefiting, financially or by receiving anything of value, from participation in a venture that has engaged in an act of trafficking for labor;

6. "Human trafficking for commercial sex" means:

a. recruiting, enticing, harboring, maintaining, transporting, providing or obtaining, by any means, another person through deception, force, fraud, threat or coercion for purposes of engaging the person in a commercial sex act,

b. recruiting, enticing, harboring, maintaining, transporting, providing, purchasing or obtaining, by any means, a minor for purposes of engaging the minor in a commercial sex act, or

c. benefiting, financially or by receiving anything of value, from participating in a venture that has engaged in an act of trafficking for commercial sex;

7. "Legal process" means the criminal law, the civil law, or the regulatory system of the federal government, any state, territory, district, commonwealth, or trust territory therein, and any foreign government or subdivision thereof and includes legal civil actions, criminal actions, and regulatory petitions or applications;

8. "Minor" means an individual under eighteen (18) years of age; and

9. "Victim" means a person against whom a violation of any provision of this section has been committed.

B. It shall be unlawful to knowingly engage in human trafficking.

C. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than five (5) years or for life, or by a fine of not more than One Hundred Thousand Dollars ($100,000.00), or by both such fine and imprisonment. Any person violating the provisions of this section where the victim of the offense is under eighteen (18) years of age at the time of the offense shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department

of Corrections for a term of not less than fifteen (15) years or for life, or by a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or by both such fine and imprisonment. The court shall also order the defendant to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes. If the person is convicted of human trafficking, the person shall serve eighty-five percent (85%) of the sentence before being eligible for parole consideration or any earned credits. The terms of imprisonment specified in this subsection shall not be subject to statutory provisions for suspension, deferral or probation, or state correctional institution earned credits accruing from and after November 1, 1989, except for the achievement earned credits authorized by subsection H of Section 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement earned credits, such inmates must also be in compliance with the standards for Class level 2 behavior, as defined in subsection D of Section 138 of Title 57 of the Oklahoma Statutes.

D. It is an affirmative defense to prosecution for a criminal offense that, during the time of the alleged commission of the offense, the defendant was a victim of human trafficking.

E. The consent of a victim to the activity prohibited by this section shall not constitute a defense.

Added by Laws 2008, c. 134, § 1. Amended by Laws 2010, c. 325, § 1, emerg. eff. June 5, 2010; Laws 2012, c. 95, § 1, eff. Nov. 1, 2012; Laws 2014, c. 147, § 2, eff. Nov. 1, 2014; Laws 2014, c. 231, § 2, eff. Nov. 1, 2014.

NOTE: Laws 2014, c. 309, § 1 repealed by Laws 2015, c. 54, § 9, emerg. eff. April 10, 2015.

§21-748.2. Guidelines for treatment of human trafficking victims – Right to civil action – Notice of rights – Remand to Human Services.

A. Human trafficking victims shall:

1. Be housed in an appropriate shelter as soon as practicable;

2. Not be detained in facilities inappropriate to their status as crime victims;

3. Not be jailed, fined, or otherwise penalized due to having been trafficked;

4. Receive prompt medical care, mental health care, food, and other assistance, as necessary;

5. Have access to legal assistance, information about their rights, and translation services, as necessary; and

6. Be provided protection if the safety of the victim is at risk or if there is a danger of additional harm by recapture of the victim by a trafficker, including:

a. taking measures to protect trafficked persons and their family members from intimidation and threats of reprisals, and

b. ensuring that the names and identifying information of trafficked persons and their family members are not disclosed to the public.

B. Any person aggrieved by a violation of subsection B of Section 748 of this title may bring a civil action against the person or persons who committed the violation to recover actual and punitive damages and reasonable attorney fees and costs. The civil action brought under this section may be instituted in the district court in this state in the county in which the prospective defendant resides or has committed any act which subjects him or her to liability under this section. A criminal case or prosecution is not a necessary precedent to the civil action. The statute of limitations for the cause of action shall not commence until the latter of the victim's emancipation from the defendant , the victim's twenty-first birthday, or the plaintiff discovers or reasonably should have discovered that he or she was a victim of human trafficking and that the defendant caused, was responsible for or profited from the human trafficking.

C. Upon availability of funds, the Attorney General is authorized to establish an emergency hotline number for victims of human trafficking to call in order to request assistance or rescue. The Attorney General is authorized to enter into agreements with the county departments of health to require posting of the rights contained in this section along with the hotline number for publication in locations as directed by the State Department of Health.

D. Any peace officer who comes in contact with a human trafficking victim shall inform the victim of the human trafficking emergency hotline number and give notice to the victim of certain rights. The notice shall consist of handing the victim a written statement of the rights provided for in subsection A of this section.

E. Upon a showing that a minor may be a victim of human trafficking or sexual abuse, the law enforcement officer shall immediately notify the Department of Human Services and the minor shall be transferred to the custody of the Department of Human Services.

Law enforcement and the Department of Human Services shall conduct a joint investigation into the claim.

The minor shall remain in the custody of the Department of Human Services until the investigation has been completed, but for no longer than seventy-two (72) hours, for the show-cause hearing.

If criminal charges were filed against the minor and the investigation shows, at the show-cause hearing, that it is more likely than not that the minor is a victim of human trafficking or sexual abuse, then the criminal charges against the minor shall be dismissed and the Department of Human Services case and services shall proceed.

Added by Laws 2008, c. 134, § 2. Amended by Laws 2010, c. 325, § 2, emerg. eff. June 5, 2010; Laws 2011, c. 1, § 11, emerg. eff. March 18, 2011; Laws 2013, c. 59, § 1, eff. Nov. 1, 2013; Laws 2014, c. 309, § 2, eff. Nov. 1, 2014.
NOTE: Laws 2010, c. 409, § 3 repealed by Laws 2011, c. 1, § 12, emerg. eff. March 18, 2011.

§21-751. Maiming defined.
Every person who, with premeditated design to injure another, inflicts upon his person any injury which disfigures his personal appearance or disables any member or organ of his body or seriously diminishes his physical vigor, is guilty of maiming.
R.L.1910, § 2345.

§21-752. Maiming one's self.
Every person who with design to disable himself from performance of any legal duty, existing or anticipated, inflicts upon himself any injury whereby he is so disabled, is guilty of maiming.
R.L.1910, § 2346.

§21-754. Means and manner of maiming immaterial.
To constitute maiming it is immaterial by what means or instrument, or in what manner the injury was inflicted.
R.L.1910, § 2348.

§21-755. Maiming by disfigurement.
To constitute maiming by disfigurement, the injury must be such as is calculated, after healing, to attract observation. A disfigurement which can only be discovered by close inspection does not constitute maiming.
R.L.1910, § 2349.

§21-756. Design to maim inferred.
A design to injure, disfigure, or disable, is inferred from the fact of inflicting an injury which is calculated to disfigure or disable, unless the circumstances raise a reasonable doubt whether such design existed.
R.L.1910, § 2350.

§21-757. Premeditated design.
A premeditated design to injure, disfigure or disable, sufficient to constitute maiming, may be formed instantly before inflicting the wound.
R.L.1910, § 2351.

§21-758. Recovery before trial a bar - Conviction of assault and battery.

Where it appears, upon a trial for maiming another person, that the person injured has, before the time of trial, so far recovered from the wound that he is no longer by it disfigured in personal appearance, or disabled in any member or organ of his body, or affected in physical vigor, no conviction for maiming shall be had; but the accused may be convicted of assault and battery, with or without a special intent, according to proof.
R.L.1910, § 2352.

§21-759. Penalty for maiming.

Any person guilty of maiming another, as defined in Section 751 of this title, shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life or by a fine not exceeding One Thousand Dollars ($1,000.00), or both such fine and imprisonment.
R.L.1910, § 2353. Amended by Laws 1997, c. 133, § 239, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 143, eff. July 1, 1999; Laws 2011, c. 385, § 4, eff. Nov. 1, 2011.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 239 from July 1, 1998, to July 1, 1999.

§21-760. Female genital mutilation.

A. Female genital mutilation shall be unlawful in the State of Oklahoma. Whoever knowingly circumcises, excises, or infibulates, in whole or in part, the labia majora, labia minora, or clitoris of another shall, upon conviction, be guilty of a felony punishable by incarceration in the custody of the Department of Corrections for a term of not less than three (3) years nor more than life and a fine of not more than Twenty Thousand Dollars ($20,000.00). Consent to the procedure by a minor on whom it is performed or by the parent or parents of the minor is not a defense to a violation of this subsection.

B. A surgical procedure is not a violation of subsection A of this section if the procedure:

1. Is necessary as a recognized treatment for a known disease or for purposes of cosmetic surgery to repair a defect or injury for the person on whom it is performed and is performed by:
    a. a licensed physician, or
    b. a physician in training under the supervision of a licensed physician; or
2. Is necessary in the assistance of childbirth or for medical purposes connected with that labor or birth and is performed by:
    a. a licensed physician,
    b. a physician in training under the supervision of a licensed physician, or
    c. a certified nurse-midwife.

C. Any physician, physician in training, certified nurse-

midwife or any other medical professional who performs or participates in a female genital mutilation procedure shall, in addition to the penalties in subsection A of this section, have the professional license or certification of the person permanently revoked.
Added by Laws 2009, c. 406, § 1, eff. Nov. 1, 2009.

§21-771. Libel defined.

Libel is a false or malicious unprivileged publication by writing, printing, picture, or effigy or other fixed representation to the eye, which exposes any person to public hatred, contempt, ridicule or obloquy, or which tends to deprive him of public confidence, or to injure him in his occupation, or any malicious publication as aforesaid, designed to blacken or vilify the memory of one who is dead, and tending to scandalize his surviving relatives or friends.
R.L.1910, §§ 2380, 4956.

§21-772. Privileged publications.

A privileged publication is one made:

First. In any legislative or judicial proceeding or any other proceeding authorized by law;

Second. In the proper discharge of an official duty.

Third. By a fair and true report of any legislative or judicial or other proceeding authorized by law, or anything said in the course thereof, and any and all expressions of opinion in regard thereto, and criticisms thereon, and any and all criticisms upon the official acts of any and all public officers, except where the matter stated of and concerning the official act done, or of the officer, falsely imputes crime to the officer so criticized.

In all cases of publication of matter not privileged under this section, malice shall be presumed from the publication; unless the fact and the testimony rebut the same. No publication which, under this section, would be privileged, shall be punishable as libel.
R.L.1910, §§ 2381, 4958.

§21-773. Penalty - Civil liability.

Every person who makes, composes or dictates such libel or procures the same to be done; or who willfully publishes or circulates such libel; or in any way knowingly or willfully aids or assists in making, publishing or circulating the same, shall be punishable by imprisonment in the county jail not more than one (1) year, or by fine not exceeding One Thousand Dollars ($1,000.00), or both, and shall also be civilly liable to the party injured.
R.L.1910, § 2382.

§21-774. Defenses in criminal libel action.

In all criminal prosecutions or indictments for libel, the truth thereof may be given in evidence to the jury, and if it be made to appear by the defendant that the matter charged as libelous was true, and in addition thereto was published with good motives, and for justifiable ends, or was a privileged communication, the defendant shall be acquitted.
R.L.1910, § 2383.

§21-776. Publication, what constitutes.

To sustain the charge of publishing libel it is not needful that the words complained of should have been read by any person; it is enough and sufficient evidence that the accused knowingly parted with the immediate custody of the libel under circumstances which exposed it to be read by any person other than himself.
R.L.1910, § 2385.

§21-777. Newspapers reporting official proceedings.

No editor or proprietor of any newspaper shall be liable to prosecution for a fair and true report of any judicial, legislative or other public official proceedings except upon proof of malice in making such report, and in making such report of public official proceedings, malice shall not be implied from publication; but libelous remarks connected with matter privileged under the last section, shall not be privileged by reason of their being connected therewith.
R.L.1910, § 2386.

§21-778. Threatened libel.

Any person who threatens to publish a libel concerning any other person, or concerning any relative, wife or child or dead relative of such person, or member of his family, shall be liable civilly and criminally to have the same intent as though the publication had been made. But if the threat be not in writing, the threat and character of the libelous matter must be proven by at least two witnesses, or by one witness and corroborating circumstances.
R.L.1910, § 2387.

§21-779. Imputing unchastity to females - Penalty.

If any person shall orally or otherwise, falsely and maliciously or falsely and wantonly impute to any female, married or unmarried, a want of chastity, he shall be deemed guilty of slander, and upon conviction shall be fined not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail not less than thirty (30) days nor more than ninety (90) days, or by both such fine and imprisonment.
R.L.1910, § 2387.

§21-780. Imputing unchastity - Evidence necessary - Defenses.

In any prosecution under the preceding section it shall not be necessary for the state to show that such imputation was false, but the defendant may, in justification, show the truth of the imputation, and the general reputation for chastity of the female alleged.

R.L.1910, § 2389.

§21-781. False rumors - Slander - Penalty.

Any person, who shall willfully, knowingly, or maliciously repeat or communicate to any person, or persons, a false rumor or report of a slanderous or harmful nature, or which may be detrimental to the character or standing of such other person, or persons, whether such person is a private citizen, or officer, or candidate for office, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or imprisoned not less than thirty (30) days nor more than one hundred and twenty (120) days in the county jail, or both so fined and imprisoned for each offense.

Added by Laws 1929, c. 21, p. 18, § 1.

§21-791. Robbery defined.

Robbery is a wrongful taking of personal property in the possession of another, from his person or immediate presence, and against his will, accomplished by means of force or fear.

R.L.1910, § 2364.

§21-792. Force or fear - How employed.

To constitute robbery, the force or fear must be employed either to obtain or retain possession of the property, or to prevent or overcome resistance to the taking. If employed merely as a means of escape, it does not constitute robbery.

R.L.1910, § 2365.

§21-793. Degree of force immaterial.

When force is employed in either of the ways specified in the last section, the degree of force employed is immaterial.

R.L.1910, § 2366.

§21-794. What fear is an element.

The fear which constitutes robbery may be either:

1. The fear of an unlawful injury, immediate or future, to the person or property of the person robbed or of any relative of his, or member of his family; or,

2. The fear of an immediate and unlawful injury to the person or property of anyone in the company of the person robbed, at the

time of the robbery.
R.L.1910, § 2367.

§21-795. Value of property not material.
When property is taken under the circumstances, required to constitute robbery, the fact that the property was of trifling value does not qualify the offense.
R.L.1910, § 2368.

§21-796. Taking secretly not robbery.
The taking of property from the person of another is not robbery, when it clearly appears that the taking was fully completed without his knowledge.
R.L.1910, § 2369.

§21-797. Degrees of robbery.
Robbery in the first degree is when, in the course of committing the theft, the defendant:
1. Inflicts serious bodily injury upon the person;
2. Threatens a person with immediate serious bodily injury;
3. Intentionally puts a person in fear of immediate serious bodily injury; or
4. Commits or threatens to commit a felony upon the person.
When accomplished in any other manner, it is robbery in the second degree.
R.L.1910, § 2370. Amended by Laws 2001, c. 437, § 4, eff. July 1, 2001.

§21-798. Robbery in the first degree a felony.
Any person guilty of robbery in the first degree shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than ten (10) years.
R.L. 1910, § 2371. Amended by Laws 1997, c. 133, § 240, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 144, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 240 from July 1, 1998, to July 1, 1999.

§21-799. Robbery in the second degree a felony.
Any person guilty of robbery in the second degree shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.
R.L. 1910, § 2372. Amended by Laws 1997, c. 133, § 241, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 145, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 241 from July 1, 1998, to July 1, 1999.

§21-800. Robbery by two or more persons a felony.

Whenever two or more persons conjointly commit a robbery or where the whole number of persons conjointly commits a robbery and persons present and aiding such robbery amount to two or more, each and either of such persons shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than five (5) years nor more than fifty (50) years.
R.L. 1910, § 2373. Amended by Laws 1997, c. 133, § 242, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 146, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 242 from July 1, 1998, to July 1, 1999.

§21-801. Robbery or attempted robbery with dangerous weapon or imitation firearm a felony.

Any person or persons who, with the use of any firearms or any other dangerous weapons, whether the firearm is loaded or not, or who uses a blank or imitation firearm capable of raising in the mind of the one threatened with such device a fear that it is a real firearm, attempts to rob or robs any person or persons, or who robs or attempts to rob any place of business, residence or banking institution or any other place inhabited or attended by any person or persons at any time, either day or night, shall be guilty of a felony and, upon conviction therefor, shall suffer punishment by imprisonment for life in the State Penitentiary, or for a period of time of not less than five (5) years, at the discretion of the court, or the jury trying the same.

Upon conviction therefor, any person guilty of three separate and distinct felonies, in violation of this section shall suffer punishment by imprisonment for life in the State Penitentiary, or for a period of time of not less than ten (10) years, and it is mandatory upon the court to impose no less than the minimum sentence of ten (10) years. The sentence imposed upon such person shall not be reduced to less than ten (10) calendar years, nor suspended, nor shall any person be eligible for probation or parole or receive any deduction from his sentence for good conduct until he shall have served ten (10) calendar years of such sentence.
Added by Laws 1923, c. 85, p. 150, § 1. Amended by Laws 1925, c. 44, p. 71, § 1; Laws 1973, c. 76, § 1, emerg. eff. April 30, 1973; Laws 1982, c. 173, § 2, emerg. eff. April 16, 1982; Laws 1997, c. 133, § 243, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 147, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 243 from July 1, 1998, to July 1, 1999.

§21-811. Suicide defined.

Suicide is the intentional taking of one's own life.
R.L.1910, §§ 2300.

§21-813. Aiding suicide.

Every person who willfully, in any manner, advises, encourages, abets, or assists another person in taking his own life, is guilty of aiding suicide.

R.L.1910, § 2302.

§21-814. Furnishing weapon or drug.

Every person who willfully furnishes another person with any deadly weapon or poisonous drug, knowing that such person intends to use such weapon or drug in taking his own life, is guilty of aiding suicide, if such person thereafter employs such instrument or drug in taking his own life.

R.L.1910, § 2303.

§21-815. Aid in attempt to commit suicide.

Every person who willfully aids another in attempting to take his own life, in any manner which by the preceding sections would have amounted to aiding suicide if the person assisted had actually taken his own life, is guilty of aiding an attempt at suicide.

R.L.1910, § 2304.

§21-816. Incapacity of person committing or attempting suicide no defense.

It is no defense to a prosecution for aiding suicide or aiding an attempt at suicide, that the person who committed or attempted to commit the suicide was not a person deemed capable of committing crime.

R.L.1910, § 2305.

§21-817. Aiding suicide a felony.

Any person guilty of aiding suicide shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than seven (7) years.

R.L. 1910, § 2306. Amended by Laws 1997, c. 133, § 244, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 148, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 244 from July 1, 1998, to July 1, 1999.

§21-818. Aiding an attempt at suicide a felony.

Every person guilty of aiding an attempt at suicide shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

R.L. 1910, § 2307. Amended by Laws 1976, c. 6, § 1, emerg. eff. Jan. 30, 1976; Laws 1997, c. 133, § 245, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 149, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective

date of Laws 1997, c. 133, § 245 from July 1, 1998, to July 1, 1999.

§21-831. Intoxicated physician.

Every physician who being in the state of intoxication administers any poison, drug or medicine, or does any other act as such physician to another person, is guilty of a misdemeanor.
R.L.1910, § 2390.

§21-832. Willfully poisoning food, drink, medicine, or patent or proprietary medicine.

A. 1. No person shall willfully mingle any poison, Schedule I through V drug pursuant to the provisions of Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes, or sharp object, or any other object or substance which if used in a manner which is not customary or usual is harmful to human life, with any food, drink, medicine, or patent or proprietary medicine with intent that the same shall be taken, consumed, applied, or used in any manner by any human being to his injury; and

2. Unless authorized by law, no person shall willfully poison or place any Schedule I through V drug pursuant to the provisions of Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes or any other object or substance which if used in a manner which is not customary or usual is harmful to human life in any spring, well, or reservoir of water.

B. Any person convicted of violating any of the provisions of this section shall be guilty of a felony, punishable by imprisonment in the State Penitentiary for not less than five (5) years, or by a fine of not less than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.
R.L. 1910, § 2391. Amended by Laws 1983, c. 19, § 1, emerg. eff. April 18, 1983; Laws 1997, c. 133, § 246, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 150, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 246 from July 1, 1998, to July 1, 1999.

§21-833. Unlawful confinement of lunatics.

Every overseer of the poor, constable, keeper of a jail, or other person who confines a person who is impaired by reason of mental retardation or developmental disability, as defined by Section 1430.2 of Title 10 of the Oklahoma Statutes, mentally ill person, insane person or other person of unsound mind, in any other manner or in any other place than is authorized by law, is guilty of a misdemeanor.
R.L. 1910, § 2392. Amended by Laws 1998, c. 246, § 13, eff. Nov. 1, 1998.

§21-834. Reconfining persons discharged upon writ of deliverance.

Every person who, either solely or as a member of a court, in the execution of a judgment, order or process, knowingly recommits, imprisons or restrains of his liberty, for the same cause, any person who has been discharged from imprisonment upon a writ of deliverance, is guilty of a misdemeanor; and, in addition to the punishment prescribed therefor, he forfeits to the party aggrieved One Thousand Dollars ($1,000.00), to be recovered in a civil action.
R.L.1910, § 2393.

§21-835. Concealing persons to avoid habeas corpus.

Every person having in his custody or power, or under his restraint, a party who by the provisions of law relating to habeas corpus, would be entitled to a writ of habeas corpus, or for whose relief such writ has been issued, who, with intent to elude the service of such writ, to avoid the effect thereof, transfers the party to the custody, or places him under the power or control of another, or conceals or changes the place of his confinement, or who, without lawful excuse, refuses to produce him, is guilty of a misdemeanor.
R.L.1910, § 2394.

§21-836. Assisting in concealing person to avoid habeas corpus.

Every person who knowingly assists in the violation of the preceding section is guilty of a misdemeanor.
R.L.1910, § 2394.

§21-837. Intimidating laborers.

Every person who, by use of force, threats or intimidation, prevents or endeavors to prevent any hired foreman, journeyman, apprentice, workman, laborer, servant or other person employed by another, from continuing or performing his work, or from accepting any new work or employment, or induces such hired person to relinquish his work or employment, or to return any work he has in hand, before it is finished, is guilty of a misdemeanor.

Every person who, by use of force, threats, or intimidation, prevents or endeavors to prevent any farmer or rancher from harvesting, handling, transporting or marketing any agricultural products, is guilty of a misdemeanor.
R.L.1910, § 2396; Laws 1968, c. 213, § 1, emerg. eff. April 23, 1968.

§21-838. Intimidating employers.

Every person who, by use of force, threats or intimidation, prevents or endeavors to prevent another from employing any person, or to compel another to employ any person, or to force or induce another to alter his mode of carrying on business, or to limit or increase the number of his hired foremen, journeymen, apprentices, workmen, laborers, servants or other persons employed by him, or

their rate of wages or time of service, is guilty of a misdemeanor.
R.L. 1910, § 2397.

§21-839.1. Right of privacy - Use of name or picture for advertising without consent - Misdemeanor.

Any person, firm or corporation that uses for the purpose of advertising for the sale of any goods, wares or merchandise, or for the solicitation of patronage by any business enterprise, the name, portrait or picture of any person, without having obtained, prior or subsequent to such use, the consent of such person, or, if such person is a minor, the consent of a parent or guardian, and, if such person is deceased, without the consent of the surviving spouse, personal representatives, or that of a majority of the deceased's adult heirs, is guilty of a misdemeanor.
Laws 1965, c. 431, § 1, emerg. eff. July 9, 1965.

§21-839.1A. Use of name or picture of Armed Forces member for advertising without consent - Misdemeanor.

Any person, firm, or corporation that uses for the purpose of advertising for the sale of any goods, wares, or merchandise, or for the solicitation of patronage by any business enterprise, the name, portrait, or picture of any service member of the United States Armed Forces, without having obtained, prior or subsequent to such use, the consent of the person, or, if the person is deceased, without the consent of the surviving spouse, personal representatives, or that of a majority of the adult heirs of the deceased, is guilty of a misdemeanor. This section applies to the name, portrait, or picture of both active duty members as well as former members of the Armed Forces of the United States. Every person convicted of a violation of this section shall be punished by a fine of not to exceed One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not to exceed one (1) year, or by both said fine and imprisonment.
Added by Laws 2006, c. 69, § 1, eff. Nov. 1, 2006.

§21-839.2. Right of action - Damages.

Any person whose right of privacy, as created in Section 1 hereof, is violated or the surviving spouse, personal representatives or a majority of the adult heirs of a deceased person whose name, portrait, or picture is used in violation of Section 1 hereof, may maintain an action against the person, firm or corporation so using such person's name, portrait or picture to prevent and restrain the use thereof, and may in the same action recover damages for any injuries sustained, and if the defendant in such action shall have knowingly used such person's name, portrait or picture in such manner as is declared to be unlawful, the jury or court, if tried without a jury, in its discretion may award

exemplary damages.
Laws 1965, c. 431, § 2, emerg. eff. July 9, 1965.

§21-839.3. Right of photographer to exhibit specimens of work - Other uses excepted.

Nothing contained in this act shall be so construed as to prevent any person, firm or corporation, practicing the profession of photography, from exhibiting in or about his or its establishment specimens of the work of such establishment, unless the same is continued by such person, firm or corporation after written notice objecting thereto has been given by the person portrayed; and nothing contained in this act shall be so construed as to prevent any person, firm or corporation from using the name, portrait or picture of any manufacturer or dealer in connection with the goods, wares and merchandise manufactured, produced or dealt in by him which he has sold or disposed of with such name, portrait or picture used in connection therewith; or from using the name, portrait or picture of any author, composer or artist in connection with his literary, musical or artistic productions which he has sold or disposed of with such name, portrait or picture used in connection therewith. Provided that this act shall not prevent the continued use of names of such persons by business establishments using such names and displaying such names at the effective date of this act.
Laws 1965, c. 431, § 3, emerg. eff. July 9, 1965.

§21-841. Repealed by Laws 2006, c. 141, § 5, eff. Nov. 1, 2006.

§21-841.5. Renumbered as § 1-1451 of Title 63 by Laws 2001, c. 384, § 12, emerg. eff. June 4, 2001.

§21-842. Repealed by Laws 2006, c. 141, § 5, eff. Nov. 1, 2006.

§21-842.1. Performing or offering to perform body piercing or tattooing on child under 18 years—Definitions.

A. It shall be unlawful for any person to perform or offer to perform body piercing or tattooing on a child under eighteen (18) years of age. No person under eighteen (18) years of age shall be allowed to receive a tattoo. No person under eighteen (18) years of age shall be allowed to receive a body piercing procedure unless the parent or legal guardian of such child gives written consent for the procedure, and the parent or legal guardian of the child is present during the procedure. No person shall be allowed to purchase or possess tattoo equipment or supplies without being licensed either as an Oklahoma medical micropigmentologist or as an Oklahoma tattoo artist.

B. Tattooing shall not be performed upon a person impaired by drugs or alcohol. A person impaired by drugs or alcohol is

considered incapable of consenting to tattooing and incapable of understanding tattooing procedures and aftercare suggestions.

C. It shall be unlawful for any person to perform or offer to perform scleral tattooing upon a person.

D. As used in this section and Sections 842.2 and 842.3 of this title:

1. "Body piercing" means a procedure in which an opening is created in a human body solely for the purpose of inserting jewelry or other decoration; provided, however, the term does not include ear piercing;

2. “Tattooing” means the practice of producing an indelible mark or figure on the human body by scarring or inserting a pigment under the skin using needles, scalpels, or other related equipment; provided, that medical micropigmentation, performed pursuant to the provisions of the Oklahoma Medical Micropigmentation Regulation Act, shall not be construed to be tattooing;

3. “Body piercing operator” means any person who owns, controls, operates, conducts, or manages any permanent body piercing establishment, whether actually performing the work of body piercing or not. A mobile unit, including, but not limited to, a mobile home, recreational vehicle, or any other nonpermanent facility, shall not be used as a permanent body piercing establishment;

4. “Tattoo operator” means any person who owns, controls, operates, conducts, or manages any permanent tattooing establishment whether performing the work of tattooing or not, or a temporary location that is a fixed location at which an individual tattoo operator performs tattooing for a specified period of not more than seven (7) days in conjunction with a single event or celebration, where the primary function of the event or celebration is tattooing;

5. "Artist" means the person who actually performs the body piercing or tattooing procedure;

6. “Apprentice” means any person who is training under the supervision of a licensed tattoo artist. That person cannot independently perform the work of tattooing. Apprentice also means any person who is training under the supervision of a licensed body artist. That person cannot independently perform the work of body piercing; and

7. “Scleral tattooing” means the practice of producing an indelible mark or figure on the human eye by scarring or inserting a pigment on, in, or under the fornix conjunctiva, bulbar conjunctiva, ocular conjunctive, or other ocular surface using needles, scalpels or other related equipment.

E. Sections 842.1 through 842.3 of this title shall not apply to any act of a licensed practitioner of the healing arts performed in the course of practice of the practitioner.

F. Any person violating the provisions of this section shall be punished as provided in Section 842.2 of this title.

Added by Laws 1998, c. 123, § 1, eff. Nov. 1, 1998. Amended by Laws 2006, c. 141, § 1, eff. Nov. 1, 2006; Laws 2009, c. 319, § 1, eff. July 1, 2009.

§21-842.2. Penalties.

Any person convicted of violating the provisions of Section 842.1 of this title or rules promulgated pursuant thereto shall be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed ninety (90) days, a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. Added by Laws 1998, c. 123, § 2, eff. Nov. 1, 1998. Amended by Laws 2006, c. 141, § 2, eff. Nov. 1, 2006.

§21-842.3. Rules to be promulgated by State Board of Health - City or county regulations - Licensing - Fines.

A. All body piercing operators, tattoo operators and artists shall be prohibited from performing body piercing or tattooing unless licensed in the appropriate category by the State Department of Health. The State Board of Health shall promulgate rules regulating body piercing and tattooing which shall include, but not be limited to:

1. Artist temporary and permanent licensure;
2. Facility operator temporary and permanent licensure;
3. Body piercing and tattoo facility requirements;
4. Equipment setup and requirements;
5. Procedures for sanitary body piercing and tattooing;
6. Forms to be completed prior to performing body piercing and tattooing including, but not limited to, applications and parental consent forms;
7. Hand washing and general health;
8. Body piercing and tattoo site preparation and application;
9. Procedure following body piercing and tattoo application;
10. Limits and prohibitions concerning body piercing and tattooing;
11. Facility inspection documents including, but not limited to, equipment inspection;
12. Administrative fines structure;
13. Education and training; and
14. A surety bond in the principal sum of One Hundred Thousand Dollars ($100,000.00) to be in a form approved by the Attorney General and filed in the Office of the Secretary of State for all body piercing and tattoo operators.

B. A city or county may adopt any regulations that do not conflict with, or are more comprehensive than, the provisions of this section or with the rules promulgated by the Department. This section does not limit the ability of a city or county to require an applicant to obtain any further business licenses or permits that

the city or county deems appropriate.

C. 1. The State Department of Health shall not grant or issue a license to a body piercing or tattoo operator if the place of business of the body piercing or tattoo operator is within one thousand (1,000) feet of a church, school, or playground.

2. The provisions of this subsection shall not apply to the renewal of licenses or to new applications for locations where body piercing or tattoo operators are licensed at the time the application is filed with the Department.

3. As used in this subsection:

a. "church" means an establishment, other than a private dwelling, where religious services are usually conducted,

b. "school" means an establishment, other than a private dwelling, where the usual processes of education are usually conducted, and

c. "playground" means a place, other than grounds at a private dwelling, that is provided by the public or members of a community for recreation.

D. A body piercing or tattoo operator applying for license renewal or for a new license to perform at an existing body piercing or tattoo place of business shall pay a certification fee established by the Department by rule to determine if the exemptions provided for in paragraph 2 of subsection C of this section apply.

E. A body piercing or tattoo operator applying for license renewal or for a new license under subsection C of this section shall publish notice of the license application or renewal at least once a week for three (3) consecutive weeks in a newspaper of general circulation nearest to the proposed location of the business and most likely to give notice to interested citizens of the county, city, and community in which the applicant proposes to engage in business. The publication shall identify the exact location at which the proposed business is to be operated.

F. The State Department of Health may notify the district attorney of any violation of Section 842.1 of this title or rules promulgated pursuant thereto and, in addition to any criminal penalty imposed, the Department may impose an administrative fine not to exceed Five Thousand Dollars ($5,000.00) per violation per day, and may suspend, revoke or deny the license of the establishment, or may impose both such administrative fine and suspension, revocation or denial for any such violation.

Added by Laws 1998, c. 123, § 3, eff. Nov. 1, 1998. Amended by Laws 2006, c. 141, § 3, eff. Nov. 1, 2006.

§21-843. Renumbered as § 7115 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-843.1. Caretakers - Abuse, financial neglect, neglect, sexual abuse or exploitation of charge.

A. 1. No caretaker or other person shall abuse, commit financial neglect, neglect, commit sexual abuse, or exploit any person entrusted to the care of such caretaker or other person in a nursing facility or other setting, or knowingly cause, secure, or permit any of these acts to be done.

2. For purposes of this section, the terms, "abuse", "financial neglect", "neglect", "sexual abuse", and "exploit" shall have the same meaning as such terms are defined and clarified in Section 10-103 of Title 43A of the Oklahoma Statutes.

B. 1. Any person convicted of a violation of this section, except as provided in paragraph 2 of this subsection, shall be guilty of a felony. The violator, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed ten (10) years, and by a fine not exceeding Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment, and in addition, the person shall be subject to the Elderly and Incapacitated Victim's Protection Act. Such person's term shall further be subject to the provisions of Section 13.1 of this title for mandatory minimum sentencing.

2. Any person convicted of violating the provisions of this section by committing sexual abuse shall be guilty of a felony. The person convicted of sexual abuse shall be punished by imprisonment in the custody of the Department of Corrections for a term not to exceed fifteen (15) years, and by a fine not exceeding Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment, and in addition, the person shall be subject to the Elderly and Incapacitated Victim's Protection Act. Such person's imprisonment term imposed pursuant to this section shall further be subject to the provisions of Section 13.1 of this title for mandatory minimum sentencing.

C. Consent shall not be a defense for any violation of this section.

D. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of paragraph 2 of subsection B of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

Added by Laws 1984, c. 140, § 2, eff. Nov. 1, 1984. Amended by Laws 1997, c. 133, § 247, eff. July 1, 1999; Laws 1998, c. 298, § 7, eff. Nov. 1, 1998; Laws 1999, 1st Ex. Sess., c. 5, § 151, eff. July 1, 1999; Laws 2001, c. 428, § 3, emerg. eff. June 5, 2001; Laws 2002,

c. 22, § 8, emerg. eff. March 8, 2002; Laws 2007, c. 68, § 1, eff. Nov. 1, 2007; Laws 2007, c. 261, § 5, eff. Nov. 1, 2007; Laws 2008, c. 314, § 1, eff. July 1, 2008.
NOTE: Laws 1998, c. 219, § 1 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999. Laws 2001, c. 194, § 1 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 247 from July 1, 1998, to July 1, 1999.

§21-843.2. Verbal abuse of charge.

A. No caretaker shall verbally abuse any person entrusted to the care of the caretaker, or knowingly cause, secure, or permit an act of verbal abuse to be done. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor. The violator, upon conviction, shall be punished by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

B. For the purpose of this section, "verbal abuse" means the repeated use of words, sounds, or other forms of communication by a caretaker, including but not limited to, language, gestures, actions or behaviors, that are calculated to humiliate or intimidate or cause fear, embarrassment, shame, or degradation to the person entrusted to the care of the caretaker.
Added by Laws 2001, c. 194, § 2, eff. July 1, 2001.

§21-843.3. Abuse, sexual abuse, exploitation, or neglect of vulnerable adult.

A. Any person who engages in abuse, sexual abuse, or exploitation of a vulnerable adult, as defined in Section 10-103 of Title 43A of the Oklahoma Statutes, shall be guilty of a felony. The person, upon conviction, shall be fined not more than Ten Thousand Dollars ($10,000.00) or be imprisoned in the custody of the Department of Corrections for a term of not more than two (2) years, or both such fine and imprisonment.

B. Any person who has a responsibility to care for a vulnerable adult as defined by Section 10-103 of Title 43A of the Oklahoma Statutes who purposely, knowingly or recklessly neglects the vulnerable adult shall be guilty of a felony. The person, upon conviction, shall be fined not more than Ten Thousand Dollars ($10,000.00) or be imprisoned in the custody of the Department of Corrections for a term of not more than two (2) years, or both such fine and imprisonment.

C. In addition the court shall consider any provision of the Elderly and Incapacitated Victim's Protection Act when the victim is an elderly or incapacitated person as defined by Section 991a-15 of Title 22 of the Oklahoma Statutes.

Added by Laws 2003, c. 195, § 1, eff. July 1, 2003. Amended by Laws 2008, c. 314, § 2, eff. July 1, 2008.

§21-843.4. Exploitation of elderly or disabled adult.

A. As used in this section, "exploitation of an elderly person or disabled adult" means:

1. Knowingly, by deception or intimidation, obtaining or using, or endeavoring to obtain or use, an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who:

a. stands in a position of trust and confidence with the elderly person or disabled adult, or

b. has a business relationship with the elderly person or disabled adult, or

2. Obtaining or using, endeavoring to obtain or use, or conspiring with another to obtain or use an elderly person's or disabled adult's funds, assets, or property with the intent to temporarily or permanently deprive the elderly person or disabled adult of the use, benefit, or possession of the funds, assets, or property, or to benefit someone other than the elderly person or disabled adult, by a person who knows or reasonably should know that the elderly person or disabled adult lacks the capacity to consent.

B. 1. If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult are valued at One Hundred Thousand Dollars ($100,000.00) or more, the violator commits a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than fifteen (15) years and by a fine in an amount not exceeding Ten Thousand Dollars ($10,000.00).

2. If the funds, assets, or property involved in the exploitation of the elderly person or disabled adult are valued at less than One Hundred Thousand Dollars ($100,000.00), the violator commits a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than ten (10) years and by a fine in an amount not exceeding Ten Thousand Dollars ($10,000.00).

C. For purposes of this section, "elderly person" means any person sixty-two (62) years of age or older.

Added by Laws 2006, c. 215, § 1, eff. July 1, 2006.

§21-843.5. Child abuse - Child neglect - Child sexual abuse - Child sexual exploitation - Enabling - Penalties.

A. Any parent or other person who shall willfully or maliciously engage in child abuse shall, upon conviction, be guilty

of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment. As used in this subsection, "child abuse" means the willful or malicious harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child under eighteen (18) years of age by another, or the act of willfully or maliciously injuring, torturing or maiming a child under eighteen (18) years of age by another.

B. Any parent or other person who shall willfully or maliciously engage in enabling child abuse shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) or both such fine and imprisonment. As used in this subsection, "enabling child abuse" means the causing, procuring or permitting of a willful or malicious act of harm or threatened harm or failure to protect from harm or threatened harm to the health, safety, or welfare of a child under eighteen (18) years of age by another. As used in this subsection, "permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of abuse as proscribed by this subsection.

C. Any parent or other person who shall willfully or maliciously engage in child neglect shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment. As used in this subsection, "child neglect" means the willful or malicious neglect, as defined by paragraph 47 of Section 1-1-105 of Title 10A of the Oklahoma Statutes, of a child under eighteen (18) years of age by another.

D. Any parent or other person who shall willfully or maliciously engage in enabling child neglect shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment. As used in this subsection, "enabling child neglect" means the causing, procuring or permitting of a willful or malicious act of child

neglect, as defined by paragraph 47 of Section 1-1-105 of Title 10A of the Oklahoma Statutes, of a child under eighteen (18) years of age by another. As used in this subsection, "permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of neglect as proscribed by this subsection.

E. Any parent or other person who shall willfully or maliciously engage in child sexual abuse shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment, except as provided in Section 51.1a of this title or as otherwise provided in subsection F of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. As used in this section, "child sexual abuse" means the willful or malicious sexual abuse, which includes but is not limited to rape, incest, and lewd or indecent acts or proposals, of a child under eighteen (18) years of age by another.

F. Any parent or other person who shall willfully or maliciously engage in sexual abuse to a child under twelve (12) years of age shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00).

G. Any parent or other person who shall willfully or maliciously engage in enabling child sexual abuse shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment. As used in this subsection, "enabling child sexual abuse" means the causing, procuring or permitting of a willful or malicious act of child sexual abuse, which includes but is not limited to rape, incest, and lewd or indecent acts or proposals, of a child under the age of eighteen (18) by another. As used in this

subsection, "permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of sexual abuse as proscribed by this subsection.

H. Any parent or other person who shall willfully or maliciously engage in child sexual exploitation shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment except as provided in subsection I of this section for a child victim under twelve (12) years of age. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. As used in this subsection, "child sexual exploitation" means the willful or malicious sexual exploitation, which includes but is not limited to allowing, permitting, or encouraging a child under eighteen (18) years of age to engage in prostitution or allowing, permitting, encouraging or engaging in the lewd, obscene or pornographic photographing, filming, or depicting of a child under eighteen (18) years of age by another.

I. Any parent or other person who shall willfully or maliciously engage in sexual exploitation of a child under twelve (12) years of age shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years nor more than life imprisonment, and by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00).

J. Any parent or other person who shall willfully or maliciously engage in enabling child sexual exploitation shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment. As used in this subsection, "enabling child sexual exploitation" means the causing, procuring or permitting of a willful or malicious act of child sexual exploitation, which includes but is not limited to allowing, permitting, or encouraging a child under eighteen (18) years of age to engage in prostitution

or allowing, permitting, encouraging or engaging in the lewd, obscene or pornographic photographing, filming, or depicting of a child under eighteen (18) years of age by another. As used in this subsection, "permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of sexual exploitation as proscribed by this subsection.

K. Notwithstanding any other provision of law, any parent or other person convicted of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd molestation of a child under fourteen (14) years of age subsequent to a previous conviction for any offense of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd molestation of a child under fourteen (14) years of age shall be punished by death or by imprisonment for life without parole.

L. Provided, however, that nothing contained in this section shall prohibit any parent or guardian from using reasonable and ordinary force pursuant to Section 844 of this title.

Added by Laws 1963, c. 53, § 1, emerg. eff. May 8, 1963. Amended by Laws 1975, c. 250, § 2, emerg. eff. June 2, 1975; Laws 1977, c. 172, § 1, eff. Oct. 1, 1977; Laws 1982, c. 7, § 1, operative Oct. 1, 1982; Laws 1989, c. 348, § 12, eff. Nov. 1, 1989; Laws 1990, c. 224, § 5, eff. Sept. 1, 1990; Laws 1995, c. 353, § 15, eff. Nov. 1, 1995. Renumbered from § 843 of this title by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995. Amended by Laws 1996, c. 200, § 15, eff. Nov. 1, 1996; Laws 1997, c. 133, § 127, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 57, eff. July 1, 1999; Laws 2000, c. 291, § 1, eff. Nov. 1, 2000; Laws 2002, c. 455, § 7, emerg. eff. June 5, 2002; Laws 2006, c. 326, § 1, eff. July 1, 2006; Laws 2007, c. 325, § 1, eff. Nov. 1, 2007; Laws 2008, c. 3, § 5, emerg. eff. Feb. 28, 2008. Renumbered from § 7115 of Title 10 by Laws 2009, c. 233, § 207, emerg. eff. May 21, 2009. Amended by Laws 2010, c. 278, § 18, eff. Nov. 1, 2010; Laws 2014, c. 240, § 1, emerg. eff. May 9, 2014.

NOTE: Laws 2007, c. 261, § 1 repealed by Laws 2008, c. 3, § 6, emerg. eff. Feb. 28, 2008. Laws 2010, c. 23, § 1 repealed by Laws 2011, c. 1, § 13, emerg. eff. March 18, 2011.

§21-843.6. Payment of costs by defendant upon conviction.

A. 1. In addition to any other costs which a court is authorized to require a defendant to pay, upon conviction of any offense involving child abuse or neglect, the court may require that the defendant pay court-appointed attorney fees for the child to any local or state agency incurring the cost or any other person or entity providing services to or on behalf of the child, and the cost of any medical examinations conducted on the child in order to determine the nature or extent of the abuse or neglect.

2. If the court determines that the defendant has the ability

to pay all or part of the costs, the court may set the amount to be reimbursed and order the defendant to pay that sum to the local or state agency or other person or entity incurring the cost in the manner in which the court believes reasonable and compatible with the defendant's financial ability.

3. In making a determination of whether a defendant has the ability to pay, the court shall take into account the amount of any fine imposed upon the defendant and any amount the defendant has been ordered to pay in restitution.

B. 1. In addition to any other costs which a court is authorized to require a defendant to pay, upon conviction of any offense involving sexual abuse, the court may require that the defendant pay, to the local or state agency incurring the cost, the cost of any medical examinations conducted on the child for the collection and preservation of evidence.

2. If the court determines that the defendant has the ability to pay all or part of the cost of the medical examination, the court may set the amount to be reimbursed and order the defendant to pay that sum to the local or state agency incurring the cost, in the manner in which the court believes reasonable and compatible with the defendant's financial ability.

3. In making the determination of whether a defendant has the ability to pay, the court shall take into account the amount of any fine imposed upon the defendant and any amount the defendant has been ordered to pay in restitution.

4. In no event shall a court penalize an indigent defendant by imposing an additional period of imprisonment in lieu of payment.

C. 1. The court shall require the defendant to pay, upon conviction of any offense involving the sexual or physical abuse of a child, for the psychological evaluation to determine the extent of counseling necessary for the victim of the abuse and any necessary psychological counseling deemed necessary to rehabilitate the child.

2. Such evaluations and counseling may be performed by psychiatrists, psychologists, licensed professional counselors or social workers. The results of the examination shall be included in the court records and in information contained in the central registry.

Added by Laws 1995, c. 353, § 14, eff. Nov. 1, 1995. Amended by Laws 1998, c. 416, § 20, eff. Nov. 1, 1998. Renumbered from § 7114 of Title 10 by Laws 2009, c. 233, § 206, emerg. eff. May 21, 2009.

§21-843.7. Appointment of representatives for child.

A. 1. In every criminal case filed pursuant to the Oklahoma Child Abuse Reporting and Prevention Act, the judge of the district court may appoint an attorney-at-law to appear for and represent a child who is the alleged victim of child abuse or neglect.

2. The attorney may be allowed a reasonable fee for such

services and shall meet with the child as soon as possible after receiving notification of the appointment.

3. Except for good cause shown to the court, the attorney shall meet with the child not less than twenty-four (24) hours prior to any hearing.

4. The attorney shall be given access to all reports relevant to the case and to any reports of examination of the child's parents, legal guardian, custodian or other person responsible for the child's health or safety made pursuant to this section.

5. The attorney shall represent the child and any expressed interests of the child. To that end, the attorney shall make such further investigation as the attorney deems necessary to ascertain the facts, to interview witnesses, examine and cross-examine witnesses at the preliminary hearing and trial, make recommendations to the court, and participate further in the proceedings to the degree appropriate for adequately representing the child.

B. A court-appointed special advocate or guardian ad litem as defined by the Oklahoma Children's Code and the Oklahoma Juvenile Code may be appointed to represent the best interests of the child who is the alleged subject of child abuse or neglect. The court-appointed special advocate or guardian ad litem shall be given access to all reports relevant to the case and to reports of service providers and of examination of the child's parents, legal guardian, custodian or other person responsible for the child's health or safety made pursuant to this section including but not limited to, information authorized by the Oklahoma Children's Code and the Oklahoma Juvenile Code.

C. At such time as the information maintained by the statewide registry for child abuse, sexual abuse, and neglect is indexed by name of perpetrator and the necessary and appropriate due process procedures are established by the Department of Human Services, a court-appointed special advocate organization, in accordance with the policies and rules of the Department, may utilize the registry for the purpose of completing background screenings of volunteers with the organization.

Added by Laws 1995, c. 353, § 12, eff. Nov. 1, 1995. Amended by Laws 1996, c. 200, § 14, eff. Nov. 1, 1996; Laws 1999, c. 396, § 11, emerg. eff. June 10, 1999. Renumbered from § 7112 of Title 10 by Laws 2009, c. 233, § 205, emerg. eff. May 21, 2009.

§21-844. Ordinary force as means of discipline not prohibited.

Provided, however, that nothing contained in this Act shall prohibit any parent, teacher or other person from using ordinary force as a means of discipline, including but not limited to spanking, switching or paddling.

Added by Laws 1963, c. 53, § 2.

§21-845. Renumbered as § 7102 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-846. Renumbered as § 7103 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-846.1. Renumbered as § 7104 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-847. Renumbered as § 7105 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-848. Renumbered as § 7113 of Title 10 by Laws 1995, c. 353, § 20, eff. Nov. 1, 1995.

§21-849. Wiring or equipping of vehicles or structures with explosives a felony.

Every person who shall attach to, or place in or upon any motor vehicle or any vehicle designed or customarily used to transport a person or persons or any structure designed or customarily used for the occupancy of a person or persons, any explosive material, thing or device with the intent of causing bodily injury or death to any person shall be guilty of a felony, and, upon conviction therefor, shall suffer punishment by imprisonment for a period of time of not less than five (5) years, or imprisonment in the State Penitentiary for life, at the discretion of the court or the jury trying the same. Added by Laws 1968, c. 101, § 1, emerg. eff. April 1, 1968. Amended by Laws 1997, c. 133, § 248, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 152, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 248 from July 1, 1998, to July 1, 1999.

§21-850. Malicious intimidation or harassment because of race, color, religion, ancestry, national origin or disability - Standardized reporting system.

A. No person shall maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, national origin or disability:

1. Assault or batter another person;

2. Damage, destroy, vandalize or deface any real or personal property of another person; or

3. Threaten, by word or act, to do any act prohibited by paragraph 1 or 2 of this subsection if there is reasonable cause to believe that such act will occur.

B. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another

person because of that person's race, color, religion, ancestry, national origin or disability, make or transmit, cause or allow to be transmitted, any telephonic, computerized, or electronic message.

C. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin or disability, broadcast, publish, or distribute, cause or allow to be broadcast, published or distributed, any message or material.

D. Any person convicted of violating any provision of subsections A, B or C of this section shall be guilty of a misdemeanor on a first offense and a felony punishable by not more than ten (10) years incarceration in the custody of the Department of Corrections for a second or subsequent offense. The fine for a felony violation of this section shall not exceed Ten Thousand Dollars ($10,000.00). Furthermore, said person shall be civilly liable for any damages resulting from any violation of this section.

E. Upon conviction, any person guilty of a misdemeanor in violation of this section shall be punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a period of not more than one (1) year, or by both such fine and imprisonment.

F. The Oklahoma State Bureau of Investigation shall develop a standard system for state and local law enforcement agencies to report incidents of crime which are apparently directed against members of racial, ethnic, religious groups or other groups specified by this section. The Oklahoma State Bureau of Investigation shall promulgate rules, regulations and procedures necessary to develop, implement and maintain a standard system for the collection and reporting of hate crime data. All state, county, city and town law enforcement agencies shall submit a monthly report to the Oklahoma State Bureau of Investigation on forms prescribed by the Bureau. The report shall contain the number and nature of the offenses committed within their respective jurisdictions, the disposition of such matters and any other information the Bureau may require, respecting information relating to the cause and prevention of crime, recidivism, the rehabilitation of criminals and the proper administration of criminal justice.

G. No person, partnership, company or corporation that installs telephonic, computerized, or electronic message equipment shall be required to monitor the use of such equipment for possible violations of this section, nor shall such person, partnership, company or corporation be held criminally or civilly liable for the use by another person of the equipment in violation of this section, unless the person, partnership, company or corporation that installed the equipment had prior actual knowledge that the

equipment was to be used in violation of this section.
Added by Laws 1987, c. 48, § 1, emerg. eff. April 24, 1987. Amended by Laws 1989, c. 68, § 1, emerg. eff. April 13, 1989; Laws 1990, c. 73, § 1, emerg. eff. April 16, 1990; Laws 1992, c. 82, § 1, eff. Sept. 1, 1992; Laws 1997, c. 133, § 249, eff. July 1, 1999; Laws 1998, c. 330, § 1, eff. Nov. 1, 1998; Laws 1998, 1st Ex. Sess., c. 2, § 7, emerg. eff. June 19, 1998; Laws 1999, 1st Ex. Sess., c. 5, § 153, eff. July 1, 1999; Laws 2001, c. 45, § 1, eff. Nov. 1, 2001.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 249 from July 1, 1998, to July 1, 1999.

§21-851. Desertion of children under age of ten a felony.

Any parent of any child or children under the age of ten (10) years, and every person to whom such child or children have been confided for nurture or education, who deserts such child or children within the State of Oklahoma, or takes such child or children without the State of Oklahoma, with the intent wholly to abandon it shall be deemed guilty of a felony and, upon conviction thereof shall be punished by imprisonment in the State Penitentiary for any period of time not less than one (1) year nor more than ten (10) years.
R.L. 1910, § 2433. Amended by Laws 1923, c. 78, p. 143, § 1, emerg. eff. March 28, 1923; Laws 1997, c. 133, § 250, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 154, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 250 from July 1, 1998, to July 1, 1999.

§21-852. Omission to provide for a child - Penalties.

A. Unless otherwise provided for by law, any parent, guardian, or person having custody or control of a child as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, monetary child support, medical attendance, payment of court-ordered day care or payment of court-ordered medical insurance costs for such child which is imposed by law, upon conviction, is guilty of a misdemeanor; provided, any person obligated to make child support payments who willfully and without lawful excuse becomes delinquent in said child support payments after September 1, 1993, and such delinquent child support accrues without payment by the obligor for a period of one (1) year, or exceeds Five Thousand Dollars ($5,000.00) shall, upon conviction thereof, be guilty of a felony which is punishable in the same manner as any subsequent conviction pursuant to the provisions of this section. Any subsequent conviction pursuant to this section shall be a felony, punishable by imprisonment for not more than four (4) years in the custody of the Department of Corrections or by the imposition of a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and

imprisonment. As used in this section, the duty to furnish medical attendance shall mean that the parent or person having custody or control of a child must furnish medical treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide; such parent or person having custody or control of a child is not criminally liable for failure to furnish medical attendance for every minor or trivial complaint with which the child may be afflicted.

B. Any person who leaves the state to avoid providing necessary food, clothing, shelter, court-ordered monetary child support, or medical attendance for such child, upon conviction, shall be guilty of a felony punishable by imprisonment for not more than four (4) years in the custody of the Department of Corrections or by the imposition of a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

C. Nothing in this section shall be construed to mean a child is endangered for the sole reason the parent, guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child; provided, that medical care shall be provided where permanent physical damage could result to such child; and that the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated.

D. Nothing contained in this section shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the health or welfare of the child.

E. Psychiatric and psychological testing and counseling are exempt from the provisions of this section.

F. If any parent of a child in cases in which the Department of Human Services is providing services pursuant to Section 237 of Title 56 of the Oklahoma Statutes is determined by the Department to be willfully violating the provisions of this section, the Department may refer the case to the proper district attorney for prosecution. The Department shall provide assistance to the district attorneys in such prosecutions. Any child support or arrears payments made pursuant to this section shall be made payable to the Department and paid through the Centralized Support Registry pursuant to Section 413 of Title 43 of the Oklahoma Statutes.

G. Except for a third or subsequent conviction, all felony convictions herein shall be administered under the provisions of the Community Sentencing Act.

H. It is the duty of any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person, as such terms are defined by Section 3-403 of Title 43A of the Oklahoma

Statutes, to provide for the treatment, as such term is defined by Section 3-403 of Title 43A of the Oklahoma Statutes, of such child. Any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person who without having made a reasonable effort fails or willfully omits to provide for the treatment of such child shall be guilty of a misdemeanor. For the purpose of this subsection, the duty to provide for such treatment shall mean that the parent having legal custody of a child must provide for the treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide.

I. Venue is proper in prosecutions for violations of this section in:

1. Any county where the child resides;

2. The county in which the court-ordered support was entered or registered pursuant to the provisions of the Uniform Interstate Family Support Act; or

3. The county in which the defendant resides.

R.L.1910, § 2434. Amended by Laws 1975, c. 67, § 1, emerg. eff. April 18, 1975; Laws 1983, c. 44, § 1, operative Nov. 1, 1983; Laws 1987, c. 167, § 2, operative July 1, 1987; Laws 1989, c. 348, § 13, eff. Nov. 1, 1989; Laws 1990, c. 165, § 1, eff. July 1, 1990; Laws 1993, c. 173, § 1, eff. Sept. 1, 1993; Laws 1994, c. 132, § 1, eff. Sept. 1, 1994; Laws 1997, c. 6, § 1, eff. Nov. 1, 1997; Laws 1997, c. 133, § 251, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 155, eff. July 1, 1999; Laws 2006, c. 219, § 1; Laws 2008, c. 407, § 14, eff. Nov. 1, 2008; Laws 2009, c. 234, § 121, emerg. eff. May 21, 2009.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 251 from July 1, 1998, to July 1, 1999.

§21-852.1. Child endangerment - Knowingly permitting physical or sexual abuse – Good-faith reliance on spiritual healing - Penalties.

A. A person who is the parent, guardian, or person having custody or control over a child as defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, commits child endangerment when the person:

1. Knowingly permits physical or sexual abuse of a child;

2. Knowingly permits a child to be present at a location where a controlled dangerous substance is being manufactured or attempted to be manufactured as defined in Section 2-101 of Title 63 of the Oklahoma Statutes;

3. Knowingly permits a child to be present in a vehicle when the person knows or should have known that the operator of the vehicle is impaired by or is under the influence of alcohol or another intoxicating substance; or

4. Is the driver, operator, or person in physical control of a

vehicle in violation of Section 11-902 of Title 47 of the Oklahoma Statutes while transporting or having in the vehicle such child or children.

However, it is an affirmative defense to this paragraph if the person had a reasonable apprehension that any action to stop the physical or sexual abuse or deny permission for the child to be in the vehicle with an intoxicated person would result in substantial bodily harm to the person or the child.

Nothing in this subsection shall prohibit the prosecution of a person pursuant to the provisions of Section 11-902 or 11-904 of Title 47 of the Oklahoma Statutes.

B. The provisions of this section shall not apply to any parent, guardian or other person having custody or control of a child for the sole reason that the parent, guardian or other person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child. This subsection shall in no way limit or modify the protections afforded said child in Section 852 of this title or Section 1-4-904 of Title 10A of the Oklahoma Statutes.

C. Any person convicted of violating any provision of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than four (4) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

Added by Laws 1990, c. 165, § 2, eff. July 1, 1990. Amended by Laws 1997, c. 133, § 252, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 156, eff. July 1, 1999; Laws 2001, c. 225, § 6, eff. July 1, 2001; Laws 2009, c. 143, § 1, eff. July 1, 2009; Laws 2009, c. 234, § 122, emerg. eff. May 21, 2009; Laws 2011, c. 350, § 2, eff. Nov. 1, 2011.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 252 from July 1, 1998, to July 1, 1999.

§21-853. Desertion of wife or child under 15 a felony.

Every person who shall without good cause abandon his wife in destitute or necessitous circumstances and neglect and refuse to maintain or provide for her, or who shall abandon his or her minor child or children under the age of fifteen (15) years and willfully neglect or refuse to maintain or provide for such child or children, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for any period of time not less than one (1) year or more than ten (10) years.

Added by Laws 1915, c. 149, § 1. Amended by Laws 1923, c. 78, p. 144, § 2, emerg. eff. March 28, 1923; Laws 1997, c. 133, § 253, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 157, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 253 from July 1, 1998, to July 1, 1999.

§21-854. Proof of marriage - Wife as competent witness - Duty of County Attorney to prosecute.

No other evidence shall be required to prove marriage of such husband and wife, or that such person is the lawful father or mother of such child or children than is or shall be required to prove such fact in a civil action, and such wife shall be a competent witness to testify in any case brought under this act, and to any and all matters relevant thereto, including the fact of such marriage and the parentage of such child or children. It shall be the mandatory duty of each district attorney of this state to diligently prosecute all persons violating any of the provisions of this chapter (Chapter 31, Title 21 O.S.1951), and in all cases where the evidence is deemed sufficient to justify a prosecution for such violation, any district attorney who shall willfully fail, neglect or refuse to institute criminal proceedings to enforce such provisions, shall be subject to removal from office.
Laws 1915, c. 149, § 2; Laws 1949, p. 203, § 1.

§21-855. Employment of prisoners - Disposition of wages - Parole on bond - Revocation of parole - Suspension of sentence - Who may inform against violator.

Every person convicted under the provisions of this act, upon the confinement of such person at the State Penitentiary, the warden thereof shall put the said convicted person to work at some suitable employment in the State Penitentiary, at a reasonable wage, not to exceed Two Dollars and fifty cents ($2.50), per day, and under such rules and regulations as shall be fixed by the warden of said penitentiary with the approval of the Governor, and such earnings shall, by proper authority, be paid to the said wife, or other person who is in charge of and caring for said child or children.

Upon conviction of any person, under the provisions of this act, the Governor may, before or after sentence, parole said person upon the recommendation of the trial judge in whose court he was convicted, upon said person entering into an undertaking in the form provided by the judge of said court, with two or more good and sufficient sureties. Said sureties shall qualify and make a property statement as provided by law, and the said bond shall be approved by the trial judge before said application is made to the Governor, and a certificate that said bond has been approved by the trial judge shall accompany any application made hereunder. Said bond shall be conditioned that the said convicted person shall within ten (10) days from the first day of each month, pay to the clerk of the court where he was convicted such amount as has been fixed by the court for the support of said wife or child or

children, which money shall be paid by the clerk of the court as provided herein for wages at the penitentiary.

Upon the failure to pay said amount within the time provided for under this act, the said bond shall be liable to pay the sums due. Said money, when paid into the court clerk, shall be paid by said clerk to the wife or to any other person in charge of said minor child or children for the support of said wife or minor child or children.

When the terms and conditions of said bond have been violated the said trial judge shall at once notify the Governor, and the Governor may at once revoke said parole and confine said person to the penitentiary under the conditions provided herein, and the makers of said bond shall be liable under the terms and conditions provided in this act, and any person interested may sue on said bond.

Upon recommendation as provided herein for parole, the Governor may suspend the sentence under the terms and conditions of this act, and if the terms are broken and the suspension revoked by the Governor, then the time such person is out on suspension of sentence shall not be deducted from the term of sentence. Provided, that no person shall inform against any one violating this act except the wife or guardian of said minor children, or those having said minor children in charge, or any public officer of the county.
Laws 1923, c. 78, p. 144, § 3.

§21-856. Causing, aiding, abetting or encouraging minor to be delinquent or runaway child, to commit felony or to become involved with criminal street gang.

A. 1. Except as otherwise specifically provided by law, every person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child or a runaway child, upon conviction, shall, for the first offense, be guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

2. For purposes of prosecution under this subsection, a "runaway child" means an unemancipated minor who is voluntarily absent from the home without a compelling reason, without the consent of a custodial parent or other custodial adult and without the parent or other custodial adult's knowledge as to the child's whereabouts. "Compelling reason" means imminent danger from incest, a life-threatening situation, or equally traumatizing circumstance. A person aiding a runaway child pursuant to paragraph (4) of subsection (a) of Section 5 of Title 76 of the Oklahoma Statutes or aiding a child based upon a reasonable belief that the child is in physical, mental or emotional danger and with notice to the Department of Human Services or a local law enforcement agency of the location of the child within twelve (12) hours of aiding the

child shall not be subject to prosecution under this section.

B. Every person convicted of a second or any subsequent violation of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed three (3) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

C. Every person eighteen (18) years of age or older who shall knowingly or willfully cause, aid, abet, or encourage a minor to commit or participate in committing an act that would be a felony if committed by an adult shall, upon conviction, be guilty of a felony punishable by the maximum penalty allowed for conviction of the offense or offenses which the person caused, aided, abetted, or encouraged the minor to commit or participate in committing.

D. Every person who shall knowingly or willfully cause, aid, abet, encourage, solicit, or recruit a minor to participate, join, or associate with any criminal street gang, as defined by subsection F of this section, or any gang member for the purpose of committing any criminal act shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or a fine not to exceed Five Thousand Dollars ($5,000.00), or both such fine and imprisonment.

E. Every person convicted of a second or subsequent violation of subsection D of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than five (5) years nor more than ten (10) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

F. "Criminal street gang" means any ongoing organization, association, or group of five or more persons that specifically either promotes, sponsors, or assists in, or participates in, and requires as a condition of membership or continued membership, the commission of one or more of the following criminal acts:

1. Assault, battery, or assault and battery with a deadly weapon, as defined in Section 645 of this title;

2. Aggravated assault and battery as defined by Section 646 of this title;

3. Robbery by force or fear, as defined in Sections 791 through 797 of this title;

4. Robbery or attempted robbery with a dangerous weapon or imitation firearm, as defined by Section 801 of this title;

5. Unlawful homicide or manslaughter, as defined in Sections 691 through 722 of this title;

6. The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled dangerous substances, as defined in Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

7. Trafficking in illegal drugs, as provided for in the Trafficking in Illegal Drugs Act, Section 2-414 of Title 63 of the Oklahoma Statutes;

8. Arson, as defined in Sections 1401 through 1403 of this title;

9. The influence or intimidation of witnesses and jurors, as defined in Sections 388, 455 and 545 of this title;

10. Theft of any vehicle, as described in Section 1720 of this title;

11. Rape, as defined in Section 1111 of this title;

12. Extortion, as defined in Section 1481 of this title;

13. Transporting a loaded firearm in a motor vehicle, in violation of Section 1289.13 of this title;

14. Possession of a concealed weapon, as defined by Section 1289.8 of this title; or

15. Shooting or discharging a firearm, as defined by Section 652 of this title.

Added by Laws 1939, p. 15, § 1. Amended by Laws 1989, c. 157, § 3, emerg. eff. May 8, 1989; Laws 1990, c. 272, § 5, eff. Sept. 1, 1990; Laws 1992, c. 182, § 1, emerg. eff. May 7, 1992; Laws 1993, c. 212, § 1, emerg. eff. May 24, 1993; Laws 1996, c. 196, § 1, eff. July 1, 1996; Laws 1997, c. 133, § 254, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 158, eff. July 1, 1999; Laws 2011, c. 168, § 1, eff. Nov. 1, 2011.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 254 from July 1, 1998, to July 1, 1999.

§21-856.1. Causing, aiding, abetting or encouraging minor to participate in certain drug-related crimes.

Every person who shall knowingly, intentionally or willfully cause, aid, abet or encourage a minor child to:

1. Distribute, dispense, possess or manufacture a controlled dangerous substance, as provided in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

2. Create, distribute, or possess a counterfeit controlled dangerous substance, as defined by Section 2-101 of Title 63 of the Oklahoma Statutes;

3. Distribute any imitation controlled substance as defined by Section 2-101 of Title 63 of the Oklahoma Statutes;

4. Conspire or participate in any scheme, plan or act for the purposes of avoiding, eluding or evading arrest or detection by law enforcement authorities for crimes involving controlled substances as defined by Section 2-101 of Title 63 of the Oklahoma Statutes; or

5. Violate any penal provisions of the Uniform Controlled Dangerous Substances Act,

shall be guilty of a felony punishable by imprisonment in the State

Penitentiary for a term not more than twenty (20) years and a fine of not more than Two Hundred Thousand Dollars ($200,000.00). Said sentence shall not be subject to statutory provisions for suspended sentences, or deferred sentences except when the conviction is for a first offense.
Added by Laws 1989, c. 202, § 1, emerg. eff. May 8, 1989. Amended by Laws 1997, c. 133, § 255, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 159, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 255 from July 1, 1998, to July 1, 1999.

§21-856.2. Harboring endangered runaway child.

It shall be unlawful for any person to knowingly and willfully harbour an endangered runaway child. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in a county jail not exceeding one (1) year, or by both such fine and imprisonment. Every person convicted of a second or any subsequent violation shall, upon conviction, be guilty of a felony punishable by a fine not exceeding Five Thousand Dollars ($5,000.00), or by imprisonment not exceeding three (3) years, or by both such fine and imprisonment. For purposes of this section, an "endangered runaway child" means an unemancipated minor who is voluntarily absent from the home for seventy-two (72) hours or more without a compelling reason and without the consent of a custodial parent or other custodial adult or an unemancipated minor who is voluntarily absent from the home without a compelling reason and without the consent of a custodial parent or other custodial adult and the child needs medication or other special services. For purposes of this section, "compelling reason" shall be defined as provided in Section 856 of Title 21 of the Oklahoma Statutes.
Added by Laws 1996, c. 196, § 2, eff. July 1, 1996. Amended by Laws 1997, c. 133, § 256, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 160, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 256 from July 1, 1998, to July 1, 1999.

§21-856.3. Gang related offenses - Condition of membership.

Any person who attempts or commits a gang-related offense as a condition of membership in a criminal street gang or while in association with any criminal street gang or gang member shall be guilty of a felony offense. Upon conviction, the violator shall be punished by incarceration in the custody of the Department of Corrections for a term of five (5) years, which shall be in addition to any other penalty imposed. For purposes of this section, "criminal street gang" is defined by subsection F of Section 856 of

Title 21 of the Oklahoma Statutes and "gang-related offense" means those offenses enumerated in paragraphs 1 through 16 of subsection F of Section 856 of Title 21 of the Oklahoma Statutes.
Added by Laws 2011, c. 168, § 2, eff. Nov. 1, 2011.

§21-857. Definitions.

1. "Every person," as used in Sections 856, Section 1 of this act, 857, 858.1 and 858.2 of Title 21 of the Oklahoma Statutes, shall include human beings, without regard to their legal or natural relationship to such minor, as well as legal or corporate entities.

2. "Minor" or "child," as used in Sections 856, Section 1 of this act, 857, 858.1 and 858.2 of Title 21 of the Oklahoma Statutes, shall include male or female persons who shall not have arrived at the age of eighteen (18) years at the time of the commission of the offense.

3. "Encourage," as used in Sections 856, Section 1 of this act, 857, 858.1 and 858.2 of Title 21 of the Oklahoma Statutes, in addition to the usual meaning of the word, shall include a willful and intentional neglect to do that which will directly tend to prevent such act or acts of delinquency on the part of such minor, when the person accused shall have been able to do so.

4. "Delinquent child," as used in Sections 856, 857, 858.1 and 858.2 of Title 21 of the Oklahoma Statutes, shall include a minor, as herein defined, who shall have been or is violating any penal statute of this state, or who shall have been or is committing any one or more of the following acts, to wit:

(a) Associating with thieves, vicious or immoral persons.

(b) Frequenting a house of ill repute.

(c) Frequenting any policy shop, or place where any gambling device is operated.

(d) Frequenting any saloon, dram shop, still, or any place where intoxicating liquors are manufactured, stored or sold.

(e) Possession, carrying, owning or exposing any vile, obscene, indecent, immoral or lascivious photograph, drawing, picture, book, paper, pamphlet, image, device, instrument, figure or object.

(f) Willfully, lewdly or lasciviously exposing his or her person, or private parts thereof, in any place, public or private, in such manner as to be offensive to decency, or calculated to excite vicious or lewd thoughts, or for the purpose of engaging in the preparation or manufacture of obscene, indecent or lascivious photographs, pictures, figures or objects.

(g) Possessing, transporting, selling, or engaging or aiding or assisting in the sale, transportation or manufacture of intoxicating liquor, or the frequent use of same.

(h) Being a runaway from his or her parent or legal guardian.

(i) Violating any penal provision of the Uniform Controlled Dangerous Substances Act.

Added by Laws 1939, p. 15, § 2. Amended by Laws 1971, c. 224, § 1; Laws 1989, c. 202, § 2, emerg. eff. May 8, 1989.

§21-858. Parent or guardian whose child commits crime of possession of firearm on school property - Administrative penalty.

Any custodial parent or guardian of a child under eighteen (18) years of age whose child commits the crime of possession of a firearm on school property may be fined not exceeding Two Hundred Dollars ($200.00), or ordered to perform community service not exceeding forty (40) hours or both such fine and community service. To satisfy any community service requirement, the court may give preference to work which benefits the school said child attends. Said penalty shall be an administrative penalty and shall not be recorded on the custodial parent's or guardian's criminal record. The fine shall be payable to the court clerk to be deposited in the court fund. Nothing in this section shall prohibit the filing or prosecution of any criminal charge.
Added by Laws 1992, c. 286, § 1, emerg. eff. May 25, 1992.

§21-858.1. Parent causing, aiding, abetting or encouraging minor to become in need of supervision or dependent or neglected - Punishment - Second or subsequent conviction.

A. Any parent or other person who knowingly and willfully:

1. causes, aids, abets or encourages any minor to be in need of supervision, or deprived; or

2. shall by any act or omission to act have caused, encouraged or contributed to the deprivation, or the need of supervision of the minor, or to such minor becoming deprived, or in need of supervision; shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined a sum not to exceed Five Hundred Dollars ($500.00), or imprisonment in the county jail for a period not to exceed one (1) year, or by both such fine and imprisonment.

B. Upon a second or succeeding conviction for a violation of this section, the defendant shall be fined not more than One Thousand Dollars ($1,000.00), or imprisoned in the county jail not to exceed one (1) year, or punished by both such fine and imprisonment.
Laws 1945, p. 27, § 1. Amended by Laws 1990, c. 272, § 6, eff. Sept. 1, 1990; Laws 1991, c. 335, § 6, emerg. eff. June 15, 1991.

§21-858.2. Neglect by parent of child placed in parent's care by court.

In all cases where a minor has been adjudged delinquent, in need of supervision or deprived by a court of competent jurisdiction and such court by order for care or probation, has placed such minor in the care or on probation to the parent, legal guardian, legal custodian of such minor, stepparent or other adult person living in

the home, any parent, legal guardian or legal custodian of such minor who shall neglect, fail or refuse to give such minor proper parental care, or to comply with the order for care or probation shall be deemed guilty of a misdemeanor and upon conviction thereof shall, as applicable, be punished as provided in Section 856 or 858.1 of this title.
Laws 1945, p. 27, § 2. Amended by Laws 1990, c. 272, § 7, eff. Sept. 1, 1990; Laws 1991, c. 335, § 7, emerg. eff. June 15, 1991.

§21-858.3. Causing, aiding, abetting or encouraging minor to become delinquent, in need of supervision, or dependent and neglected - Penalty.

Any person who knowingly and willfully:

1. Causes, aids, abets or encourages a minor to be, to remain or to become delinquent, in need of supervision or dependent and neglected, or

2. Omits the performance of any duty, which act or omission causes or tends to cause, aid, abet, or encourage any minor to be delinquent, in need of supervision or dependent and neglected, within the purview of the Oklahoma Children's Code or the Oklahoma Juvenile Code,

upon conviction, shall be guilty of a misdemeanor and, as applicable, shall be punished pursuant to the provisions of Section 856, 858.1 or 858.2 of Title 21 of the Oklahoma Statutes.
Added by Laws 1971, c. 66, § 3, effective Oct. 1, 1971. Amended by Laws 1990, c. 272, § 4, eff. Sept. 1, 1990; Laws 1995, c. 352, § 193, eff. July 1, 1995. Renumbered from § 1144 of Title 10 by Laws 1995, c. 352, § 200, eff. July 1, 1995.

§21-861. Procuring an abortion.

Every person who administers to any woman, or who prescribes for any woman, or advises or procures any woman to take any medicine, drug or substance, or uses or employs any instrument, or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to preserve her life, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than two (2) years nor more than five (5) years.
R.L. 1910, § 2436. Amended by Laws 1961, p. 230, § 1; Laws 1997, c. 133, § 257, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 161, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 257 from July 1, 1998, to July 1, 1999.

§21-862. Submitting to or soliciting attempt to commit abortion.

Every woman who solicits of any person any medicine, drug, or substance whatever, and takes the same, or who submits to any

operation, or to the use of any means whatever, with intent thereby to procure a miscarriage, unless the same is necessary to preserve her life, is punishable by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding One Thousand Dollars ($1,000.00), or by both.
R.L.1910, § 2437.

§21-863. Concealing stillbirth or death of child.

Every woman who endeavors either by herself or by the aid of others to conceal the stillbirth of an issue of her body, which if born alive would be a bastard, or the death of any such issue under the age of two (2) years, is punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.
R.L.1910, § 2438.

§21-865. Definitions.

As used in this act the terms hereinafter enumerated shall have the following meanings:

1. "Advertising" or "Advertisement" means any communication that originates within this state by newspaper, periodical, telephone book listing, outdoor advertising sign, radio, television or any communication that is disseminated through the use of a computer or related electronic device including, but not limited to, electronic mail, websites, weblogs, search engines, banner messages, pop-up messages, chat rooms, list servers, instant messaging or other Internet presences, and any attachments or links related thereto;

2. "Child" means an unmarried or unemancipated person under the age of eighteen (18) years;

3. "Child-placing agency" means any child welfare agency licensed pursuant to the Oklahoma Child Care Facilities Licensing Act and authorized to place minors for adoption;

4. "Birth parent" means a parent of a child being placed for adoption and includes, but is not limited to, a woman who is pregnant or who presents herself as pregnant and who is offering to place her child, born or unborn, for adoption;

5. "Person" means any natural person, corporation, association, organization, institution or partnership;

6. "Department" means the Department of Human Services; and

7. "Foster home" means a home or other place, other than the home of a parent, relative within the fourth degree or guardian of the child concerned, wherein a child is received for permanent care, custody, and maintenance.
Added by Laws 1957, p. 163, § 1. Amended by Laws 2006, c. 253, § 2, eff. July 1, 2006; Laws 2015, c. 91, § 1, eff. Nov. 1, 2015.

§21-866. Elements of offense.

A. 1. The crime of trafficking in children is defined to consist of any of the following acts or any part thereof:

a. the acceptance, solicitation, offer, payment or transfer of any compensation, in money, property or other thing of value, at any time, by any person in connection with the acquisition or transfer of the legal or physical custody or adoption of a minor child, except as ordered by the court or except as otherwise provided by Section 7505-3.2 of Title 10 of the Oklahoma Statutes,

b. the acceptance or solicitation of any compensation, in money, property or other thing of value, by any person or organization for services performed, rendered or purported to be performed to facilitate or assist in the adoption or foster care placement of a minor child, except by the Department of Human Services, a child-placing agency licensed in Oklahoma pursuant to the Oklahoma Child Care Facilities Licensing Act, or an attorney authorized to practice law in Oklahoma. The provisions of this paragraph shall not prohibit an attorney licensed to practice law in another state or an out-of-state licensed child-placing agency from receiving compensation when working with an attorney licensed in this state who is, or when working with a child-placing agency licensed in this state which is, providing adoption services or other services necessary for placing a child in an adoptive arrangement,

c. bringing or causing to be brought into this state or sending or causing to be sent outside this state any child for the purpose of placing such child in a foster home or for the adoption thereof and thereafter refusing to comply upon request with the Interstate Compact on the Placement of Children. Provided, however, that this provision shall have no application to the parent or guardian of the child nor to a person bringing said child into this state for the purpose of adopting the child into such person's own family,

d. the solicitation or receipt of any money or any other thing of value for expenses related to the placement of a child for the purpose of an adoption by the birth parent of the child who at the time of the solicitation or receipt had no intent to consent to eventual adoption,

e. the solicitation or receipt of any money or any other thing of value for expenses related to the placement

of a child for adoption by a woman who knows she is not pregnant but who holds herself out to be pregnant and offers to place a child upon birth for adoption,

f. (1) the receipt of any money or any other thing of value for expenses related to the placement of a child for adoption by a birth parent, child-placing agency or attorney who receives, from one or more parties, any money or any other thing of value without disclosing to each prospective adoptive parent, child-placing agency, and attorney the receipt of any money or any other thing of value immediately upon receipt,

(2) the solicitation or receipt of any money or any other thing of value by a birth parent, an attorney or child-placing agency for expenses related to the placement of a child for the purpose of adoption from more than one prospective adoptive family for the adoption of one child. A birth parent, child-placing agency or attorney shall not represent that a child is, or will be, available for adoption to more than one prospective adoptive family at one time,

g. advertising of services for compensation to assist with or effect the placement of a child for adoption or for care in a foster home by any person or organization except by the Department of Human Services, or a child-placing agency licensed in this state. Nothing in this paragraph shall prohibit an attorney authorized to practice law in Oklahoma from the advertisement of legal services related to the adoption of children, and

h. advertisements for and solicitation of a woman who is pregnant to induce her to place her child upon birth for adoption, except by a child-placing agency licensed in this state or an attorney authorized to practice law in Oklahoma. Nothing in this section shall prohibit a person from advertising to solicit a pregnant woman to consider adoptive placement with the person or to locate a child for an adoptive placement into the person's own home, provided that such person has received a favorable preplacement home study recommendation in accordance with Section 7505-5.1 of Title 10 of the Oklahoma Statutes, which shall be verified by the signed written statement of the person or agency which performed the home study, and provided that no money or other thing of value is offered as part of such an inducement except as ordered by the

court or except as otherwise provided by Section 7505-3.2 of Title 10 of the Oklahoma Statutes.

2. a. Except as otherwise provided by this section, the violation of any of the subparagraphs in paragraph 1 of this subsection shall constitute a felony and shall be punishable by imprisonment of up to ten (10) years or a fine of up to Ten Thousand Dollars ($10,000.00) per violation or both such fine and imprisonment.

b. Prospective adoptive parents who violate subparagraph a of paragraph 1 of this subsection, upon conviction thereof, shall be guilty of a misdemeanor and may be punished by a fine not to exceed Five Thousand Dollars ($5,000.00) per violation.

B. 1. No person shall knowingly publish for circulation within the borders of the State of Oklahoma an advertisement of any kind in any print, broadcast or electronic medium, including, but not limited to, newspapers, magazines, telephone directories, handbills, radio or television, which violates subparagraph g or h of paragraph 1 of subsection A of this section.

2. Any person violating the provisions of this subsection shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished by a fine not to exceed Five Thousand Dollars ($5,000.00) per violation.

C. The payment or acceptance of costs and expenses listed in Section 7505-3.2 of Title 10 of the Oklahoma Statutes shall not be a violation of this section as long as the petitioner or birth parent has complied with the applicable procedure specified in Section 7505-3.2 of Title 10 of the Oklahoma Statutes and such costs and expenses are approved by the court.

D. Any person knowingly failing to file an affidavit of all adoption costs and expenses before the final decree of adoption as required by Sections 7505-3.2 and 7505-6.2 of Title 10 of the Oklahoma Statutes shall be guilty of a misdemeanor.

Added by Laws 1957, p. 164, §2. Amended by Laws 1965, c. 166, § 1, emerg. eff. June 2, 1965; Laws 1985, c. 309, § 1, eff. Nov. 1, 1985; Laws 1987, c. 226, § 10, operative July 1, 1987; Laws 1997, c. 366, § 57, eff. Nov. 1, 1997; Laws 1998, c. 415, § 41, emerg. eff. June 11, 1998; Laws 2006, c. 253, § 3, eff. July 1, 2006; Laws 2009, c. 107, § 4, eff. Nov. 1, 2009; Laws 2011, c. 371, § 9, eff. Nov. 1, 2011.

§21-867. Trafficking in children a felony.

A. The first conviction of the crime of trafficking in children by any person shall be a felony and punishable by imprisonment in the custody of the Department of Corrections for not less than one (1) year nor for more than three (3) years.

B. Conviction of the crime of trafficking in children,

subsequent to a prior conviction for such offense in any form, shall be a felony and punishable by imprisonment in the custody of the Department of Corrections for not less than three (3) years. No suspension of judgment or sentence shall be permitted.

C. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.
Added by Laws 1957, p. 164, § 3. Amended by Laws 1985, c. 309, § 2, eff. Nov. 1, 1985; Laws 1997, c. 133, § 258, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 162, eff. July 1, 1999; Laws 2007, c. 261, § 6, eff. Nov. 1, 2007.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 258 from July 1, 1998, to July 1, 1999.

§21-868. Partial invalidity.

If any provision or section of this act or the application thereof to any person, corporation, organization, association, partnership, or institution shall be held to be invalid or unconstitutional, the remainder of the act and the application of such provision or section to any other person, organization, association, institution, corporation or partnership shall not be affected thereby.
Laws 1957, p. 164, § 4.

§21-869. Construction of act.

Except as otherwise set forth or except in case of conflict between the provisions hereof and other law, the provisions of this act shall be cumulative to existing law.
Laws 1957, p. 164, § 5.

§21-870. Reporting requirements.

A. Every person having reason to believe that a person or child-placing agency is engaging in the crime of trafficking in children as described in Section 866 of Title 21 of the Oklahoma Statutes shall report the matter promptly to the Oklahoma Bureau of Narcotics and Dangerous Drugs Control. The Bureau shall notify the district attorney in the county where the alleged trafficking in children took place no later than seven (7) days after receiving a report.

1. No privilege or contract shall relieve any person from the reporting requirements in this subsection.

2. The reporting requirements in this subsection are

individual, and no employer, supervisor or administrator shall interfere with the reporting requirement of any employee or other person or in any manner discriminate or retaliate against the employee or other person who in good faith reports suspected trafficking in children, or who provides testimony in any proceeding involving trafficking in children. Any employer, supervisor or administrator who discharges, discriminates or retaliates against the employee or other person shall be liable for damages, costs and attorney fees.

B. Any person who knowingly and willfully fails to promptly report suspected trafficking in children or who interferes with the prompt reporting of trafficking in children and who is licensed by a state entity shall be reported to the licensing entity and may be subject to discipline, including license revocation or suspension.
Added by Laws 2014, c. 20, § 1, eff. Nov. 1, 2014.

§21-871. Adultery defined - Who may institute prosecution.

Adultery is the unlawful voluntary sexual intercourse of a married person with one of the opposite sex; and when the crime is between persons, only one of whom is married, both are guilty of adultery. Prosecution for adultery can be commenced and carried on against either of the parties to the crime only by his or her own husband or wife as the case may be, or by the husband or wife of the other party to the crime: Provided, that any person may make complaint when persons are living together in open and notorious adultery.
R.L.1910, § 2431.

§21-872. Punishment for adultery.

Any person guilty of the crime of adultery shall be guilty of a felony and punished by imprisonment in the State Penitentiary not exceeding five (5) years or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.
R.L. 1910, § 2432. Amended by Laws 1997, c. 133, § 259, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 163, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 259 from July 1, 1998, to July 1, 1999.

§21-881. Bigamy defined.

Every person who having been married to another who remains living, marries any other person except in the cases specified in the next section is guilty of bigamy.
R.L.1910, § 2439.

§21-882. Exceptions to the rule of bigamy.

The last preceding section does not extend:

1. To any person whose husband or wife by a former marriage has

been absent for five (5) successive years without being known to such person within that time to be living; nor,

2. To any person whose husband or wife by a former marriage has absented himself or herself from his wife or her husband and has been continually remaining without the United States for a space of five (5) years together; nor,

3. To any person by reason of any former marriage which has been pronounced void, annulled or dissolved by the judgment of a competent court; nor,

4. To any person by reason of any former marriage with a husband or wife who has been sentenced to imprisonment for life.

R.L.1910, § 2440.

§21-883. Bigamy a felony.

Any person guilty of bigamy shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years.

R.L. 1910, § 2441. Amended by Laws 1997, c. 133, § 260, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 164, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 260 from July 1, 1998, to July 1, 1999.

§21-884. Person marrying bigamist.

Any person who knowingly marries the husband or wife of another, in any case in which such husband or wife would be punishable according to the foregoing provisions, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a 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.

R.L. 1910, § 2442. Amended by Laws 1997, c. 133, § 261, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 165, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 261 from July 1, 1998, to July 1, 1999.

§21-885. Incest.

Persons who, being within the degrees of consanguinity within which marriages are by the laws of the state declared incestuous and void, intermarry with each other, or commit adultery or fornication with each other, shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the

Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.
R.L. 1910, § 2443. Amended by Laws 1997, c. 133, § 262, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 166, eff. July 1, 1999; Laws 2007, c. 261, § 7, eff. Nov. 1, 2007.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 262 from July 1, 1998, to July 1, 1999.

§21-886. Crime against nature.
Every person who is guilty of the detestable and abominable crime against nature, committed with mankind or with a beast, is punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.
R.L. 1910, § 2444. Amended by Laws 1992, c. 289, § 1, emerg. eff. May 25, 1992; Laws 1997, c. 133, § 263, eff. July 1, 1999; Laws 1997, c. 333, § 5, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 167, eff. July 1, 1999; Laws 2002, c. 460, § 8, eff. Nov. 1, 2002; Laws 2007, c. 261, § 8, eff. Nov. 1, 2007.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 263 from July 1, 1998, to July 1, 1999. Laws 1998, 1st Ex. Sess., c. 2, § 25 amended the effective date of Laws 1997, c. 333, § 5 from July 1, 1998, to July 1, 1999.

§21-887. Crime against nature, what penetration necessary.
Any sexual penetration, however slight, is sufficient to complete the crime against nature.
R.L.1910, § 2445.

§21-888. See the following versions:
OS 21-888v1 (SB 1425, Laws **2002**, c. 455, § 4).
OS 21-888v2 (HB 2398, Laws 2016, c. 349, § 5).

§21-888v1. Forcible sodomy.
A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony punishable by imprisonment in the State Penitentiary for a period of not more than twenty (20) years, except as provided in Section 3 of this act.

Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence.

B. The crime of forcible sodomy shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or

2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or

3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime; or

4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state.

Added by Laws 1981, c. 57, § 1, eff. Oct. 1, 1981. Amended by Laws 1982, c. 11, § 1, operative Oct. 1, 1982; Laws 1990, c. 224, § 1, eff. Sept. 1, 1990; Laws 1992, c. 289, § 2, emerg. eff. May 25, 1992; Laws 1997, c. 133, § 264, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 168, eff. July 1, 1999; Laws 2000, c. 175, § 1, eff. Nov. 1, 2000; Laws 2002, c. 455, § 4, emerg. eff. June 5, 2002.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 264 from July 1, 1998, to July 1, 1999.

§21-888v2. Forcible sodomy.

A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a period of not more than twenty (20) years. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this

section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, a violation of Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of said offenses, shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

B. The crime of forcible sodomy shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age;

2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime;

3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime;

4. Sodomy committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state;

5. Sodomy committed upon a person who is at least sixteen (16) years of age but less than twenty (20) years of age and is a student of any public or private secondary school, junior high or high school, or public vocational school, with a person who is eighteen (18) years of age or older and is employed by the same school system;

6. Sodomy committed upon a person who is at the time unconscious of the nature of the act, and this fact should be known to the accused; or

7. Sodomy committed upon a person where the person is intoxicated by a narcotic or anesthetic agent administered by or with the privity of the accused as a means of forcing the person to submit.

Added by Laws 1981, c. 57, § 1. Amended by Laws 1982, c. 11, § 1, operative Oct. 1, 1982; Laws 1990, c. 224, § 1, eff. Sept. 1, 1990; Laws 1992, c. 289, § 2, emerg. eff. May 25, 1992; Laws 1997, c. 133, § 264, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 168, eff. July 1, 1999; Laws 2000, c. 175, § 1, eff. Nov. 1, 2000; Laws 2002, c. 460, § 9, eff. Nov. 1, 2002; Laws 2006, c. 62, § 4, emerg.

eff. April 17, 2006; Laws 2007, c. 261, § 9, eff. Nov. 1, 2007; Laws 2009, c. 234, § 123, emerg. eff. May 21, 2009; Laws 2016, c. 349, § 5, emerg. eff. June 6, 2016.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 264 from July 1, 1998, to July 1, 1999.

§21-891. Child stealing - Penalty.

Whoever maliciously, forcibly or fraudulently takes or entices away any child under the age of sixteen (16) years, with intent to detain or conceal such child from its parent, guardian or other person having the lawful charge of such child or to transport such child from the jurisdiction of this state or the United States without the consent of the person having lawful charge of such child shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years.

Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section and the offense involved sexual abuse or sexual exploitation, shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.
R.L.1910, § 2435. Amended by Laws 1997, c. 133, § 265, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 169, eff. July 1, 1999; Laws 2000, c. 370, § 13, eff. July 1, 2000; Laws 2007, c. 261, § 10, eff. Nov. 1, 2007; Laws 2008, c. 438, § 1, eff. July 1, 2008.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 265 from July 1, 1998, to July 1, 1999.

§21-901. Blasphemy defined.

Blasphemy consists in wantonly uttering or publishing words, casting contumelious reproach or profane ridicule upon God, Jesus Christ, the Holy Ghost, the Holy Scriptures or the Christian or any other religion.
R.L.1910, § 2398.

§21-902. Serious discussion not blasphemy.

If it appears beyond reasonable doubt that the words complained of were used in the course of serious discussion, and with intent to make known or recommend opinions entertained by the accused, such words are not blasphemy.
R.L.1910, § 2399.

§21-903. Blasphemy a misdemeanor.

Blasphemy is a misdemeanor.
R.L.1910, § 2400.

§21-904. Profane swearing.
Profane swearing consists in any use of the name of God, or Jesus Christ, or the Holy Ghost, either in imprecating divine vengeance upon the utterer, or any other person, or in light, trifling or irreverent speech.
R.L.1910, § 2401.

§21-905. Punishment for profane swearing.
Every person guilty of profane swearing is punishable by a fine of One Dollar ($1.00) for each offense.
R.L.1910, § 2402.

§21-906. Obscene language a misdemeanor, when.
If any person shall utter or speak any obscene or lascivious language or word in any public place, or in the presence of females, or in the presence of children under ten (10) years of age, he shall be liable to a fine of not more than One Hundred Dollars ($100.00), or imprisonment for not more than thirty (30) days, or both.
R.L.1910, § 2403.

§21-907. Sunday to be observed.
The first day of the week being by very general consent set apart for rest and religious uses, the law forbids to be done on that day certain acts deemed useless and serious interruptions of the repose and religious liberty of the community. Any violation of this prohibition is Sabbath-breaking.
R.L.1910, § 2404.

§21-908. Sabbath-breaking defined.
The following are the acts forbidden to be done on the first day of the week, the doing of any of which is Sabbath-breaking:
1. Servile labor, except works of necessity or charity.
2. Trades, manufactures, and mechanical employment.
3. All horse racing or gaming except as authorized by the Oklahoma Horse Racing Commission pursuant to the provisions of the Oklahoma Horse Racing Act.
4. All manner of public selling, or offering or exposing for sale publicly, of any commodities, except that meats, bread, fish, and all other foods may be sold at any time, and except that food and drink may be sold to be eaten and drank upon the premises where sold, and drugs, medicines, milk, ice, and surgical appliances and burial appliances and all other necessities may be sold at any time of the day.
R.L. 1910, § 2405. Amended by Laws 1913, c. 204, p. 456, § 1; Laws

1949, p. 204, § 1; Laws 1983, c. 11, § 36, emerg. eff. March 22, 1983; Laws 1996, c. 191, § 1, emerg. eff. May 16, 1996.

§21-909. Persons observing other day as holy.

It is a sufficient defense in proceedings for servile labor on the first day of the week, to show that the accused uniformly keeps another day of the week as holy time, and does not labor upon that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.
R.L.1910, § 2406.

§21-911. Punishment for Sabbath-breaking.

Every person guilty of Sabbath-breaking is punishable by a fine of not more than Twenty-five Dollars ($25.00) for each offense.
R.L.1910, § 2408.

§21-912. Malicious service of process or adjournment of trial.

Whoever maliciously procures any process in a civil action to be served on Saturday upon any person who keeps Saturday as holy time, and does not labor on that day, or serves upon him any process returnable on that day, or maliciously procures any civil action to which such person is a party to be adjourned to that day for trial, is guilty of a misdemeanor.
R.L.1910, § 2409.

§21-913. Compelling form of belief.

Any willful attempt, by means of threats or violence to compel any person to adopt, practice or profess any particular form of religious belief, is a misdemeanor.
R.L.1910, § 2410.

§21-914. Preventing religious act.

Every person who willfully prevents, by threats or violence, another person from performing any lawful act enjoined upon or recommended to such person by the religion which he professes, is guilty of a misdemeanor.
R.L.1910, § 2411.

§21-915. Disturbing religious meeting.

Every person who willfully disturbs, interrupts or disquiets any assemblage of people met for religious worship, by any of the acts or things hereinafter enumerated, is guilty of a misdemeanor.
R.L.1910, § 2412.

§21-916. Definition of disturbance.

The following are the acts deemed to constitute disturbance of a

religious meeting:

1. Uttering any profane discourse, committing any rude or indecent act, or making any unnecessary noise, either within the place where such meeting is held, or so near it as to disturb the order and solemnity of the meeting.

2. Exhibiting, within one (1) mile, any shows or plays without a license by the proper authority.

3. Engaging in, or aiding or promoting within the like distance, any racing of animals or gaming of any description.

4. Obstructing in any manner, without authority of law, within the like distance, the free passage along any highway to the place of such meeting.

R.L.1910, § 2413.

§21-917. Motor vehicle defined - Antique, classic, or special interest automobile defined.

A. The term "motor vehicle" as used in this act shall mean every vehicle intended primarily for use and operation on the public highways, which is self-propelled; and every vehicle intended primarily for operation on the public highways which is not driven or propelled by its own power, but which is designed either to be attached to or become a part of a self-propelled vehicle; but not including farm tractors and other machines and tools used in the production, harvesting and care of farm products.

B. The term "antique, classic, or special interest automobile" as used in Section 918 of this title shall mean a motor vehicle which only travels on the highways of this state primarily for historical or exhibition purposes.

Amended by Laws 1985, c. 18, § 1, eff. Nov. 1, 1985.

§21-918. Sale, barter or exchange of motor vehicles on Sunday prohibited - Activities exempt.

No person, firm or corporation, whether owner, proprietor, agent or employee, shall keep open, operate or assist in keeping open or operating any place or premises or residences whether open or closed, for the purpose of selling, bartering, or exchanging, or offering for sale, barter, or exchange, any motor vehicle or motor vehicles, whether new, used or second hand, on the first day of the week, commonly called Sunday, except as otherwise provided in this section; and provided, however, that this act shall not apply to the opening of an establishment or place of business on the first day of the week for other purposes, such as the sale of petroleum products, tires, automobile accessories, or for the purpose of operating and conducting a motor vehicle repair shop, or for the purpose of supplying such services as towing or wrecking. Antique, classic, or special interest automobiles sold, bartered, auctioned, or exchanged by any person, firm, or corporation are exempt from the provisions

of this section, as well as off-premise sales of new motorized recreational vehicles approved by the Oklahoma Motor Vehicle Commission pursuant to the provisions of the Recreational Vehicle Franchise Act.
Added by Laws 1959, p. 210, §2. Amended by Laws 1985, c. 18, § 2, eff. Nov. 1, 1985; Laws 2005, c. 228, § 1, eff. Nov. 1, 2005; Laws 2011, c. 272, § 19, eff. Jan. 1, 2012.

§21-919. Penalties.

Any person, firm, partnership, or corporation who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon each conviction thereof, shall be punished by a fine of not less than Seventy-five Dollars ($75.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a period not to exceed six (6) months, or the court, in its discretion, may suspend or revoke the Oklahoma motor vehicle dealer's license issued under the provisions of 47 O.S.1951 Sec. 22.15, or by such fine and imprisonment and suspension or revocation.
Laws 1959, p. 210, § 3.

§21-931. Fees for fortune telling prohibited.

It shall be unlawful for any person or persons, pretending or professing to tell fortunes by the use of any subtle craft, means or device whatsoever, either by palmistry, clairvoyancy or otherwise, plying his or her trade, art or profession within the State of Oklahoma, to make any charge therefor either directly or indirectly or to receive any gift, donation or subscription by any means whatsoever for the same.
Laws 1915, c. 59, § 1.

§21-932. Penalty.

Every person or persons violating the provisions of the foregoing section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), and by imprisonment in the county jail for a period of not less than thirty (30) days nor more than six (6) months.
Laws 1915, c. 59, § 2.

§21-941. Opening, conducting or carrying on gambling game - Dealing for those engaged in game.

Except as provided in the Oklahoma Charity Games Act, every person who opens, or causes to be opened, or who conducts, whether for hire or not, or carries on either poker, roulette, craps or any banking or percentage, or any gambling game played with dice, cards or any device, for money, checks, credits, or any representatives of value, or who either as owner or employee, whether for hire or not,

deals for those engaged in any such game, shall be guilty of a felony, and upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00), and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years.
Added by Laws 1916, c. 26, p. 54, § 1, emerg. eff. Jan. 29, 1916. Amended by Laws 1992, c. 328, § 29, eff. Dec. 1, 1992, and adopted by State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992. Amended by Laws 1997, c. 133, § 266, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 170, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 266 from July 1, 1998, to July 1, 1999.

§21-942. Betting on or playing prohibited game - Punishment.

Any person who bets or plays at any of said prohibited games, or who shall bet or play at any games whatsoever, for money, property, checks, credits or other representatives of value with cards, dice or any other device which may be adapted to or used in playing any game of chance or in which chance is a material element, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail for a term of not less than one (1) day, nor more than thirty (30) days, or by both such fine and imprisonment.
Laws 1916, c. 26, p. 55, § 2.

§21-943. Gambling paraphernalia - Disposition.

The magistrate or justice of the peace to whom anything suitable to be used for gambling purposes, or furniture or equipment used in a place conducted in violation of this Act is delivered, as provided by law shall, upon the examination of the accused, or if such examination is delayed, or prevented, without awaiting such examination, determine the character of the thing so delivered to him and whether it was actually intended or employed by the accused or others in violation of the provisions of this article; and if he finds that it is of a character suitable to be used for gambling purposes, and that it was actually employed or intended to be used by the accused or others, in violation of the provisions of this Article, he shall so find and cause the same to be delivered to the sheriff to await the order of the district court. Provided, that any of the furniture or equipment susceptible of legitimate use, may be sold and the proceeds thereof placed in the court fund of said county, and that any money so found by the officers shall be placed in the court fund of the county.
Laws 1916, c. 26, p. 55, § 3.

§21-944. Slot machines - Setting up, operating or conducting - Punishment.

Any person who sets up, operates or conducts, or who permits to be set up, operated or conducted in or about his place of business, whether as owner, employee or agent, any slot machine for the purpose of having or allowing the same to be placed by others for money, property, checks, credits or any representative of value shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00); or by imprisonment in the county jail for a term of not more than thirty (30) days, or by both such fine and imprisonment.
Laws 1916, c. 26, p. 56, § 4.

§21-945. Use of real estate or buildings for gambling purposes - Punishment - Liens - Liability on official bond of receivers, etc. - Invalidity of leases.

It shall be unlawful for the owner or owners of any real estate, buildings, structure or room to use, rent, lease or permit, knowingly, the same to be used for the purpose of violating Section 1 of this act. Any person who shall violate the provisions of this section shall be liable to a penalty of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) for each offense, to be recovered at the suit of the state. The penalty so recovered shall become a lien on the property and premises to be used, leased or rented in violation of this act from and after the date of the filing of the suit to recover such penalty, and the filing of a notice of the pendency of such suit with the county clerk of the county wherein said property is located, and upon final judgment said property may be sold as upon execution to satisfy the same, together with the cost of suit; provided, however, that such lien shall not attach to property under the control of any receiver, trustee, guardian or administrator appointed by a court of competent jurisdiction; but in such case, the receiver, trustee, guardian or administrator shall be liable on his official bond for the penalty so incurred and in addition thereto shall be guilty of a misdemeanor. Each day such property is so used, leased or rented for any such unlawful purpose shall constitute a separate offense, and the penalty herein prescribed shall be recovered for each and every day. All leases between landlords and tenants, under which any tenant shall use the premises for the purpose of violating any provisions of this act shall be wholly null and void, and the landlord may recover possession thereof, as in forcible entry and detainer.
Laws 1916, c. 26, p. 56, § 5.

§21-946. Illegal use of building - Nuisance - Penalty.

Any house, room or place where any of the games prohibited by Section 941 of this title are opened, conducted or carried on, or where persons congregate to play at any such games is a public nuisance and the keepers and managers of any such nuisance, and persons aiding or assisting any such keepers or managers in keeping or managing any such nuisance shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00) or by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years.
Added by Laws 1916, c. 26, p. 57, § 6, emerg. eff. Jan. 29, 1916. Amended by Laws 1997, c. 133, § 267, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 171, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 267 from July 1, 1998, to July 1, 1999.

§21-947. Dice or other game at cigar stand, etc. - Punishment for permitting.

Any owner, proprietor, manager or person in charge of any cigar stand, hotel lobby, store or place where articles are kept for sale, who shall suffer, allow or permit any person to throw or shake or play dice, or any other game, scheme or device of chance, at or in such cigar stand, hotel lobby, store or place, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00).
Laws 1916, c. 26, p. 58, § 7.

§21-948. Officers - Illegal gambling - Collusion - Penalties.

Any state, district, city, town, county or township officer who shall engage or participate in, or who shall assist or encourage any other person or persons in any kind of illegal gambling, whether the same be by cards, dice, dominoes, billiards or any game of chance or a gambling device, by betting money, property or other things of value in such game of chance, or gambling device, such officer shall be deemed guilty of a felony, and upon conviction shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years, and such judgment of conviction shall carry with it an immediate removal from office and a disqualification to hold any office of profit or trust in the State of Oklahoma.
Added by Laws 1916, c. 26, p. 58, § 8, emerg. eff. Jan. 29, 1916. Amended by Laws 1993, c. 305, § 2, eff. July 1, 1993; Laws 1997, c. 133, § 268, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 172, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 268 from July 1, 1998, to July 1, 1999.

§21-949. Repealed by Laws 2006, c. 62, § 6, emerg. eff. April 17, 2006.

§21-950. Officers receiving consideration for protection against arrest or conviction - Issuance of license, permit, etc., prohibited.

Any state, county, city, or township officer, or other person who shall hold for, receive or collect any money, or other valuable consideration, either for his own or the public use, for and with the understanding that he will aid, exempt or otherwise assist said person from arrest or conviction for a violation of any of the provisions of this article, or who shall issue, deliver or cause to be delivered to any person or persons, any license, permit, or other privileges, giving or pretending to give, any authority or right to any person or persons, to carry on, conduct, open or cause to be opened, any game or games which are forbidden or prohibited by any of the provisions of Sections 941 through 953 of this title shall be deemed guilty of a felony.

Added by Laws 1916, c. 26, p. 59, § 10, emerg. eff. Jan. 29, 1916. Amended by Laws 1997, c. 133, § 269, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 269 from July 1, 1998, to July 1, 1999.

§21-951. Investigation of alleged violations of act.

It shall be the duty of any judge of any court of record, upon the written request of the district attorney, or upon the sworn complaint of any other person, to issue subpoenas for any witness that may have knowledge of the violation of any provision of this act, and such judge shall have the power and it shall be his duty to compel such witness to appear before him and give testimony and produce any books or papers that will aid or assist in the prosecution of such investigation and inquiry into any violation of any provision of this act; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence. The testimony of each witness shall be reduced to writing by said judge, or by some person designated by him, and the same shall be signed by such witness. No person shall disclose any evidence so taken, nor disclose the name of any person so subpoenaed and examined, except when lawfully required to testify as a witness in relation thereto; and the unlawful disclosure, by any person, of any such evidence or of any matter or thing concerning such examination shall be a misdemeanor. Should said judge be unable to hold and conduct such inquiry and investigation for want of time, he may appoint a special judge who shall possess the qualifications and

have the power in respect to such matters as the judge of the district court. Should any witness refuse to appear before such judge, in obedience to such subpoena, or refuse to produce any books or papers when lawfully required so to do, or having appeared, shall refuse to answer any proper question, or sign his testimony when so required, it shall be the duty of such judge to commit such person to the county jail until he shall consent to obey such orders and command of such judge in the premises, and in addition thereto such person may be punished, as for contempt of court, in accordance with the Constitution and laws of this state. The special judge appointed under the provisions of this section shall take the oath of the Constitution for state officers, and shall receive the compensation allowed by law for notaries public for taking depositions and be paid by the county in which such proceeding is had, upon the order of the judge who appointed him. When it is shown upon the taking of such testimony that there is probable cause to believe that any person has violated any provision of this act, the district attorney shall immediately prepare an information charging such person with such offense and file such information in some court of competent jurisdiction.
Laws 1916, c. 26, p. 61, § 12.

§21-952. Persons jointly charged - Severance.

Persons jointly charged with the violation of any of the provisions of this act shall be tried together, provided the court for good cause shown may grant a severance.
Laws 1916, c. 26, p. 61, § 12.

§21-953. Accomplice testimony - Force of same.

Any person charged with a violation of any of the provisions of this act may be convicted on the uncorroborated testimony of an accomplice, and the judgment thereon shall not be set aside or reversed by reason of the fact that such conviction was based on the testimony of an accomplice.
Laws 1916, c. 26, p. 61, § 13.

§21-954. Confidence games - Three-card monte.

Any person who deals, plays or practices in the State of Oklahoma, or who is in any manner accessory to the dealing, playing or practicing of a swindle known as three-card monte, or any other swindle or confidence game, play or practice, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00), or by confinement in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.
R.L. 1910, § 2500. Amended by Laws 1997, c. 133, § 270, eff. July

1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 173, eff. July 1, 1999. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 270 from July 1, 1998, to July 1, 1999.

§21-955. Repealed by Laws 2013, c. 91, § 1, eff. Nov. 1, 2013.

§21-956. Permitting gambling in building or on grounds.

Every person who shall permit any gaming table, bank, or gaming device prohibited by this article, to be set up or used for the purpose of gambling in any house, building, shed, shelter, booth, lot or other premises to him belonging, or by him occupied, or of which he has, at the time, possession or control, shall be, on conviction thereof, adjudged guilty of a misdemeanor, and punished by a fine not exceeding Two Hundred Dollars ($200.00), nor less than One Hundred Dollars ($100.00), or by imprisonment in the county jail for a term not exceeding six (6) months nor less than thirty (30) days, or by both such fine and imprisonment in the discretion of the court.
R.L.1910, § 2502.

§21-957. Leasing for gambling purposes.

Every person who shall knowingly lease or rent to another any house, building or premises for the purpose of setting up or keeping therein, any of the gambling devices prohibited by the preceding provisions of this article, is guilty of a misdemeanor.
R.L.1910, § 2503.

§21-958. Lease void, when - Possession, how recovered.

Whenever any lessee of any house or building shall be convicted of suffering any of the said prohibited gambling devices or games of chance to be carried on in said house or building, the lease or contract or letting such house or building shall become void and the lessor may enter upon the premises so let and shall recover possession of said leased property as in the case of forcible detainer.
R.L.1910, § 2504.

§21-959. Witnesses failing to testify.

Every person duly summoned as a witness for the prosecution or defense on any proceedings ordered under this article, who neglects or refuses to attend and testify as required, is guilty of a misdemeanor.
R.L.1910, § 2505.

§21-960. Seizure of apparatus and delivery to magistrate.

Every person who is authorized or enjoined to arrest any person for a violation of the provisions of this article, is equally

authorized and enjoined to seize any table, cards, dice, or other articles or apparatus suitable to be used for gambling purposes found in the possession or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.
R.L.1910, § 2506.

§21-961. Testimony, no person excused from giving.

No person shall be excused from giving any testimony or evidence upon any investigation or prosecution for violation of this article, upon the ground that such testimony would tend to convict him of a crime, but such testimony or evidence shall not be received against him upon any criminal investigation or prosecution, except in a prosecution against him for perjury committed in giving such testimony.
R.L.1910, § 2508.

§21-962. Repealed by Laws 2006, c. 62, § 6, emerg. eff. April 17, 2006.

§21-964. "Slot machine" defined.

A. For the purpose of Sections 964 through 977 of this title, "slot machine" is defined to be:

1. Any machine, instrument, mechanism, or device that operates or may be operated or played mechanically, electrically, automatically, or manually, and which can be played or operated by any person by inserting in any manner into said machine, instrument, mechanism, or device, a coin, chip, token, check, credit, money, representative of value, or a thing of value, and by which play or operation such person will stand to win or lose, whether by skill or chance, or by both, a thing of value; and

2. Any machine, instrument, mechanism, or device that operates or may be played or operated mechanically, electrically, automatically, or manually, and which can be played or operated by any person by paying to or depositing with any person, or by depositing with or into any cache, slot, or place a coin, chip, token, check, credit, money, representative of value, or a thing of value, and by which play or operation such person will stand to win or lose, whether by skill or chance, or by both, a thing of value.

B. Sections 964 through 977 of this title shall not apply to a slot machine:

1. If the slot machine is twenty-five (25) years or older and is not used for gambling purposes; or

2. If the slot machine is used for the purpose of teaching slot machine repair and is not used for gambling purposes.

C. Sections 964 through 977 of this title shall not apply to use of a crane machine for nongambling purposes. For purposes of

this section, “crane machine” shall mean a machine that upon insertion of a coin, bill, token or similar object, allows the player to skillfully use one or more buttons, joysticks or other controls to maneuver a crane or claw over a toy or novelty in an attempt to retrieve the toy or novelty for the player. The toy or novelty shall not be subject to being exchanged for any other prize, including but not limited to credits, money or other thing of value.

D. A slot machine which is twenty-five (25) years or older or is used for teaching slot machine repair which is used for a gambling purpose in violation of the provisions of Section 970 of this title shall be subject to confiscation as provided by Section 973 of this title.

Added by Laws 1939, p. 9, § 1, emerg. eff. April 28, 1939. Amended by Laws 1983, c. 174, § 1, operative July 1, 1983; Laws 1995, c. 68, § 1; Laws 1999, c. 364, § 3, eff. July 1, 1999.

§21-965. "Thing of value" defined.

For the purposes of this act, "a thing of value" is defined to be any money, coin, currency, check, chip, token, credit, property, tangible or intangible, or any representative of value or any other thing, tangible or intangible, except amusement or entertainment, calculated or intended to serve as an inducement for anyone to operate or play any slot machine or punch board.

Laws 1939, p. 9, Sec. 2; Laws 1949, p. 204, Sec. 1.

§21-966. "Punch board" defined.

For the purposes of this act, "punch board" is defined to be any card, board, substance or thing upon or in which is placed or concealed in any manner any number, figure, name, design, character, symbol, picture, substance or thing which may be drawn, uncovered, exposed or removed therefrom by any person paying a thing of value, which number, figure, name, design, character, symbol, picture, substance or any other thing, when drawn, uncovered, exposed or removed therefrom, will stand the person drawing, uncovering, exposing or removing the same to win or lose a thing of value, but shall not include a breakopen ticket card, as defined in the Oklahoma Charity Games Act.

Laws 1939, p. 9, § 3, emerg. eff. April 28, 1939; Laws 1992, c. 328, § 30, eff. Dec. 1, 1992, and adopted by State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-967. Words in singular and plural.

Any word or words used in this act in the singular number shall include the plural, and the plural the singular.

Laws 1939, p. 9, § 4.

§21-968. "Person" defined.

For the purposes of this act, "person" is defined to include any person, partnership, association, company, stock company, corporation, receiver, trustee, organization or club.
Laws 1939, p. 9, § 5.

§21-969. Possession, sale, or lease of slot machines or punch boards prohibited.

It shall be unlawful for any person to have in his possession any slot machine or punch board, or sell or solicit the sale, or take orders for the sale of, or lease or rent any slot machine or punch board in this state, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than One Hundred Fifty Dollars ($150.00) or by imprisonment in the county jail for a term of not more than sixty (60) days, or by both such fine and imprisonment.
Laws 1939, p. 10, § 6.

§21-970. Slot machines - Acts prohibited - Punishment - Amusement machine or device near public school.

Any person who sets up, operates or conducts, or who permits to be set up, operated and conducted, in or about any place of business, or in or about any place, whether as owner, employee or agent, any slot machine for the purpose of having or allowing same to be played by others for money, property, tangible or intangible, coin, currency, check, chip, token, credit, or any representative of value or a thing of value, except amusement or entertainment, or who sets up, operates or conducts, or who permits to be set up, operated or conducted, in or about any place of business, or in or about any place, whether as owner, employee or agent, any amusement machine, instrument, mechanism or device within three hundred (300) feet of any public school in this state, said distance to be measured from the school building, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than One Hundred Fifty Dollars ($150.00), or by imprisonment in the county jail for a term of not more than sixty (60) days, or by both such fine and imprisonment.
Laws 1939, p. 10, § 7; Laws 1949, p. 204, § 2.

§21-971. Punch boards - Acts prohibited - Punishment.

Any person who sets up, operates, exposes, conducts, displays or plays, or who permits to be set up, operated, exposed, conducted, displayed or played, in or about any place or in or about any place of business, whether as owner, employee or agent, any punch board for the purpose of having or allowing the same to be played by others for money, property, tangible or intangible, coin, currency, check, chip, token, credit, amusement or any representative of value

or a thing of value, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00), or by imprisonment in the county jail for a term of not more than thirty (30) days, or by both such fine and imprisonment.
Laws 1939, p. 10, § 8.

§21-972. Slot machines and punch boards declared gambling devices - Public nuisance - Abatement.

Every slot machine and every punch board as defined in this act, is hereby declared to be per se a gambling device, and each is hereby declared to be a public nuisance, and the same may be abated in manner as provided for the abatement of a public nuisance under Chapter 58, Oklahoma Statutes 1931.
Laws 1939, p. 10, § 9.

§21-973. Seizure of slot machines and punch boards - Confiscation, procedure for.

A. Every sheriff, constable, policeman, and peace officer in this state is hereby required to seize every slot machine and every punch board, together with all money contained therein or used in connection therewith, and all property and items of value incident thereto or used or employed in connection therewith, and hold and safely keep the same, subject to the order of the district court. Immediately following such seizure, such officer shall report the same and give all facts in relation thereto to the district attorney of the county in which the seizure was made. The district attorney shall, immediately following such report, file an application in the district court of his county in the name of the State of Oklahoma against the slot machine or punch board seized, and the money and items, if any, used therewith.

The application shall include:

1. A statement showing the time and place of seizure and by whom made;

2. A general description of the slot machine or punch board, and of the money and items, if any, seized;

3. The name and address, if known, of the person from whom seized; and

4. A prayer for judgment:

a. confiscating said slot machine or punch board and money and items seized, and

(1) ordering said slot machine or punch board either to be sold, with the approval of the court and on such notice as the court may direct, by the sheriff of the county in which the seizure was made, within any state, county or municipality in which the use of such slot machine or punch board is not prohibited by law and ordering the proceeds of sale paid into the Sheriff's Training

Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, provided that if such slot machine or punch board is not sold within ninety (90) calendar days, the court shall order such to be destroyed under the provisions of this section, or

(2) ordering the immediate destruction of said slot machine or punch board by the officer seizing the same or by some other officer or person to be appointed for such purpose by the court,

b. ordering the money seized with said slot machine or punch board paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, and

c. ordering any item of value seized with said slot machine or punch board, if not in itself offensive or a gambling device, to be sold by the sheriff of the county in which the seizure was made, on such notice as the court may direct, and the proceeds of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes.

B. The application required to be filed by the district attorney under the provisions of subsection A of this section may include any number of slot machines or punch boards, or both, and all money and items, if any, seized therewith. Upon filing said application in the district court, the court shall order the district attorney to cause a copy thereof to be served on the person from whom the slot machine or punch board was seized, together with written notice that such person may appear before the district court at any date, which shall be fixed in said notice, not less than five (5) days from the date said application was filed in the district court, to show cause why said application should not be granted and judgment rendered as therein prayed. If the person from whom seizure was made cannot be located, or is unknown, or if said slot machine or punch board was unattended at the time of seizure, then the foregoing service shall not be required, but in lieu thereof, a copy of said application and notice shall be delivered to the place where seizure was made. On the date set forth in the foregoing notice, the district court shall hear the application without a jury, and neither party shall have the right to demand a jury trial. The district attorney shall present said application on said hearing, together with all the evidence pertinent thereto, and the owner of or person from whom the slot machine or punch board was seized, if present at said hearing, may introduce any competent evidence. The district court after hearing said application and the evidence introduced at said hearing, shall determine whether or not the slot machine or punch board, or both, mentioned in said application, is a slot machine or punch board as defined in Sections 964 and 966 of this title, and if determined to be such, the court shall make and enter judgment:

1. Confiscating said slot machine or punch board and money and

items seized, and

a. ordering said slot machine or punch board either to be sold, with the approval of the court and on such notice as the court may direct, by the sheriff of the county in which the seizure was made, within any state, county or municipality in which the use of such slot machine or punch board is not prohibited by law and ordering the proceeds of sale paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes, provided that if such slot machine or punch board is not sold within ninety (90) calendar days, the court shall order such to be destroyed under the provisions of this section, or

b. ordering the immediate destruction of said slot machine or punch board by the officer seizing the same or by some other officer or person to be appointed for such purpose by the court;

2. Ordering the money seized in or with said slot machine or punch board paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes; and

3. Ordering any other item of value seized with the said slot machine or punch board, if not in itself offensive or a gambling device, to be sold by the sheriff of the county in which the seizure was made, on such notice as the court may direct, and the proceeds of sale to be paid into the Sheriff's Training Fund as provided in Section 1325 of Title 22 of the Oklahoma Statutes.

C. The officer or person ordered to destroy a slot machine or punch board under the provisions of subsection B of this section shall execute such order and make return thereof within five (5) days from the date thereof, showing the manner in which he executed the same. An appeal may be had from the judgment of the district court to the Supreme Court, as in civil actions, pursuant to the provisions of the code of civil procedure; and in the event of an appeal by either party, the judgment of the district court shall be stayed pending the determination of said appeal.
Laws 1939, p. 12, § 11.

§21-974. Officers' duties under act - Prosecutions.

It is hereby made the duty of every sheriff, constable, policeman, and peace officer to diligently do and perform the acts required under this act and to arrest any person violating any of the provisions of said act and inform against such person; and it is hereby made the duty of every district attorney to diligently do and perform the acts required of him under this act and to diligently prosecute any person violating any of the provisions of said act.

Laws 1939, p. 12, Sec. 11.

§21-975. Evidence of knowledge by officers and prosecutor of existence of slot machines or punch boards in community.

The fact that any slot machine or punch board is set up, operated, conducted, displayed, or exposed in a public place for any considerable length of time, provided the time and place is sufficient to put a reasonably efficient officer upon inquiry and notice, this shall be received along with other evidence in proving that the sheriff and district attorney of the county and the constable and policemen of the district, city or town where the same occurred had knowledge of the same.
Laws 1939, p. 12, § 12.

§21-976. Failure of officers or prosecutor to perform duties under act - Removal - Punishment.

Any sheriff, constable, policeman, or police officer or district attorney who shall fail to diligently do or perform the acts and duties required of him under this act, in that he shall knowingly allow the violation of this act or the open and notorious violation of same as set out in Section 12, shall be guilty of willful neglect of duty and shall be removed from office, as now or as may hereafter be provided by law; and shall also be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment; and any such officer, upon being convicted or removed from office, shall be ineligible to again hold public office for a period of two (2) years from the date of such conviction or removal from office.
Laws 1939, p. 12, § 13.

§21-977. Partial invalidity.

In case any section, clause, sentence, paragraph or part of this act shall for any reason be adjudged by any court of competent or final jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this act, but shall be confined in its operation to the section, clause, sentence, paragraph or part thereof directly involved in the controversy in which said judgment shall have been rendered.
Laws 1939, p. 13, § 14.

§21-981. Definitions.

As used in this act:

1. A "bet" is a bargain in which the parties agree that, dependent upon chance, or in which one of the parties to the transaction has valid reason to believe that it is dependent upon chance, one stands to win or lose something of value specified in the agreement. A bet does not include:

a. bona fide business transactions which are valid under

the law of contracts including, but not limited to, contracts for the purchase or sale at a future date of securities or other commodities and agreements to compensation for loss caused by the happening of the chance including, but not limited to, contracts of indemnity or guaranty and life or health and accident insurance; or

b. any charity game conducted pursuant to the provisions of the Oklahoma Charity Games Act; or

c. offers of purses, prizes or premiums to the actual participants in public and semipublic events, as follows, to wit: Rodeos, animal shows, hunting, fishing or shooting competitions, expositions, fairs, athletic events, tournaments and other shows and contests where the participants qualify for a monetary prize or other recognition. This subparagraph further excepts an entry fee from the definition of "a bet" as applied to enumerated public and semipublic events.

2. "Consideration" as used in this section means anything which is a commercial or financial advantage to the promoter or a disadvantage to any participant. Mere registration without purchase of goods or services; personal attendance at places or events, without payment of an admission price or fee; listening to or watching radio and television programs; answering the telephone or making a telephone call and acts of like nature are not consideration. As used in this paragraph, the term "consideration" shall not include sums of money paid by or for participants in any bingo game or a game of chance with comparable characteristics as defined by subparagraph b of paragraph 1 of this section and it shall be conclusively presumed that such sums paid by or for said participants were intended by said participants to be for the benefit of the organizations described in subparagraph b of paragraph 1 of this section for the use of such organizations in furthering the purposes of such organizations;

3. A "gambling device" is a contrivance designed primarily for gambling purposes which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, or any token, chip, paper, receipt or other document which evidences, purports to evidence or is designed to evidence participation in a lottery or the making of a bet. The fact that the prize is not automatically paid by the device does not affect its character as a gambling device; and

4. A "gambling place" is any place, room, building, vehicle, tent or location which is used for any of the following: making and settling bets; receiving, holding, recording or forwarding bets or offers to bet; conducting lotteries; or playing gambling devices. Evidence that the place has a general reputation as a gambling place

or that, at or about the time in question, it was frequently visited by persons known to be commercial gamblers or known as frequenters of gambling places is admissible on the issue of whether it is a gambling place.
Added by Laws 1975, c. 283, § 1, eff. Oct. 1, 1975. Amended by Laws 1992, c. 328, § 31, eff. Dec. 1, 1992, and adopted by State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992; Laws 2000, c. 181, § 1, emerg. eff. May 3, 2000.

§21-982. Commercial gambling.

A. Commercial gambling is:

1. Operating or receiving all or part of the earnings of a gambling place;

2. Receiving, recording or forwarding bets or offers to bet or, with intent to receive, record or forward bets or offers to bet, possessing facilities to do so;

3. For gain, becoming a custodian of anything of value bet or offered to be bet;

4. Conducting a lottery or with intent to conduct a lottery possessing facilities to do so;

5. Setting up for use or collecting the proceeds of any gambling device; or

6. Alone or with others, owning, controlling, managing or financing a gambling business.

B. Any person found guilty of commercial gambling shall be guilty of a felony and punished by imprisonment for not more than ten (10) years or a fine of not more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.
Added by Laws 1975, c. 283, § 2, eff. Oct. 1, 1975. Amended by Laws 1997, c. 133, § 271, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 174, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 271 from July 1, 1998, to July 1, 1999.

§21-983. Permitting premises to be used for commercial gambling.

A. Permitting premises to be used for commercial gambling is intentionally:

1. Granting the use or allowing the continued use of a place as a gambling place; or

2. Permitting another to set up a gambling device for use in a place under the offender's control.

B. Any person permitting premises to be used for commercial gambling shall be guilty of a misdemeanor. Any person found guilty of a second offense under this section shall be punished by imprisonment in the county jail for not more than one (1) year or by a fine of not more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

Laws 1975, c. 283, § 3, eff. Oct. 1, 1975.

§21-984. Dealing in gambling devices.

A. Dealing in gambling devices is manufacturing, transferring or possessing with intent to transfer any gambling device or subassembly or essential part thereof.

B. Any person dealing in gambling devices shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

Added by Laws 1975, c. 283, § 4, eff. Oct. 1, 1975. Amended by Laws 1997, c. 133, § 272, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 175, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 272 from July 1, 1998, to July 1, 1999.

§21-985. Possession of a gambling device.

A. Possession of a gambling device is knowingly possessing or having custody or control, as owner, lessee, agent, employee, bailee or otherwise, of any gambling device.

B. Any person possessing a gambling device who knows or has reason to know said devices will be used in making or settling commercial gambling transactions and deals in said gambling devices with the intent to facilitate commercial gambling transactions shall be punished for a misdemeanor.

Laws 1975, c. 283, § 5, eff. Oct. 1, 1975.

§21-986. Installing communication facilities for gamblers.

A. Installing communication facilities for gamblers is:

1. Installing communications facilities in a place which the person who installs the facilities knows is a gambling place;

2. Installing communications facilities knowing that they will be used principally for the purpose of transmitting information to be used in making or settling bets; or

3. Knowing that communications facilities are being used principally for the purpose of transmitting information to be used in making or settling bets, allowing their continued use.

B. Any person not an employee of a communications public utility authorized to transact business in this state by the Oklahoma Corporation Commission acting within the scope of his employment, violating subsection A above, who knows or has reason to know said communications facilities will be used in making or settling commercial gambling transactions and installs said facilities with the intent to facilitate said commercial gambling transactions and is found guilty thereof shall be guilty of a felony and shall be punished by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars

($25,000.00), or by both such fine and imprisonment.

C. When any communications public utility providing telephone communications service is notified in writing by an order of a court of competent jurisdiction, acting within its jurisdiction, that any facility furnished by it is being used principally for the purpose of transmitting or receiving gambling information, it shall discontinue or refuse the leasing, furnishing or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any such public utility for any act done in compliance with any such court order. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a court of competent jurisdiction, that such facility should not be discontinued or removed, or should be restored.

Added by Laws 1975, c. 283, § 6, eff. Oct. 1, 1975. Amended by Laws 1997, c. 133, § 273, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 176, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 273 from July 1, 1998, to July 1, 1999.

§21-987. Dissemination of gambling information.

A. Dissemination of gambling information is the transmitting or receiving, by means of any communications facilities, information to be used in making or settling bets. Provided that nothing herein shall prohibit a licensed radio or television station or newspaper of general circulation from broadcasting or disseminating to the public reports of odds or results of legally staged sporting events.

B. Any person found guilty of disseminating gambling information shall be guilty of a felony and shall be punished by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

Added by Laws 1975, c. 283, § 7, eff. Oct. 1, 1975. Amended by Laws 1997, c. 133, § 274, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 177, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 274 from July 1, 1998, to July 1, 1999.

§21-988. Conspiracy.

A. A conspiracy is any agreement, combination or common plan or scheme by two or more persons, coupled with an overt act in furtherance of such agreement, combination or common plan or scheme, to violate any section of this act.

B. Any person found guilty of conspiracy shall be punished to the same extent as provided for in the section of this act which such person conspired to violate.

Laws 1975, c. 283, § 8, eff. Oct. 1, 1975.

§21-991. Betting or letting premises for betting on races.

A. Except as provided for in the Oklahoma Horse Racing Act, it shall be unlawful for any person, association, or corporation:

1. To bet or wager upon the result of any trial of speed or power of endurance of animals or beasts; or

2. To occupy any room, shed, tenement or building, or any part thereof, or to occupy any place upon any grounds with books, apparatus, or paraphernalia for the purpose of recording or registering bets or wagers or of selling pools, or making books or mutuals upon the result of any trial of speed or power of endurance of animals or beasts; or

3. Being the owner or lessee or occupant of any room, tent, tenement, shed, booth, or building, or part thereof at any place knowingly to permit the same to be used or occupied to keep, exhibit, or employ any device or apparatus for the purpose of recording or registering such bets or wagers or the selling or making of such books, pools or mutuals, or to become the custodian or depository for gain, hire or reward of any money, property or thing of value, bet or wagered or to be wagered or bet upon the result of any trial of speed or power of endurance of animals or beasts; or

4. To receive, register, record, forward or purport or pretend to forward to or for any racetrack within or without this state, any money, thing or consideration of value offered for the purpose of being bet or wagered upon the result of any trial of speed or power of endurance of any animal or beast; or

5. To occupy any place, or building or part thereof with books, papers, apparatus, or paraphernalia for the purpose of receiving or pretending to receive or for recording or for registering or for forwarding or pretending or attempting to forward in any manner whatever, any money, thing or consideration of value, bet or wagered or to be bet or wagered by any person, or to receive or offer to receive any money, thing, or consideration of value bet or to be bet upon the result of any trial of speed or power of endurance of any animal or beast; or

6. To aid or assist or abet at any racetrack or other place in any manner in any of the acts forbidden by this section.

B. Any person, association, or corporation convicted of violating the provisions of paragraph 1 of subsection A of this section shall be fined not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00) and be imprisoned not more than ninety (90) days. Any person, association, or corporation convicted of violating any provision of paragraphs 2, 3, 4, 5 or 6 of subsection A of this section shall be guilty of a felony and shall be fined not more than Ten Thousand Dollars ($10,000.00) or be

imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

C. Any personal property used for the purpose of violating any of the provisions of this section shall be disposed of as provided for in Section 1261 of Title 22 of the Oklahoma Statutes.

Added by Laws 1913, c. 185, p. 414, § 1. Amended by Laws 1983, c. 11, § 37, emerg. eff. March 22, 1983; Laws 1997, c. 133, § 275, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 178, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 275 from July 1, 1998, to July 1, 1999.

§21-992. Assisting unlawful business by telegraph.

Any telegraph company, its agent or employee that intentionally transmits or delivers any message to any pool room or person engaged in any manner in receiving, making or placing bets on any horse race, such company shall be fined in any sum not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars (1,000.00) for each offense, and any agent or employee violating any of the provisions of this act shall be fined not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail not less than thirty (30) days nor more than ninety (90) days or by both such fine and imprisonment.

Laws 1913, c. 185, p. 415, § 2.

§21-993. Evidence for prosecution - Accomplices - Immunity for witnesses.

A conviction for the violation of any of the provisions of this act may be had upon the unsupported evidence of an accomplice or participant, and such accomplice or participant shall be exempt from prosecution for any offense in this act about which he may be required to testify.

Laws 1913, c. 185, p. 416, § 3.

§21-995.1. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.1a. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.2. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.3. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.3a. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.4. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.5. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.6. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.7. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.8. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.9. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.10. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.11. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.12. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.13. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.14. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and adopted by State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.15. Repealed by Laws 1992, c. 328, § 33, eff. Dec. 1, 1992, and State Question No. 650, Legislative Referendum No. 294, at election held Nov. 3, 1992.

§21-995.18. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§21-996.1. Consumers Disclosure of Prizes and Gifts Act - Short title.

This act shall be known and may be cited as the "Consumers Disclosure of Prizes and Gifts Act".

Added by Laws 1991, c. 242, § 1, eff. Sept. 1, 1991.

§21-996.2. Definitions.

As used in the Consumers Disclosure of Prizes and Gifts Act:

1. "Marketing channel" means a method of retail distribution, including but not limited to, catalog sales, mail order, telephone sales, and in-person sales at retail outlets; and

2. "Retail merchant" means any person or entity regardless of the form of organization that has continuously offered for sale or lease more than one hundred different types of goods or services to the public in the State of Oklahoma throughout a period exceeding three (3) years.

Added by Laws 1991, c. 242, § 2, eff. Sept. 1, 1991.

§21-996.3. Violations - Unlawful practices.

A. It is unlawful for any person to use the term "prize" or "gift" or other similar term in any manner that would be untrue or misleading.

B. It is unlawful to notify any person by any means, as a part of an advertising plan or program, that the person has won a prize and that as a condition of receiving such prize the person must pay any money or rent any goods or services.

C. It is unlawful to notify any person by any means that the person will receive a gift and that as a condition of receiving the gift the person must pay any money, or purchase, lease or rent any goods or services, if any one or more of the following exists:

1. The shipping charge, depending on the method of shipping used, exceeds:

   a. the average cost of postage or the average charge of a delivery service in the business of delivering goods of like size, weight, and kind for shippers other than

the offeror of the gift for the geographic area in which the gift is being distributed, or

b. the exact amount for shipping paid to an independent supplier, who is in the business of shipping goods for shippers other than the offeror of the gift.

2. The handling charge:

a. is not reasonable, or

b. exceeds the actual cost of handling, or

c. exceeds the greater of Three Dollars ($3.00) in any transaction or eighty percent (80%) of the actual cost of the gift item to the offeror or its agent, or

d. in the case of a merchandise retailer, exceeds the actual amount for handling paid to an independent supplier, who is in the business of handling goods for businesses other than the offeror of the gift.

3. Any goods or services which must be purchased or leased by the offeree of the gift in order to obtain the gift could have been purchased through the same marketing channel in which the gift was offered for a lower price without the gift items at or proximate to the time the gift was offered.

4. The majority of the gift offeror's sales or leases within the preceding year, through the marketing channel in which the gift is offered or through in-person sales at retail outlets, of the type of goods or services which must be purchased or leased in order to obtain the gift item was made in conjunction with the offer of a gift. This paragraph does not apply to a gift offer made by a retail merchant in conjunction with the sale or lease through mail order of goods or services if:

a. the goods or services are of a type unlike any other type of goods or services sold or leased by the retail merchant at any time during the period beginning six (6) months before and continuing six (6) months after the gift offer,

b. the gift offer does not extend for a period more than two (2) months, and

c. the gift offer is not untrue or misleading in any manner.

5. The gift offeror represents that the offeree has been specially selected in any manner unless the representation is true.

D. The provisions of subsection C of this section shall not apply to the sale or purchase, or solicitation or representation in connection therewith, of goods from a catalog or of books, recordings, videocassettes, periodicals and similar goods through a membership group or club which is regulated by the Federal Trade Commission trade regulation rule concerning use of negative option plans by sellers in commerce or through a contractual plan or arrangement such as a continuity plan, subscription arrangement, or

a single sale or purchase series arrangement under which the seller ships goods to a consumer who has consented in advance to receive such goods and the recipient of such goods is given the opportunity, after examination of the goods, to receive a full refund of charges for the goods, or unused portion thereof, upon return of the goods, or unused portion thereof, undamaged.

E. Each violation of the provisions of this section shall be an unlawful practice pursuant to the provisions of the Oklahoma Consumer Protection Act, Section 751 et seq. of Title 15 of the Oklahoma Statutes.

Added by Laws 1991, c. 242, § 3, eff. Sept. 1, 1991.

§21-1021. Indecent exposure - Indecent exhibitions - Obscene material or child pornography - Solicitation of minors.

A. Every person who willfully and knowingly either:

1. Lewdly exposes his or her person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby; provided, however, for purposes of this section, a person alleged to have committed an act of public urination shall be prosecuted pursuant to Section 22 of this title unless such act was accompanied with another act that violates paragraphs 2 through 4 of this subsection and shall not be subject to registration under the Sex Offenders Registration Act;

2. Procures, counsels, or assists any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;

3. Writes, composes, stereotypes, prints, photographs, designs, copies, draws, engraves, paints, molds, cuts, or otherwise prepares, publishes, sells, distributes, keeps for sale, knowingly downloads on a computer, or exhibits any obscene material or child pornography; or

4. Makes, prepares, cuts, sells, gives, loans, distributes, keeps for sale, or exhibits any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or child pornography,

shall be guilty, upon conviction, of a felony and shall be punished by the imposition of a fine of not less than Five Hundred Dollars ($500.00) nor more than Twenty Thousand Dollars ($20,000.00) or by imprisonment for not less than thirty (30) days nor more than ten (10) years, or by both such fine and imprisonment.

B. Every person who:

1. Willfully solicits or aids a minor child to perform; or

2. Shows, exhibits, loans, or distributes to a minor child any obscene material or child pornography for the purpose of inducing said minor to participate in,

any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this

section shall be guilty of a felony, upon conviction, and shall be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than thirty (30) years, except when the minor child is under twelve (12) years of age at the time the offense is committed, and in such case the person shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years.

C. Persons convicted under this section shall not be eligible for a deferred sentence.

D. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

E. For purposes of this section, "downloading on a computer" means electronically transferring an electronic file from one computer or electronic media to another computer or electronic media.

R.L.1910, § 2463. Amended by Laws 1935, p. 18, § 1; Laws 1951, p. 60, § 1; Laws 1961, p. 230, § 1, emerg. eff. July 26, 1961; Laws 1967, c. 111, § 1, emerg. eff. April 25, 1967; Laws 1978, c. 121, § 1; Laws 1984, c. 91, § 1, eff. Nov. 1, 1984; Laws 1996, c. 37, § 1, eff. Nov. 1, 1996; Laws 1997, c. 133, § 276, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 179, eff. July 1, 1999; Laws 2000, c. 208, § 1, eff. Nov. 1, 2000; Laws 2002, c. 20, § 1, emerg. eff. Feb. 28, 2002; Laws 2003, c. 308, § 1, emerg. eff. May 27, 2003; Laws 2007, c. 261, § 11, eff. Nov. 1, 2007; Laws 2008, c. 3, § 12, emerg. eff. Feb. 28, 2008; Laws 2011, c. 186, § 1, eff. Nov. 1, 2011.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 276 from July 1, 1998, to July 1, 1999.

NOTE: Laws 2007, c. 325, § 2 repealed by Laws 2008, c. 3, § 13, emerg. eff. Feb. 28, 2008.

§21-1021.1. Persons to whom act does not apply – Civil or injunctive relief.

A. Sections 1021 through 1024.4 of this title shall not apply to persons who may possess or distribute obscene matter or child pornography or participate in conduct otherwise prescribed by this act, when such possession, distribution, or conduct occurs in the course of law enforcement activities.

B. The criminal provisions of this title shall not prohibit the district attorney from seeking civil or injunctive relief to enjoin the production, publication, dissemination, distribution, sale of or participation in any obscene material or child pornography, or the

dissemination to minors of material harmful to minors, or the possession of child pornography.
Added by Laws 1967, c. 111, § 2, emerg. eff. April 25, 1967. Amended by Laws 2000, c. 208, § 2, eff. Nov. 1, 2000.

§21-1021.2. Minors – Procuring for participation in pornography.

A. Any person who shall procure or cause the participation of any minor under the age of eighteen (18) years in any child pornography or who knowingly possesses, procures, or manufactures, or causes to be sold or distributed any child pornography shall be guilty, upon conviction, of a felony and shall be punished by imprisonment for not more than twenty (20) years or by the imposition of a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or by both said fine and imprisonment. Persons convicted under this section shall not be eligible for a deferred sentence. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

B. The consent of the minor, or of the mother, father, legal guardian, or custodian of the minor to the activity prohibited by this section shall not constitute a defense.
Added by Laws 1978, c. 24, § 1, emerg. eff. March 13, 1978. Amended by Laws 1984, c. 91, § 2, eff. Nov. 1, 1984; Laws 1986, c. 87, § 2, operative July 1, 1986; Laws 1996, c. 37, § 2, eff. Nov. 1, 1996; Laws 1997, c. 133, § 277, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 180, eff. July 1, 1999; Laws 2000, c. 208, § 3, eff. Nov. 1, 2000; Laws 2007, c. 261, § 12, eff. Nov. 1, 2007.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 277 from July 1, 1998, to July 1, 1999.

§21-1021.3. Guardians - Parents - Custodians - Consent to participation of minors in child pornography.

A. Any parent, guardian or individual having custody of a minor under the age of eighteen (18) years who knowingly permits or consents to the participation of a minor in any child pornography shall be guilty of a felony and, upon conviction, shall be imprisoned in the custody of the Department of Corrections for a period of not more than twenty (20) years or a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or by both such fine and imprisonment. Persons convicted under this section shall not be eligible for a deferred sentence. Except for persons sentenced to

life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this subsection shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

B. The consent of the minor to the activity prohibited by this section shall not constitute a defense.

Added by Laws 1978, c. 24, § 2, emerg. eff. March 13, 1978. Amended by Laws 1986, c. 87, § 3, operative July 1, 1986; Laws 1996, c. 37, § 3, eff. Nov. 1, 1996; Laws 1997, c. 133, § 278, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 181, eff. July 1, 1999; Laws 2000, c. 208, § 4, eff. Nov. 1, 2000; Laws 2007, c. 261, § 13, eff. Nov. 1, 2007.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 278 from July 1, 1998, to July 1, 1999.

§21-1021.4. Disclosure of obscene materials containing minors.

A. Any commercial film and photographic print processor or commercial computer technician who has knowledge of or observes, within the scope of such person's professional capacity or employment, any film, photograph, video tape, negative, or slide, or any computer file, recording, CD-Rom, magnetic disk memory, magnetic tape memory, picture, graphic or image that is intentionally saved, transmitted or organized on hardware or any other media including, but not limited to, CDs, DVDs and thumbdrives, whether digital, analog or other means and whether directly viewable, compressed or encoded depicting a child under the age of eighteen (18) years engaged in an act of sexual conduct as defined in Section 1024.1 of this title shall immediately or as soon as possible report by telephone such instance of suspected child abuse or child pornography to the law enforcement agency having jurisdiction over the case and shall prepare and send a written report of the incident with an attached copy of such material, within thirty-six (36) hours after receiving the information concerning the incident.

For the purposes of this section:

1. "Commercial film and photographic print processor" means any person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, for compensation. The term shall also include any employee of such a person but shall not include a person who develops film or makes prints for a public agency; and

2. "Commercial computer technician" means any person who repairs, installs, or otherwise services any computer including, but not limited to, any component part, device, memory storage or

recording mechanism, auxiliary storage, recording or memory capacity, or any other materials relating to operation and maintenance of a computer or computer network or system, for compensation. The term shall also include any employee of such person.

B. Any person who violates the provisions of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished by the imposition of a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment in the county jail not to exceed one (1) year, or both such fine and imprisonment.

C. Nothing in this section shall be construed to require or authorize any person to act outside the scope of such person's professional capacity or employment by searching for prohibited materials or media.

Added by Laws 1984, c. 91, § 3, eff. Nov. 1, 1984. Amended by Laws 2005, c. 19, § 1, emerg. eff. April 5, 2005.

§21-1022. Seizure of obscene material or child pornography – Delivery to magistrate.

Every person who is authorized or enjoined to arrest any person for a violation of paragraph 3 of subsection A of Section 1021 of this title is equally authorized and enjoined to seize one copy of the obscene material, or all copies of explicit child pornography, found in possession of or under the control of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

R.L. 1910, § 2464. Amended by Laws 1996, c. 37, § 4, eff. Nov. 1, 1996; Laws 2000, c. 208, § 5, eff. Nov. 1, 2000.

§21-1023. Finding by magistrate that material is obscene or child pornography – Issuance of factual and legal basis – Delivery to district attorney.

The magistrate to whom any child pornography, or any obscene material, is delivered pursuant to Section 1022 of this title, shall, upon the examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, determine the character of such child pornography or obscene material, and if the magistrate finds it to be obscene material or child pornography, the magistrate shall cause the same to be delivered to the district attorney of the county in which the accused is liable to indictment or trial. The magistrate shall issue in writing the factual and legal basis for the determination by the magistrate of the character of the child pornography or obscene material.

R.L. 1910, § 2465. Amended by Laws 1996, c. 37, § 5, eff. Nov. 1, 1996; Laws 2000, c. 208, § 6, eff. Nov. 1, 2000.

§21-1024. Repealed by Laws 2016, c. 32, § 2, eff. Nov. 1, 2016.

§21-1024.1. Definitions.

A. As used in Sections 1021, 1021.1 through 1021.4, Sections 1022 through 1024, and Sections 1040.8 through 1040.24 of this title, "child pornography" means and includes any visual depiction or individual image stored or contained in any format on any medium including, but not limited to, film, motion picture, videotape, photograph, negative, undeveloped film, slide, photographic product, reproduction of a photographic product, play or performance wherein a minor under the age of eighteen (18) years is engaged in any act with a person, other than his or her spouse, of sexual intercourse which is normal or perverted, in any act of anal sodomy, in any act of sexual activity with an animal, in any act of sadomasochistic abuse including, but not limited to, flagellation or torture, or the condition of being fettered, bound or otherwise physically restrained in the context of sexual conduct, in any act of fellatio or cunnilingus, in any act of excretion in the context of sexual conduct, in any lewd exhibition of the uncovered genitals in the context of masturbation or other sexual conduct, or where the lewd exhibition of the uncovered genitals, buttocks or, if such minor is a female, the breast, has the purpose of sexual stimulation of the viewer, or wherein a person under the age of eighteen (18) years observes such acts or exhibitions. Each visual depiction or individual image shall constitute a separate item and multiple copies of the same identical material shall each be counted as a separate item.

B. As used in Sections 1021 through 1024.4 and Sections 1040.8 through 1040.24 of this title:

1. "Obscene material" means and includes any representation, performance, depiction or description of sexual conduct, whether in any form or on any medium including still photographs, undeveloped photographs, motion pictures, undeveloped film, videotape, optical, magnetic or solid-state storage, CD or DVD, or a purely photographic product or a reproduction of such product in any book, pamphlet, magazine, or other publication or electronic or photo-optical format, if said items contain the following elements:

   a. depictions or descriptions of sexual conduct which are patently offensive as found by the average person applying contemporary community standards,
   b. taken as a whole, have as the dominant theme an appeal to prurient interest in sex as found by the average person applying contemporary community standards, and
   c. a reasonable person would find the material or performance taken as a whole lacks serious literary, artistic, educational, political, or scientific purposes or value.

The standard for obscenity applied in this section shall not apply

to child pornography;

2. "Performance" means and includes any display, live or recorded, in any form or medium;

3. "Sexual conduct" means and includes any of the following:

a. acts of sexual intercourse including any intercourse which is normal or perverted, actual or simulated,

b. acts of deviate sexual conduct, including oral and anal sodomy,

c. acts of masturbation,

d. acts of sadomasochistic abuse including but not limited to:

(1) flagellation or torture by or upon any person who is nude or clad in undergarments or in a costume which is of a revealing nature, or

(2) the condition of being fettered, bound, or otherwise physically restrained on the part of one who is nude or so clothed,

e. acts of excretion in a sexual context, or

f. acts of exhibiting human genitals or pubic areas; and

4. "Explicit child pornography" means material which a law enforcement officer can immediately identify upon first viewing without hesitation as child pornography.

The types of sexual conduct described in paragraph 3 of this subsection are intended to include situations when, if appropriate to the type of conduct, the conduct is performed alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

Added by Laws 1981, c. 146, § 1, eff. Oct. 1, 1981. Amended by Laws 1984, c. 91, § 4, eff. Nov. 1, 1984; Laws 1996, c. 37, § 7, eff. Nov. 1, 1996; Laws 2000, c. 208, § 8, eff. Nov. 1, 2000; Laws 2009, c. 210, § 1, emerg. eff. May 19, 2009; Laws 2009, c. 457, § 2, eff. July 1, 2009; Laws 2012, c. 115, § 1, eff. Nov. 1, 2012.

§21-1024.2. Purchase, procurement or possession of child pornography.

It shall be unlawful for any person to buy, procure or possess child pornography in violation of Sections 1024.1 through 1024.4 of this title. Such person shall, upon conviction, be guilty of a felony and shall be imprisoned for a period of not more than twenty (20) years or a fine up to, but not exceeding, Twenty-five Thousand Dollars ($25,000.00) or by both such fine and imprisonment.

Added by Laws 1981, c. 146, § 2. Amended by Laws 1997, c. 133, § 279, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 182, eff. July 1, 1999; Laws 2000, c. 208, § 9, eff. Nov. 1, 2000; Laws 2015, c. 290, § 3, eff. Nov. 1, 2015.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 279 from July 1, 1998, to July 1, 1999.

§21-1024.3. Seizure of evidentiary copy of obscene material or all copies of explicit child pornography.

Every person who is authorized or enjoined to arrest any person for a violation of this act is equally authorized or enjoined to seize an evidentiary copy of any obscene material or child pornography or all copies of explicit child pornography found in the possession of or under the control of the person so arrested and to deliver the obscene material or child pornography to the magistrate before whom the person so arrested is required to be taken.
Added by Laws 1981, c. 146, § 3, eff. Oct. 1, 1981. Amended by Laws 2000, c. 208, § 10, eff. Nov. 1, 2000.

§21-1024.4. Destruction of obscene material or child pornography upon conviction.

Upon final conviction of the accused, any magistrate, law enforcement agency or district attorney shall cause any obscene material or child pornography, in respect whereof the accused stands convicted and which remains in the possession or control of such magistrate, law enforcement agency or district attorney, to be destroyed including, but not limited to, the destruction of any computer, hard drive or other electronic storage media on which such obscene material or child pornography was located. For purposes of this section, "final conviction" includes the exhaustion of or failure to timely pursue post-conviction and state and federal habeas corpus review.
Added by Laws 1981, c. 146, § 4, eff. Oct. 1, 1981. Amended by Laws 2000, c. 208, § 11, eff. Nov. 1, 2000; Laws 2016, c. 32, § 1, eff. Nov. 1, 2016.

§21-1024.5. Investigation of child pornography.

A. When any person has engaged in, is engaged in, or is attempting or conspiring to engage in any conduct constituting a violation of any of the provisions of Section 1024.2 of Title 21 of the Oklahoma Statutes, the Oklahoma Attorney General or any district attorney in Oklahoma may conduct an investigation of the activity. On approval of the district judge, the Attorney General or district attorney, in accordance with the provisions of Section 258 of Title 22 of the Oklahoma Statutes, is authorized before the commencement of any civil or criminal proceeding to subpoena witnesses, compel their attendance, examine them under oath, or require the production of any business papers or records by subpoena duces tecum. Evidence collected pursuant to this section shall not be admissible in any civil proceeding.

B. Any business papers and records subpoenaed by the Attorney General or district attorney shall be available for examination by the person who produced the material or by any duly authorized

representative of the person. Transcripts of oral testimony shall be available for examination by the person who produced such testimony and their counsel.

Except as otherwise provided for in this section, no business papers, records, or transcripts or oral testimony, or copies of it, subpoenaed by the Attorney General or district attorney shall be available for examination by an individual other than another law enforcement official without the consent of the person who produced the business papers, records or transcript.

C. All persons served with a subpoena by the Attorney General or district attorney shall be paid the same fees and mileage as paid witnesses in the courts of this state.

D. No person shall, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part by any person with any duly served subpoena of the Attorney General or district attorney pursuant to the provisions of this section, knowingly remove from any place, conceal, withhold, destroy, mutilate, alter, or by any other means falsify any business papers or records that are the subject of the subpoena duces tecum.

E. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine of not more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

Added by Laws 2009, c. 210, § 2, emerg. eff. May 19, 2009.

§21-1025. Bawdy-house, etc. - Penalty.

Every person who keeps any bawdy house, house of ill fame, of assignation, or of prostitution, or any other house or place for persons to visit for unlawful sexual intercourse, or for any other lewd, obscene or indecent purpose is, upon conviction, guilty of a misdemeanor and shall be punished by a fine of not less than Two Thousand Dollars ($2,000.00) for each offense.

R.L. 1910, § 2467. Amended by Laws 2014, c. 337, § 1, eff. Nov. 1, 2014.

§21-1026. Disorderly house.

Every person who keeps any disorderly house, or any house of public resort by which the peace, comfort or decency of the immediate neighborhood is habitually disturbed, is guilty of a misdemeanor.

R.L.1910, § 2468.

§21-1027. Letting building for unlawful purposes.

Every person who lets any building or portion of any building knowing that it is intended to be used for any purpose declared punishable by this article, or who otherwise permits any building or

portion of a building to be so used, is guilty of a misdemeanor. R.L.1910, § 2469.

§21-1028. Setting up or operating place of prostitution - Ownership - Renting - Procuring - Receiving person for forbidden purpose - Transportation - Receiving proceeds.

It shall be unlawful in the State of Oklahoma:

(a) To keep, set up, maintain, or operate any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation;

(b) To knowingly own any house, place, building, other structure, or part thereof, or vehicle, trailer, or other conveyance used with the intent of committing an act of lewdness, assignation, or prostitution, or to let, lease, or rent, or contract to let, lease, or rent any such place, premises, or conveyance, or part thereof, to another with knowledge or reasonable cause to believe that the intention of the lessee or rentee is to use such place, premises, or conveyance for prostitution, lewdness, or assignation;

(c) To offer, or to offer to secure, another with the intent of having such person commit an act of prostitution, or with the intent of having such person commit any other lewd or indecent act;

(d) To receive or to offer or agree to receive any person into any house, place, building, other structure, vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation, or to permit any person to remain there with such intent;

(e) To direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any person to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the intent of such directing, taking or transporting is prostitution, lewdness or assignation;

(f) To knowingly accept, receive, levy, or appropriate any money or other thing of value without consideration from a prostitute or from the proceeds of any woman engaged in prostitution;

(g) To knowingly abet the crime of prostitution by allowing a house, place, building, or parking lot to be used or occupied by a person who is soliciting, inducing, enticing, or procuring another to commit an act of lewdness, assignation, or prostitution or who is engaging in prostitution, lewdness, or assignation on the premises of the house, place, building, or parking lot.

Added by Laws 1943, p. 83, § 1, emerg. eff. Feb. 26, 1943. Amended by Laws 1992, c. 143, § 1, eff. Sept. 1, 1992; Laws 2002, c. 120, § 1, emerg. eff. April 19, 2002.

§21-1029. Engaging in prostitution, etc. - Soliciting or procuring

- Residing or being in place for prohibited purpose - Aiding, abetting or participating - Child prostitution – Presumption of coercion.

A. It shall further be unlawful:

1. To engage in prostitution, lewdness, or assignation;

2. To solicit, induce, entice, or procure another to commit an act of lewdness, assignation, or prostitution, with himself or herself;

3. To reside in, enter, or remain in any house, place, building, or other structure, or to enter or remain in any vehicle, trailer, or other conveyance with the intent of committing an act of prostitution, lewdness, or assignation; or

4. To aid, abet, or participate in the doing of any of the acts prohibited in paragraph 1, 2 or 3 of this subsection.

B. Any prohibited act described in paragraph 1, 2, 3 or 4 of subsection A of this section committed with a person under eighteen (18) years of age shall be deemed child prostitution, as defined in Section 1030 of this title, and shall be punishable as provided in Section 1031 of this title.

C. In any prosecution of a person sixteen (16) or seventeen (17) years of age for an offense described in subsection A of this section, there shall be a presumption that the actor was coerced into committing such offense by another person in violation of the human trafficking provisions set forth in Section 748 of this title. Added by Laws 1943, p. 83, § 2, emerg. eff. Feb. 26, 1943. Amended by Laws 1992, c. 143, § 2, eff. Sept. 1, 1992; Laws 1993, c. 296, § 1, eff. Sept. 1, 1993; Laws 2013, c. 59, § 2, eff. Nov. 1, 2013; Laws 2016, c. 184, § 1, eff. Nov. 1, 2016.

§21-1030. Definitions.

As used in the Oklahoma Statutes, unless otherwise provided for by law:

1. "Prostitution" means:

   a. the giving or receiving of the body for sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or lewdness with any person not his or her spouse, in exchange for money or any other thing of value, or

   b. the making of any appointment or engagement for sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse or lewdness with any person not his or her spouse, in exchange for money or any other thing of value;

2. "Child prostitution" means prostitution or lewdness as defined in this section with a person under eighteen (18) years of age, in exchange for money or any other thing of value;

3. "Anal intercourse" means contact between human beings of the

genital organs of one and the anus of another;

4. "Cunnilingus" means any act of oral stimulation of the vulva or clitoris;

5. "Fellatio" means any act of oral stimulation of the penis;

6. "Lewdness" means:

a. any lascivious, lustful or licentious conduct,

b. the giving or receiving of the body for indiscriminate sexual intercourse, fellatio, cunnilingus, masturbation, anal intercourse, or lascivious, lustful or licentious conduct with any person not his or her spouse, or

c. any act in furtherance of such conduct or any appointment or engagement for prostitution; and

7. "Masturbation" means stimulation of the genital organs by manual or other bodily contact exclusive of sexual intercourse. Added by Laws 1943, p. 84, § 3, emerg. eff. Feb. 26, 1943. Amended by Laws 1992, c. 143, § 3, eff. Sept. 1, 1992; Laws 1993, c. 296, § 2, eff. Sept. 1, 1993; Laws 2016, c. 184, § 2, eff. Nov. 1, 2016.

§21-1031. Punishment for violations - Fines - Knowingly engaging in prostitution while infected with HIV - Violations within certain distance from school or church.

A. Except as provided in subsection B or C of this section, any person violating any of the provisions of Section 1028, 1029 or 1030 of this title shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year or by fines as follows: a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00) upon the first conviction for violation of any of such provisions, a fine of not more than Five Thousand Dollars ($5,000.00) upon the second conviction for violation of any of such provisions, and a fine of not more than Seven Thousand Five Hundred Dollars ($7,500.00) upon the third or subsequent convictions for violation of any of such provisions, or by both such imprisonment and fine. In addition, the court may require a term of community service of not less than forty (40) nor more than eighty (80) hours. The court in which any such conviction is had shall notify the county superintendent of public health of such conviction.

B. Any person who engages in an act of prostitution with knowledge that they are infected with the human immunodeficiency virus shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

C. Any person who engages in an act of child prostitution, as defined in Section 1030 of this title, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than ten (10) years and by

fines as follows: a fine of not more than Five Thousand Dollars ($5,000.00) upon the first conviction, a fine of not more than Ten Thousand Dollars ($10,000.00) upon the second conviction, and a fine of not more than Fifteen Thousand Dollars ($15,000.00) upon the third or subsequent convictions.

D. Any person violating any of the provisions of Section 1028, 1029 or 1030 of this title within one thousand (1,000) feet of a school or church shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for not more than five (5) years or by fines as follows: a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00) upon the first conviction for violation of any of such provisions, a fine of not more than Five Thousand Dollars ($5,000.00) upon the second conviction for violation of any of such provisions, and a fine of not more than Seven Thousand Five Hundred Dollars ($7,500.00) upon the third or subsequent convictions for violation of any of such provisions, or by both such imprisonment and fine. In addition, the court may require a term of community service of not less than forty (40) nor more than eighty (80) hours. The court in which any such conviction is had shall notify the county superintendent of public health of such conviction.
Added by Laws 1943, p. 84, § 4, emerg. eff. Feb. 26, 1943. Amended by Laws 1991, c. 200, § 1, eff. Sept. 1, 1991; Laws 1993, c. 296, § 3, eff. Sept. 1, 1993; Laws 1997, c. 133, § 280, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 183, eff. July 1, 1999; Laws 2002, c. 120, § 2, emerg. eff. April 19, 2002.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 280 from July 1, 1998, to July 1, 1999.

§21-1040.8. Publication, distribution or participation in preparation of obscene material or child pornography - Unsolicited mailings.

A. No person shall knowingly photograph, act in, pose for, model for, print, sell, offer for sale, give away, exhibit, publish, offer to publish, or otherwise distribute, display, or exhibit any book, magazine, story, pamphlet, paper, writing, card, advertisement, circular, print, picture, photograph, motion picture film, electronic video game or recording, image, cast, slide, figure, instrument, statue, drawing, presentation, or other article which is obscene material or child pornography, as defined in Section 1024.1 of this title. In the case of any unsolicited mailing of any of the material listed in this section, the offense is deemed complete from the time such material is deposited in any post office or delivered to any person with intent that it shall be forwarded. Also, unless preempted by federal law, no unsolicited mail which is harmful to minors pursuant to Section 1040.75 of this title shall be mailed to any person. The party mailing the

materials specified in this section may be indicted and tried in any county wherein such material is deposited or delivered, or in which it is received by the person to whom it is addressed.

B. Any person who violates any provision of this section involving obscene materials, upon conviction, shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not less than Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

C. Any person who violates any provision of this section involving child pornography, upon conviction, shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not less than three (3) years and not more than twenty (20) years, or by a fine of not less than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment. Any person convicted of a second or subsequent violation shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years and not more than thirty (30) years, or by a fine of not less than Twenty Thousand Dollars ($20,000.00), or by both such fine and imprisonment. The violator, upon conviction, shall be required to register as a sex offender under the Sex Offenders Registration Act.
Added by Laws 1961, p. 230, § 1, emerg. eff. July 26, 1961. Amended by Laws 1970, c. 91, § 1, emerg. eff. March 27, 1970; Laws 1983, c. 5, § 1, emerg. eff. Feb. 23, 1983; Laws 2000, c. 208, § 12, eff. Nov. 1, 2000; Laws 2002, c. 107, § 1, eff. Nov. 1, 2002; Laws 2009, c. 457, § 3, eff. July 1, 2009; Laws 2014, c. 337, § 2, eff. Nov. 1, 2014.

§21-1040.9. Repealed by Laws 2000, c. 208, § 24, eff. Nov. 1, 2000.

§21-1040.10. Repealed by Laws 2000, c. 208, § 24, eff. Nov. 1, 2000.

§21-1040.11. Oklahoma Law on Obscenity and Child Pornography.

Sections 1021 through 1040.77 of this title shall be known as the "Oklahoma Law on Obscenity and Child Pornography" and may be referred to by that designation.
Added by Laws 1968, c. 121, § 1, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 13, eff. Nov. 1, 2000.

§21-1040.12. Repealed by Laws 2000, c. 208, § 24, eff. Nov. 1, 2000.

§21-1040.12a. Aggravated possession of child pornography - Penalties - Definitions.

A. Any person who, with knowledge of its contents, possesses one hundred (100) or more separate materials depicting child pornography shall be, upon conviction, guilty of aggravated possession of child pornography. The violator shall be punished by

imprisonment in the custody of the Department of Corrections for a term not exceeding life imprisonment and by a fine in an amount not more than Ten Thousand Dollars ($10,000.00). The violator, upon conviction, shall be required to register as a sex offender under the Sex Offenders Registration Act.

B. For purposes of this section:

1. Multiple copies of the same identical material shall each be counted as a separate item;

2. The term "material" means the same definition provided by Section 1040.75 of Title 21 of the Oklahoma Statutes and, in addition, includes all digital and computerized images and depictions; and

3. The term "child pornography" means the same definition provided by Section 1040.80 of Title 21 of the Oklahoma Statutes and, in addition, includes sexual conduct, sexual excitement, sadomasochistic abuse, and performance of material harmful to minors where a minor is present or depicted as such terms are defined in Section 1040.75 of Title 21 of the Oklahoma Statutes.

Added by Laws 2008, c. 438, § 2, eff. July 1, 2008. Amended by Laws 2009, c. 457, § 4, eff. July 1, 2009.

§21-1040.13. Acts prohibited - Felony.

Every person who, with knowledge of its contents, sends, brings, or causes to be sent or brought into this state for sale or commercial distribution, or in this state prepares, sells, exhibits, commercially distributes, gives away, offers to give away, or has in his possession with intent to sell, to commercially distribute, to exhibit, to give away, or to offer to give away any obscene material or child pornography or gives information stating when, where, how, or from whom, or by what means obscene material or child pornography can be purchased or obtained, upon conviction, is guilty of a felony and shall be punished by imprisonment for not more than ten (10) years in prison or by a fine of not more than Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine.

Added by Laws 1968, c. 121, § 3, emerg. eff. April 4, 1968. Amended by Laws 1983, c. 5, § 2, emerg. eff. Feb. 23, 1983; Laws 2000, c. 208, § 14, eff. Nov. 1, 2000.

§21-1040.13a. Facilitating, encouraging, offering or soliciting sexual conduct or engaging in sexual communication with a minor or person believed to be a minor.

A. It is unlawful for any person to facilitate, encourage, offer or solicit sexual conduct with a minor, or other individual the person believes to be a minor, by use of any technology, or to engage in any communication for sexual or prurient interest with any minor, or other individual the person believes to be a minor, by use of any technology. For purposes of this subsection, "by use of any

technology" means the use of any telephone or cell phone, computer disk (CD), digital video disk (DVD), recording or sound device, CD-ROM, VHS, computer, computer network or system, Internet or World Wide Web address including any blog site or personal web address, e-mail address, Internet Protocol address (IP), text messaging or paging device, any video, audio, photographic or camera device of any computer, computer network or system, cell phone, any other electrical, electronic, computer or mechanical device, or any other device capable of any transmission of any written or text message, audio or sound message, photographic, video, movie, digital or computer-generated image, or any other communication of any kind by use of an electronic device.

B. A person is guilty of violating the provisions of this section if the person knowingly transmits any prohibited communication by use of any technology defined herein, or knowingly prints, publishes or reproduces by use of any technology described herein any prohibited communication, or knowingly buys, sells, receives, exchanges, or disseminates any prohibited communication or any information, notice, statement, website, or advertisement for communication with a minor or access to any name, telephone number, cell phone number, e-mail address, Internet address, text message address, place of residence, physical characteristics or other descriptive or identifying information of a minor, or other individual the person believes to be a minor.

C. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense pursuant to this section shall not constitute a defense to a prosecution under this section.

D. Any violation of the provisions of this section shall be a felony, punishable by a fine in an amount not to exceed Ten Thousand Dollars ($10,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, or by both such fine and imprisonment. For purposes of this section, each communication shall constitute a separate offense. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

E. For purposes of any criminal prosecution pursuant to any violation of this section, the person violating the provisions of this section shall be deemed to be within the jurisdiction of this state by the fact of accessing any computer, cellular phone or other computer-related or satellite-operated device in this state,

regardless of the actual jurisdiction where the violator resides. Added by Laws 1995, c. 66, § 4, eff. July 1, 1995. Amended by Laws 2001, c. 360, § 1, eff. Nov. 1, 2001; Laws 2002, c. 110, § 1, eff. July 1, 2002; Laws 2006, c. 183, § 2, emerg. eff. May 22, 2006; Laws 2007, c. 261, § 14, eff. Nov. 1, 2007.

§21-1040.13b. Nonconsensual dissemination of private sexual images

A. As used in this section:

1. "Image" includes a photograph, film, videotape, digital recording or other depiction or portrayal of an object, including a human body;

2. "Intimate parts" means the fully unclothed, partially unclothed or transparently clothed genitals, pubic area or female adult nipple; and

3. "Sexual act" means sexual intercourse including genital, anal or oral sex.

B. A person commits nonconsensual dissemination of private sexual images when he or she:

1. Intentionally disseminates an image of another person:

   a. who is at least eighteen (18) years of age,

   b. who is identifiable from the image itself or information displayed in connection with the image, and

   c. who is engaged in a sexual act or whose intimate parts are exposed, in whole or in part;

2. Disseminates the image with the intent to harass, intimidate or coerce the person, or under circumstances in which a reasonable person would know or understand that dissemination of the image would harass, intimidate or coerce the person;

3. Obtains the image under circumstances in which a reasonable person would know or understand that the image was to remain private; and

4. Knows or a reasonable person should have known that the person in the image has not consented to the dissemination.

C. The provisions of this section shall not apply to the intentional dissemination of an image of another identifiable person who is engaged in a sexual act or whose intimate parts are exposed when:

1. The dissemination is made for the purpose of a criminal investigation that is otherwise lawful;

2. The dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct;

3. The images involve voluntary exposure in public or commercial settings; or

4. The dissemination serves a lawful purpose.

D. Nothing in this section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person:

1. An interactive computer service, as defined in 47 U.S.C., Section 230(f)(2);

2. A wireless service provider, as defined in Section 332(d) of the Telecommunications Act of 1996, 47 U.S.C., Section 151 et seq., Federal Communications Commission rules, and the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66; or

3. A telecommunications network or broadband provider.

E. A person convicted under this section is subject to the forfeiture provisions in Section 1040.54 of Title 21 of the Oklahoma Statutes.

F. Any person who violates the provisions of this section shall be guilty of a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars ($1,000.00), or both such fine and imprisonment.

G. The court shall have the authority to order the defendant to remove the disseminated image should the court find it is in the power of the defendant to do so.

Added by Laws 2016, c. 262, § 1, eff. Nov. 1, 2016.

§21-1040.14. Action for adjudication of obscenity or child pornographic content of mailable matter.

(a) Whenever the Attorney General of this state or the district attorney for any district has reasonable cause to believe that any person, with knowledge of its contents, is (1) engaged in sending or causing to be sent, bringing or causing to be brought, into this state for sale or commercial distribution, or is (2) in this state preparing, selling, exhibiting or commercially distributing or giving away, or offering to give away, or has in his possession with intent to sell, or commercially distribute or to exhibit or give away or offer to give away, any obscene material or child pornography, the Attorney General or the district attorney for the county into which such mailable matter is sent or caused to be sent, brought or caused to be brought, or in which it is prepared, sold, exhibited or commercially distributed or given away or offered to be given away, or possessed, may institute an action in the district court for an adjudication of the obscenity or child pornographic content of the mailable matter.

(b) The procedure to be followed shall be that set forth in this act.

Added by Laws 1968, c. 121, § 4, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 15, eff. Nov. 1, 2000.

§21-1040.15. Petition.

The action described in Section 1040.14 of this title shall be commenced by filing with the court a petition:

(a) directed against the matter by name or description;

(b) alleging it is obscene material or child pornography;

(c) listing the names and addresses, if known, of its author, publisher and any other person sending or causing it to be sent, bringing or causing it to be brought into this state for sale or commercial distribution and of any person in this state preparing, selling, exhibiting or commercially distributing it, or giving away or offering to give it away, or possessing it with intent to sell or commercially distribute or exhibit or give away or offer to give it away;

(d) seeking an adjudication that it is either obscene material or child pornography, as defined in Section 1024.1 of this title;

(e) seeking a permanent injunction against any person sending or causing it to be sent, bringing or causing it to be brought, into this state for sale or commercial distribution, or in this state preparing, selling, exhibiting or commercially distributing it, giving away or offering to give it away, or possessing it with intent to sell or commercially distribute or exhibit or give away or offer to give it away;

(f) seeking its surrender, seizure and destruction.

Added by Laws 1968, c. 121, § 5, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 16, eff. Nov. 1, 2000.

§21-1040.16. Summary examination of material - Dismissal or show cause order.

(a) Upon the filing of the petition described in Section 1040.15 of this title, the court shall summarily examine the obscene material or child pornography.

(b) If the court finds no probable cause to believe it is obscene material or child pornography, the court shall dismiss the petition.

(c) If the court finds probable cause to believe it is obscene material or child pornography, the court shall immediately issue an order or rule to show cause why it should not be adjudicated to be obscene material or child pornography.

(d) The order or rule to show cause shall be:

(1) directed against it by name or description;

(2) if their names and addresses are known, served personally in the manner provided in this act for the service of process or in any manner now or hereafter provided by law, upon its author, publisher, and any other person interested in sending or causing it to be sent, bringing or causing it to be brought, into this state for sale or commercial distribution, and on any person in this state preparing, selling, exhibiting or commercially distributing it or giving away or offering to give it away, or possessing it with intent to sell or commercially distribute or exhibit or give away or offer to give it away;

(3) returnable six (6) days after its service.

Added by Laws 1968, c. 121, § 6, emerg. eff. April 4, 1968. Amended

by Laws 2000, c. 208, § 17, eff. Nov. 1, 2000.

§21-1040.17. Answer.

(a) On or before the return date specified in the order or rule to show cause, the author, publisher, or any person interested in sending or causing to be sent, bringing or causing to be brought, into this state for sale or commercial distribution, or any person in this state preparing, selling, exhibiting or commercially distributing, or giving away or offering to give away, or possessing with intent to sell or commercially distribute or exhibit or give away or offer to give away, the matter may appear and file an answer.

(b) The court may, by order, permit any other person to appear and file an answer as amicus curiae. A person granted permission and appearing and filing an answer has all the rights of a party to the proceeding.

(c) If no person appears and files an answer on or before the return date specified in the order or rule to show cause, the court shall enter judgment either

(1) adjudicating the matter not to be obscene material or child pornography, if the court so finds; or

(2) adjudicating it to be obscene material or child pornography, if the court so finds.

(d) Every person appearing and answering shall be entitled, upon request, to a trial of the issues before the court not less than three (3) days after a joinder of issue.

Added by Laws 1968, c. 121, § 7, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 18, eff. Nov. 1, 2000.

§21-1040.18. Trial - Evidence.

(a) The court shall conduct the trial in accordance with the rules of civil procedure applicable to the trial of cases by the court without a jury.

(b) The court shall receive evidence at the trial, including the testimony of experts, pertaining, but not limited, to:

(1) whether, to the average person, applying contemporary community standards, the dominant theme of the mailable matter taken as a whole is to prurient interest;

(2) the artistic, literary, scientific and educational merits of the mailable matter considered as a whole;

(3) the intent of the author and publisher in preparing, writing and publishing the mailable matter;

(4) the appeal to prurient interest, or absence thereof, in advertising or other promotion of the mailable matter.

Laws 1968, c. 121, § 8, emerg. eff. April 4, 1968.

§21-1040.19. Repealed by Laws 2000, c. 208, § 24, eff. Nov. 1, 2000.

§21-1040.20. Destruction - Injunction.

In the event that a judgment is entered adjudicating the matter to be obscene material or child pornography, the court shall further:

(a) order the person or persons having possession of it to surrender it to the sheriff for destruction and, in the event that person refuses, order the sheriff in the county in which the action was brought to seize and destroy it;

(b) enter a permanent injunction against any person sending or causing it to be sent, bringing or causing it to be brought, into this state for sale or commercial distribution, and against any person in this state preparing, selling, exhibiting or commercially distributing it, giving it away or offering to give it away, or having it in his possession with intent to sell or commercially distribute or exhibit or give it away or offer to give it away.

Added by Laws 1968, c. 121, § 10, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 19, eff. Nov. 1, 2000.

§21-1040.21. Sending or selling of materials with knowledge of judgment.

Any matter which, following the entry of a judgment that it is obscene material or child pornography, is sent or caused to be sent, brought or caused to be brought, into this state for sale or commercially distributed, given away or offered to be given away, by any person with knowledge of the judgment, or is in the possession of any such person with intent to sell or commercially distribute or exhibit or give away or offer to give away, is subject to the provisions of Section 1040.13 of this title.

Added by Laws 1968, c. 121, § 11, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 20, eff. Nov. 1, 2000.

§21-1040.22. Contempt.

After the entry of a judgment that the matter is obscene material or child pornography, any person who, with knowledge of the judgment or of the order or rule to show cause, sends or causes to be sent, brings or causes to be brought, into this state for sale or commercial distribution, the matter, or who in this state sells, exhibits or commercially distributes it, gives away or offers to give it away, or has it in his possession with intent to sell or commercially distribute or exhibit or give away or offer to give it away, shall be guilty of contempt of court and upon conviction after notice and hearing shall be imprisoned in the county jail for not more than one (1) year or fined not more than One Thousand Dollars ($1,000.00), or be so imprisoned or fined.

Added by Laws 1968, c. 121, § 12, emerg. eff. April 4, 1968. Amended by Laws 2000, c. 208, § 21, eff. Nov. 1, 2000.

§21-1040.23. Extradition.

In all cases in which a charge or violation of any section or sections of this act is brought against a person who cannot be found in this state, the executive authority of this state, being the Governor or any person performing the functions of Governor by authority of the law of this state, shall demand extradition of such person from the executive authority of the state in which such person may be found, pursuant to the law of this state.
Laws 1968, c. 121, § 13, emerg. eff. April 4, 1968.

§21-1040.24. Presumptions.

The possession of two or more of any single article that is obscene material or child pornography, or the possession of a combined total of any five articles that are obscene material or child pornography (except the possession of them for the purpose of return to the person from whom received) shall create a presumption that they are intended for sale or commercial distribution, exhibition or gift, but such presumption shall be rebuttable. The burden of proof that their possession is for the purpose of return to the person from whom received shall be on the possessor.
Added by Laws 1968, c. 121, § 14, emerg. eff. April 4, 1968.
Amended by Laws 2000, c. 208, § 22, eff. Nov. 1, 2000.

§21-1040.25. Jurisdiction - Service of process - Fines - Execution against property.

In order to protect the citizens and residents of this state against unfit articles and printed or written matter or material which originate outside this state, it is the purpose of this section to subject to the jurisdiction of the courts of this state those persons who are responsible for the importation of those things into this state.

To that end and in the exercise of its power and right to protect its citizens and residents, it is hereby provided that any person, whether or not a citizen or resident of this state, who sends or causes to be sent into this state for resale in this state any article or printed matter or material is for the purpose of this act transacting business in this state and by that act:

(a) submits himself to the jurisdiction of the courts of this state in any proceeding commenced under Section 4 of this act;

(b) constitutes the Secretary of State his agent for service of process in any proceeding commenced under Section 4 of this act; and consents that service of process shall be made by serving a copy upon the Secretary of State or by filing a copy in the Secretary of State's office, and that this service shall be sufficient service provided that, within one day after service, notice of the service and a copy of the process are sent by registered mail by the Attorney General or district attorney to him at his last-known address and proof of such mailing filed with the clerk of the court

within one day after mailing;

(c) consents that any fine levied against him under any section of this act may be executed against any of his real property, personal property, tangible or intangible, choses in action or property of any kind or nature, including debts owing to him, which are situated or found in this state.

Service of process upon any person who is subject to the jurisdiction of the courts of this state, as provided in this section, may also be made by personally serving the summons upon him outside this state with the same force and effect as though summons had been personally served within this state. The service of summons shall be made in like manner as service within this state, by any person over twenty-one (21) years of age not a party to the action. No order of court is required. An affidavit of the server shall be filed stating the time, manner and place of service. The court may consider the affidavit, or any other competent proofs, in determining whether service has been properly made.
Laws 1968, c. 121, § 15, emerg. eff. April 4, 1968.

§21-1040.26. Repealer.

21 O.S.1961, Sections 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1040.1, 1040.2, 1040.3, 1040.4, 1040.5, 1040.6 and 1040.7, are hereby repealed.
Laws 1968, c. 121, § 16, emerg. eff. April 4, 1968.

§21-1040.51. Repealed by Laws 2000, c. 208, § 24, eff. Nov. 1, 2000.

§21-1040.52. Showing of specified actual or simulated sexual activity and nudity at certain outdoor theaters prohibited - Penalty.

A. Every owner or operator of an outdoor theater in this state is guilty of a misdemeanor who shows or causes to be shown a motion picture depicting:

1. Any person, whether nude or clad, in an act or simulation of an act of sexual intercourse, unnatural copulation or other sexual activity including the showing of human genitals in a state of sexual stimulation or arousal, acts of human masturbation, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast; or

2. Nude or partially denuded figures including less than completely and opaquely covered human genitals, pubic regions, buttock and female breast below a point immediately above the top of the areola and including human male genitals in a discernibly turgid state. even if completely and opaquely covered.

B. This section shall be applicable, however, only where the viewing portion of the screen of such theater is situated within the view of any residence or where children under eighteen (18) years of age have an understanding view of the picture.

C. Any prosecution under this section must be preceded by a written complaint from a resident affected by the terms of this act. D. Upon conviction of a violation of this section such person shall be imprisoned in the county jail for not more than one (1) year. or fined not more than One Thousand Dollars ($1,000.00), or be both so imprisoned and fined.
Laws 1970, c. 243, § 1, emerg. eff. April 22, 1970; Laws 1973, c. 63, § 1, emerg. eff. April 27, 1973.

§21-1040.53. Projectionists, ushers or cashiers excepted from statutes relating to exhibit of obscene motion pictures.

The provisions of statutes of this state and the provisions of ordinances of any city prescribing a criminal penalty for exhibit of any obscene motion picture shown in a commercial theater open to the general public shall not apply to a projectionist or assistant projectionist, usher or cashier, provided he has no financial interest in the show or in its place of presentation other than regular employment as a projectionist or assistant projectionist, usher or cashier. Provided further, that such person is not acting as manager or director of such theater. The provisions of this act shall not exempt any projectionist or assistant projectionist, usher or cashier from criminal liability for any act unrelated to projection of motion pictures in a commercial theater open to the general public.
Laws 1971, c. 20, § 1, emerg. eff. March 22, 1971.

§21-1040.54. Seizure and forfeiture of equipment used in certain offenses relating to obscene material or child pornography.

A. Any peace officer of this state is authorized to seize any equipment which is used, or intended for use in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of obscene material, as defined in paragraph 1 of subsection B of Section 1024.1 of this title or child pornography, as defined in subsection A of Section 1024.1 of this title. Said equipment may be held as evidence until a forfeiture has been declared or a release ordered. Forfeiture actions under this section may be brought by the district attorney in the proper county of venue as petitioner; provided, in the event the district attorney elects not to file such an action, or fails to file such action within ninety (90) days of the date of the seizure of such equipment, a forfeiture action may be brought by the entity seizing such equipment as petitioner.

B. Notice of seizure and intended forfeiture proceeding shall be given all owners and parties in interest by the party seeking forfeiture as follows:

1. Upon each owner or party in interest whose name and address

is known, by mailing a copy of the notice by registered mail to the last-known address; and

2. Upon all other owners or parties in interest, whose addresses are unknown, by one publication in a newspaper of general circulation in the county where the seizure was made.

C. Within sixty (60) days after the mailing or publication of the notice, the owner of the equipment and any other party in interest may file a verified answer and claim to the equipment described in the notice of seizure and of the intended forfeiture proceeding.

D. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and may order the equipment forfeited to the state, if such fact is proven.

E. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

F. At the hearing the party seeking the forfeiture shall prove by clear and convincing evidence that the equipment was used in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of obscene material, as defined in paragraph 1 of subsection B of Section 1024.1 of this title or child pornography, as defined in paragraph 1 of subsection A of Section 1024.1 of this title, with knowledge by the owner of the equipment.

G. The owner or party in interest may prove that the right or interest in the equipment was created without any knowledge or reason to believe that the equipment was being, or was to be, used for the purpose charged.

H. In the event of such proof, the court may order the equipment released to the bona fide or innocent owner or party in interest if the amount due the person is equal to, or in excess of, the value of the equipment as of the date of the seizure.

I. If the amount due to such person is less than the value of the equipment, or if no bona fide claim is established, the equipment shall be forfeited to the state and shall be sold pursuant to the judgment of the court.

J. Equipment taken or detained pursuant to this section shall not be repleviable, but shall be deemed to be in the custody of the office of the district attorney of the county where the equipment was seized or in the custody of the party seeking the forfeiture. The district attorney or the party seeking the equipment may release said equipment to the owner of the equipment if it is determined that the owner had no knowledge of the illegal use of the equipment or if there is insufficient evidence to sustain the burden of showing illegal use of the equipment. Equipment which has not been released by the district attorney or the party seizing the equipment shall be subject to the orders and decrees of the court or the

official having jurisdiction thereof.

K. The district attorney or the party seizing such equipment shall not be held civilly liable for having custody of the seized equipment or proceeding with a forfeiture action as provided for in this section.

L. The proceeds of the sale of any equipment not taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser or conditional sales vendor of the equipment, if any, up to the amount of the person's interest in the equipment, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the equipment; and

3. The balance to a revolving fund in the office of the county treasurer of the county where the equipment was seized, said fund to be used and maintained as a revolving fund for any purpose by the department that made the seizure with a yearly accounting to the board of county commissioners in whose county the fund is established. Monies from said fund may be used to pay costs for the storage of such equipment if such equipment is ordered released to a bona fide or innocent owner, purchaser, or conditional sales vendor and if such monies are available in said fund.

M. The proceeds of the sale of any equipment seized, taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser or conditional sales vendor of the equipment, if any, up to the amount of the person's interest in the equipment, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the equipment; and

3. The balance to a revolving fund of the agency seizing said equipment to be used and maintained as a revolving fund for law enforcement purposes by the agency seizing said equipment. Monies from said fund may be used to pay costs for the storage of such equipment if such equipment is ordered released to a bona fide or innocent owner, purchaser, or conditional sales vendor.

N. When any equipment is forfeited pursuant to this section,

the district court of jurisdiction may order that the equipment seized may be retained by the state, county, or municipal law enforcement agency which seized the equipment for its official use.

O. If the court finds that the equipment was not used in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of obscene material, as defined in paragraph 1 of subsection B of Section 1024.1 of this title or child pornography as defined in paragraph 1 of subsection A of Section 1024.1 of this title, the court shall order the equipment released to the owner.

P. No equipment shall be forfeited pursuant to the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, or by any person other than such owner while such equipment was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

Added by Laws 1986, c. 191, § 1, eff. Nov. 1, 1986. Amended by Laws 2000, c. 101, § 1, eff. Nov. 1, 2000; Laws 2000, c. 208, § 23, eff. Nov. 1, 2000.

§21-1040.55. Adult cabaret and sexually oriented business exterior advertising signs - Requirements.

A. As used in this section:

1. "Adult cabaret" means a nightclub, bar, restaurant, or similar establishment in which persons appear in a state of nudity in the performance of their duties;

2. "Sexually oriented business" means any business which offers its patrons goods of which a substantial portion are sexually oriented materials. Any business where more than ten percent (10%) of display space is used for sexually oriented materials shall be presumed to be a sexually oriented business;

3. "Sexually oriented materials" means any textual, pictorial, or three-dimensional material that depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a way that is patently offensive to the average person applying contemporary adult community standards with respect to what is suitable for minors; and

4. "State of nudity" means the showing of either:

   a. the human male or female genitals or pubic area with less than a fully opaque covering, or

   b. the female breast with less than a fully opaque covering or any part of the nipple.

B. Except as otherwise provided in this subsection, no billboard or other exterior advertising sign for an adult cabaret or sexually oriented business shall be located within one (1) mile of any state highway. If such a business is located within one (1) mile of a state highway, the business may display a maximum of two

exterior signs on the premises of the business, consisting of one identification sign and one sign solely giving notice that minors are not permitted on the premises. The identification sign shall be no more than forty (40) square feet in size and shall include no more than the following information: name, street address, telephone number, and operating hours of the business.

C. Signs existing at the time of the adoption of this section, which do not conform to the requirements of this section, may be allowed to continue as a nonconforming use, but shall be made to conform not later than November 1, 2009.

D. The Attorney General shall represent the state in all actions and proceedings arising from this section. In addition, all costs incurred by the Attorney General to defend or prosecute this section, including payment of all court costs, civil judgments, and, if necessary, any attorney fees, shall be paid from the General Revenue Fund.

E. Any owner of a business who violates the provisions of this section shall be guilty of a misdemeanor.

Added by Laws 2006, c. 321, § 1, eff. Nov. 1, 2006.

§21-1040.56. Cause of action – Damages – Statute of limitations.

A. Any person who, while under the age of eighteen (18), was a victim of an offense provided for in Section 681, 741, 843.5, 852.1, 867, 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1024.2, 1040.8, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes, where such offense resulted in a conviction and any portion of such offense was used in the production of child pornography, and who suffers personal or psychological injury as a result of the production, promotion, or possession of such child pornography, may bring a civil action against the producer, promoter, or intentional possessor of such child pornography, regardless of whether the victim is now an adult.

B. In any civil action brought under this section, the prevailing plaintiff shall recover the actual, special and punitive damages such person sustained and the cost of the suit, including reasonable attorney fees.

C. Notwithstanding any other provision of law, any civil action commenced pursuant to this section shall be filed within three (3) years after the later of:

1. The conclusion of the related criminal case;

2. The notification to the victim by a law enforcement agency of the creation, possession, distribution or promotion of child pornography; or

3. In the case of a victim younger than eighteen (18) years of age, within three (3) years after the person reaches the age of eighteen (18).

D. It is not a defense to a civil cause of action under this

section that the respondent did not know the victim or commit the abuse depicted in the child pornography.

E. As used in this section, "child pornography" shall have the same meaning as such term is defined in Section 1024.1 of Title 21 of the Oklahoma Statutes.

F. The provisions of this section shall not apply to any acts performed in the scope and course of employment by any:

1. Law enforcement officer;
2. Forensic examiner;
3. Prosecuting attorney; or
4. Employee of a child advocacy organization.

Added by Laws 2011, c. 195, § 1, eff. Nov. 1, 2011.

§21-1040.75. Definitions.

As used in Sections 1040.75 through 1040.77 of this title:

1. "Minor" means any unmarried person under the age of eighteen (18) years;

2. "Harmful to minors" means:

a. that quality of any description, exhibition, presentation or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse when the material or performance, taken as a whole, has the following characteristics:

(1) the average person eighteen (18) years of age or older applying contemporary community standards would find that the material or performance has a predominant tendency to appeal to a prurient interest in sex to minors, and

(2) the average person eighteen (18) years of age or older applying contemporary community standards would find that the material or performance depicts or describes nudity, sexual conduct, sexual excitement or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors, and

(3) the material or performance lacks serious literary, scientific, medical, artistic, or political value for minors, or

b. any description, exhibition, presentation or representation, in whatever form, of inappropriate violence;

3. "Inappropriate violence" means any description or representation, in an interactive video game or computer software, of violence which, taken as a whole, has the following characteristics:

a. the average person eighteen (18) years of age or older applying contemporary community standards would find that the interactive video game or computer software is patently offensive to prevailing standards in the adult community with respect to what is suitable for minors, and

b. the interactive video game or computer software lacks serious literary, scientific, medical, artistic, or political value for minors based on, but not limited to, the following criteria:

(1) is glamorized or gratuitous,

(2) is graphic violence used to shock or stimulate,

(3) is graphic violence that is not contextually relevant to the material,

(4) is so pervasive that it serves as the thread holding the plot of the material together,

(5) trivializes the serious nature of realistic violence,

(6) does not demonstrate the consequences or effects of realistic violence,

(7) uses brutal weapons designed to inflict the maximum amount of pain and damage,

(8) endorses or glorifies torture or excessive weaponry, or

(9) depicts lead characters who resort to violence freely;

4. "Nudity" means the:

a. showing of the human male or female genitals, pubic area, or buttocks with less than a full opaque covering,

b. showing of the female breast with less than a full opaque covering of any portion of the female breast below the top of the nipple, or

c. depiction of covered male genitals in a discernibly turgid state;

5. "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person be a female, breast;

6. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual stimulation or arousal;

7. "Sadomasochistic abuse" means flagellation or torture by or upon a person clothed or naked or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed or naked;

8. "Material" means any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture

film, record, recording tape, CD-ROM disk, Magnetic Disk Memory, Magnetic Tape Memory, video tape, computer software or video game;

9. "CD-ROM" means a compact disk with read only memory which has the capacity to store audio, video and written materials and may be used by computer to play or display materials harmful to minors;

10. "Magnetic Disk Memory" means a memory system that stores and retrieves binary data on record-like metal or plastic disks coated with a magnetic material, including but not limited to floppy diskettes;

11. "Magnetic Tape Memory" means a memory system that stores and retrieves binary data on magnetic recording tape;

12. "Performance" means any motion picture, film, video tape, played record, phonograph or tape, preview, trailer, play, show, skit, dance, or other exhibition performed or presented to or before an audience of one or more, with or without consideration;

13. "Knowingly" means having general knowledge of, or reason to know, or a belief or ground for belief which warrants further inspection or inquiry of both:

a. the character and content of any material or performance which is reasonably susceptible of examination by the defendant, and

b. the age of the minor. However, an honest mistake, shall constitute an excuse from liability pursuant to this act if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor;

14. "Person" means any individual, partnership, association, corporation, or other legal entity of any kind; and

15. "A reasonable bona fide attempt" means an attempt to ascertain the true age of the minor by requiring production of a driver license, marriage license, birth certificate or other governmental or educational identification card or paper and not relying solely on the oral allegations or apparent age of the minor. Added by Laws 1992, c. 7, § 1. Amended by Laws 1995, c. 66, § 1, eff. July 1, 1995; Laws 2001, c. 387, § 1, eff. July 1, 2001; Laws 2006, c. 321, § 2, eff. Nov. 1, 2006.

§21-1040.76. Material or performances harmful to minors - Prohibited acts.

No person, including but not limited to any persons having custody, control or supervision of any commercial establishment, shall knowingly:

1. Display material which is harmful to minors in such a way that minors, as a part of the invited general public, will be exposed to view such material. Provided, however, a person shall be deemed not to have "displayed" material harmful to minors if the material is kept behind devices commonly known as "blinder racks" so that the lower two-thirds (2/3) of the material is not exposed to

view;

2. Sell, furnish, present, distribute, allow to view, or otherwise disseminate to a minor, with or without consideration, any material which is harmful to minors; or

3. Present to a minor or participate in presenting to a minor, with or without consideration, any performance which is harmful to a minor.

Added by Laws 1992, c. 7, § 2. Amended by Laws 1995, c. 66, § 2, eff. July 1, 1995.

§21-1040.77. Violations - Penalties.

Any person convicted of violating any provision of Section 1040.76 of this title shall be guilty of a misdemeanor and shall be fined a sum not exceeding Five Hundred Dollars ($500.00) for the first or second offense. Any person convicted of a third or subsequent violation of any provision of Section 1040.76 of this title shall be guilty of a misdemeanor and shall be fined a sum not exceeding One Thousand Dollars ($1,000.00). Each day that any violation of Section 1040.76 of this title occurs or continues shall constitute a separate offense and shall be punishable as a separate violation. Every act or transaction prohibited by Section 1040.76 of this title shall constitute a separate offense as to each item, issue or title involved and shall be punishable as such. For the purpose of this section, multiple copies of the same identical title, monthly issue, volume and number issue or other such identical material as prohibited by Section 1040.76 of this title shall constitute a single offense.

Added by Laws 1992, c. 7, § 3. Amended by Laws 1995, c. 66, § 3, eff. July 1, 1995; Laws 2001, c. 387, § 2, eff. July 1, 2001.

§21-1040.80. Interactive computer service providers - Removal of child pornography - Court orders - Notice and hearing - Violations - Penalties - Petition for relief.

A. As used in this section, the term:

1. “Interactive computer service provider” means any provider to the public of computer access via the Internet to a computer server or similar device used for the storage of graphic, video or images;

2. “Internet” means the international computer network of both federal and nonfederal interoperable packet-switched data networks;

3. “Controlled or owned by” with respect to a server or other storage device means a server or other such device that is entirely owned by the interactive computer service provider or is subject to exclusive management by the interactive computer service provider by agreement or otherwise; and

4. “Child pornography” means explicit child pornography as defined in Section 1024.1 of Title 21 of the Oklahoma Statutes.

B. The Attorney General or a law enforcement officer who receives information that an item of alleged child pornography resides on a server or other storage device controlled or owned by an interactive computer service provider shall:

1. Contact the interactive computer service provider that controls or owns the server or other storage device where the item of alleged child pornography is located;

2. Inform the interactive computer service provider of the provisions of this section; and

3. Request that the interactive computer service provider voluntarily comply with this section and remove the item of alleged child pornography from its server or other storage device expeditiously.

C. 1. If an interactive computer service does not voluntarily remove the item of alleged child pornography in a timely manner, the Attorney General or law enforcement officer shall apply for a court order of authorization to remove the item of alleged child pornography under this section. The obligation to remove the item of alleged child pornography shall not apply to the transmitting or routing of, or the intermediate, temporary storage or caching of an image, information or data that is otherwise subject to this section.

2. The application for a court order shall include:

a. the authority of the applicant to make such an application,

b. the identity and qualifications of the investigative or law enforcement officer or agency that, in the official scope of that officer's duties or agency's authority, discovered the images, information, or data,

c. a particular statement of the facts relied upon by the applicant, including:

(1) the identity of the interactive computer service,

(2) identification of the item of alleged child pornography discovered on the server or other storage device controlled or owned by an interactive computer service provider,

(3) the particular images, information, or data to be removed or to which access is to be disabled identified by uniform resource locator (URL) or Internet protocol (IP) address, a statement certifying that such content resides on a server or storage device controlled or owned by such interactive computer service provider, and

(4) the steps taken to obtain voluntary compliance by such interactive computer service provider with the requirements of this act prior to filing the application,

d. such additional testimony and documentary evidence in

support of the application as the judge may require, and

e. a showing that there is probable cause to believe that the child pornography items constitutes a violation of this section.

D. The Attorney General shall notify the interactive computer service provider which is identified in the court's order in accordance with the provisions of this section. The Attorney General shall notify an interactive computer service provider upon the issuance of an order authorizing the removal of the items of alleged child pornography.

1. The notice by the Attorney General shall include:

a. a copy of the application made pursuant to subsection C of this section,

b. a copy of the court order issued pursuant to subsection K of this section,

c. notification that the interactive computer service shall remove the item of alleged child pornography contained in the order which resides on a server or other storage device controlled or owned by such interactive service provider and which are accessible to persons located within this state expeditiously after receipt of the notification,

d. notification of the criminal penalties for failure to remove the item of child pornography,

e. notification of the right to appeal the court's order, and

f. contact information for the Attorney General's Office.

2. An interactive computer service may designate an agent within the state to receive notification pursuant to this section.

E. The interactive computer service provider has the right to request a hearing before the court imposes any penalty under this section.

F. Nothing in this section may be construed as imposing a duty on an interactive computer service provider to actively monitor its service or affirmatively seek evidence of illegal activity on its service.

G. Notwithstanding any other provision of law to the contrary, any interactive computer service provider that intentionally violates subsection L of this section commits:

1. A misdemeanor for a first offense punishable by a fine of One Thousand Dollars ($1,000.00);

2. A misdemeanor of a high and aggravated nature for a second offense punishable by a fine of Five Thousand Dollars ($5,000.00); and

3. A felony for a third or subsequent offense punishable by a fine of Thirty Thousand Dollars ($30,000.00) and imprisonment for a

maximum of five (5) years.

H. The Attorney General shall have concurrent prosecutorial jurisdiction with a district attorney for violation of this section.

I. The removal of the alleged item of child pornography which resides on a server or other storage device, shall not, to the extent possible, interfere with any request of a law enforcement agency to preserve records or other evidence, which may be kept by the interactive computer service provider in the normal course of business.

J. Upon consideration of an application for authorization to remove the item of alleged child pornography that resides on a server or other storage device controlled or owned by an interactive computer service provider as set forth in subsection C of this section, the judge may enter an ex parte order, as requested or as modified, authorizing the removal of the item of alleged child pornography, if the court determines on the basis of the facts submitted by the applicant that there is or was probable cause for belief that:

1. The item of alleged child pornography constitutes evidence of an act in violation of this section;

2. The investigative or law enforcement officer or agency acted within the official scope of that officer's duties or agency's authority, in discovering the images, information, or data and has complied with the requirements of subsection I and subsection K of this section;

3. An item of alleged child pornography resides on the server or other storage device controlled or owned by the interactive computer service provider and is accessible to persons located in the state; and

4. In the case of an application, other than a renewal or extension, for an order removing the item of alleged child pornography which was the subject of a previous order authorizing the removal or disabling of access, the application is based upon new evidence or information different from and in addition to the evidence or information offered to support the prior order.

K. Each order authorizing the removal or disabling of access to an alleged item of child pornography shall contain:

1. The name of the judge authorized to issue the order;

2. A particular description of the images, information, or data to be removed or access to such disabled, identified by a URL or IP address, and a statement of the particular violation of the section to which the images, information, or data relate;

3. The identity of the investigative or law enforcement officer or agency who discovered the images, information, or data and the identity of whoever authorized the application; and

4. Such additional information or instruction as the court deems necessary to execute the order.

L. The court shall review the application and testimony, if offered, and, upon a finding of probable cause, issue an order that:

1. An item of child pornography resides on a server or other storage device controlled by the interactive computer service provider and is accessible to persons located in the state;

2. The interactive computer service provider shall remove the item residing on a server or other storage device controlled or owned by the interactive computer service provider expeditiously after receiving the order, if practical;

3. The order shall specify that removal of any item covered by the order shall be accomplished in a fashion that prevents or minimizes the removal of, or restriction of access to, images, information, or data that are not subject to the order;

4. Failure of the interactive computer service provider to comply with the court's order is a violation of this section;

5. The removal of the item on the server or other storage device controlled or owned by the interactive computer service provider may not unreasonably interfere with a request by a law enforcement agency to preserve records for a reasonable period and in accordance with law; and

6. Provides the interactive computer service provider notice and opportunity for a hearing before the court imposes any penalty under this subsection.

M. An interactive computer service provider who is served with a court order under subsection L of this section shall remove the item of child pornography that is the subject of the order expeditiously after receiving the court order, if practicable.

N. 1. An interactive service provider may petition the court for relief for cause from an order issued under subsection L of this section.

2. The petition may be based on considerations of:

a. the cost or technical feasibility of compliance with the order, or

b. the inability of the interactive computer service provider to comply with the order without also removing data, images or information that are not subject to this section.

Added by Laws 2003, c. 256, § 1, emerg. eff. May 23, 2003.

§21-1041. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1042. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1043. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1044. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1045. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1046. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1047. Repealed by Laws 2008, c. 391, § 8, eff. Nov. 1, 2008.

§21-1048. Storage or accumulation of wrecked or abandoned motor vehicle or part thereof within view of preexisting residence or adjoining property - Farm-related vehicles excepted.

No person, firm, partnership or corporation shall with malice or without valid business purpose store, accumulate, allow to accumulate, or allow to remain stored or accumulated after receipt of notice as is hereinafter provided, any wrecked or abandoned motor vehicle, or any recyclable or nonrecyclable hulk or part of a motor vehicle within view of any preexisting residence or adjoining property situated outside the territorial limits of any incorporated municipality. Any homeowner or adjoining property owner aggrieved by any violation of this section may order the removal of any motor vehicle, hulk or part stored in violation hereof upon thirty (30) days' written notice to the owner of the land where such motor vehicle, hulk or part is stored. Upon the failure of the offending party to comply with said order, the aggrieved party may obtain injunctive and mandamus relief for the removal of matter so stored or accumulated or for screening of the matter so stored or accumulated from view from the adjoining property from the district court of the county where the residence is situated and, further; shall be entitled to recover reasonable attorneys' fees, court costs and other reasonable expenses of bringing suit.

Provided, nothing within this section shall prohibit the accumulation or storage of farm-related vehicles upon any property currently used for agricultural or ranching-related purposes. Added by Laws 1980, c. 273, § 18, emerg. eff. June 9, 1980. Amended by Laws 1993, c. 113, § 1, eff. Sept. 1, 1993.

§21-1051. Lottery defined - Consideration – Organizations permitted to issue tickets.

A. A lottery is any scheme for the disposal or distribution of property by chance among persons who have paid, or promised, or agreed to pay any valuable consideration for the chance of obtaining such property, or a portion of it, or for any share of or interest in such property, upon any agreement, understanding or expectation that it is to be distributed or disposed of by a lot or chance, whether called a lottery, a raffle, or a gift enterprise, or by whatever name the same may be known. “Valuable consideration” shall be construed to mean money or goods of actual pecuniary value. Provided, it shall not be a violation of the lottery or gambling laws of this state for:

1. The Oklahoma Lottery Commission to conduct a lottery pursuant to the provisions of the Oklahoma Education Lottery Act;

2. A bona fide resident merchant or merchants of a city or town, acting in conjunction with the Chamber of Commerce or Commercial Club of this state thereof, to issue free of charge numbered tickets on sales of merchandise, the corresponding stub of one or more of which tickets to be drawn or chosen by lot by a representative or representatives of the Chamber of Commerce or of the Commercial Club in the manner set forth on the tickets, the numbered stub or stubs so drawn to entitle the holder of the corresponding numbered issued ticket to a valuable prize donated by the merchant;

3. A bona fide community chest welfare fund on a military post or reservation to issue numbered tickets in conjunction with voluntary contributions to the fund, the corresponding stub or stubs of one or more of the tickets to be drawn by lot under the supervision of a military commander, the stub or stubs so drawn entitling the ticket holder to a prize of some value. Provided, however, that no person shall sell tickets or receive contributions to the fund off the military reservation; or

4. a. A qualified organization to raise funds by issuing numbered tickets in conjunction with voluntary contributions to the qualified organization, the corresponding stub or stubs of one or more of the tickets to be drawn by lot under the supervision of an official of the qualified organization, the stub or stubs so drawn entitling the ticket holder to a prize. As used in this paragraph, "qualified organization" means:

(1) a church,

(2) a public or private school accredited by the State Department of Education or registered by the State Board of Education for purposes of participating in federal programs,

(3) a student group or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,

(4) a parent-teacher association or organization affiliated with a public or private school qualified pursuant to division (2) of this subparagraph,

(5) fire departments,

(6) police departments,

(7) organizations that are exempt from taxation pursuant to the provisions of subsection (c) of Section 501 of the United States Internal Revenue Code, as amended, 26 U.S.C., Section 501(c) et

seq., or

(8) an "organization" as such term is defined in paragraph 20 of Section 402 of Title 3A of the Oklahoma Statutes.

b. Any raffle conducted by a qualified organization shall be conducted by members of the qualified organization without compensation to any member. The organization shall not hire or contract with any person or business association, corporation, partnership, limited partnership or limited liability company to conduct a raffle, to sell raffle tickets or to solicit contributions in connection with a raffle on behalf of the organization.

B. If the Oklahoma Education Lottery Act ceases to have the force and effect of law pursuant to Section 36 of the Oklahoma Education Lottery Act, the provisions of paragraph 3 of subsection A of this section shall cease to have the force and effect of law.
R.L.1910, § 2470. Amended by Laws 1929, c. 19, p. 16, § 1; Laws 1957, p. 163, § 1; Laws 2003, c. 202, § 1; Laws 2004, c. 275, § 4; Laws 2009, c. 2, § 3, emerg. eff. March 12, 2009.
NOTE: Laws 2004, c. 275, § 4 (and Laws 2003, c. 202, § 1, which it amended) became effective upon approval by the people of Oklahoma of State Question No. 705, House Bill Number 1278 of the 1st Regular Session of the 49th Oklahoma Legislature (Laws 2003, c. 58, § 37), at election held on Nov. 2, 2004.
NOTE: Laws 2003, c. 58, § 37 repealed by Laws 2009, c. 2, § 4, emerg. eff. March 12, 2009.

§21-1052. Lottery unlawful - Nuisance.

Every lottery is unlawful, and a common public nuisance.
R.L.1910, § 2471.

§21-1053. Preparing or drawing lottery - Punishment.

Any person who contrives, prepares, sets up, proposes or draws any lottery shall be guilty of a felony punishable by a fine equal to double the amount of the whole sum or value for which such lottery was made, and if such amount cannot be ascertained, then, by imprisonment in the State Penitentiary not exceeding two (2) years or by imprisonment in a county jail not exceeding one (1) year, or by a fine of Two Thousand Five Hundred Dollars ($2,500.00), or by both such fine and imprisonment.
R.L. 1910, § 2472. Amended by Laws 1997, c. 133, § 282, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 185, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 282 from July 1, 1998, to July 1, 1999.

§21-1054. Selling lottery tickets.

Every person who sells, gives or in any manner whatever furnishes or transfers to or for any other person, any ticket, chance, share or interest, or any paper, certificate or instrument, purporting or represented or understood to be or represent any ticket, chance, share or interest in or depending upon the event of any lottery, is guilty of a misdemeanor.
R.L.1910, § 2473.

§21-1055. Repealed by Laws 1993, c. 239, § 55, eff. July 1, 1993.

§21-1056. Advertising lotteries.

Every person who, by writing or printing, by circulars or letters, or in any other way advertises or publishes any account of any lottery stating when or where the same is to be or has been drawn, or what are the prizes or any of them therein, or the price of a ticket or of any share or interest or where it may be obtained, or in any way aiding or assisting the same, or adapted to induce persons to adventure therein, is guilty of a misdemeanor.
R.L.1910, § 2475.

§21-1057. Offering property dependent on lottery.

Every person who offers for sale, distribution or disposition in any way, any real or personal property, or things in action, or any interest therein, to be determined by lot or chance, that shall be dependent upon the drawing of any lottery within or out of this state, and every person who sells, furnishes or procures, or causes to be sold, furnished or procured in any manner whatsoever, any chance or share, or any interest whatsoever in any property offered for sale, distribution or disposition in violation of this section, or any ticket or other evidence of any chance, share, or interest in such property, is guilty of a misdemeanor.
R.L.1910, § 2476.

§21-1058. Lottery offices - Punishment.

Every person who opens, sets up or keeps, by himself, or by any other person or persons, any office or other place for registering the numbers of any ticket in any lottery or for making, receiving or registering any bets or wagers upon the drawing, determination or result of any lottery, is punishable by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00).
R.L.1910, § 2477.

§21-1059. Advertising lottery offices.

Every person who, by writing or printing by circulars or letters, or in any other way, advertises or publishes any account of

the opening, setting up or keeping of any office or other place for either of the purposes prohibited by the last section, is guilty of a misdemeanor.
R.L.1910, § 2478.

§21-1060. Insuring lottery tickets.

Every person who insures or receives any consideration for insuring for or against the drawing of any ticket, share, or interest in any lottery, or for or against the drawing of any number, or ticket, or number of any ticket in any lottery; and every person who receives any valuable consideration upon any agreement to pay any sum, or to deliver any property or thing in action in the event that any ticket, share, or interest in any lottery, or any number, or ticket, or number of any ticket in any lottery shall prove fortunate or unfortunate, or shall be drawn or not drawn on any particular day or in any particular order; and every person who promises, agrees, or offers to pay any sum of money or to deliver any property or thing in action, or to do, or forbear to do anything for the benefit of any other person, with or without consideration, upon any event whatever connected with any lottery, is guilty of a misdemeanor.
R.L.1910, § 2479.

§21-1061. Advertising insurance of lottery tickets.

Every person who, by writing or printing, by circulars or letters, or in any other way, advertises or publishes any offer, notice or proposal for any violation of the last section, is guilty of a misdemeanor.
R.L.1910, § 2480.

§21-1062. Property offered by lottery is forfeited.

All property offered for sale, distribution, or disposition, in violation of the provisions of this article, is forfeited to the people of this state, as well before as after the determination of the chance on which the same was dependent. And it is the duty of the respective district attorneys, to demand, sue for, and recover, in behalf of this state, all property so forfeited, and to cause the same to be sold when recovered, and to pay the proceeds of the sale of such property, and any monies that may be collected in any such suit, into the county treasury for the benefit of common schools.
R.L.1910, § 2481.

§21-1063. Letting building for lottery.

Every person who lets or permits to be used any building or portion of any building, knowing that it is intended to be used for any of the purposes declared punishable by this article, is guilty of a misdemeanor.

R.L.1910, § 2482.

§21-1064. Lotteries drawn out of the state.

The provisions of this article apply in respect to lotteries drawn or to be drawn out of this state, whether authorized or not by the laws of the state where they are drawn or to be drawn, in same manner as to lotteries drawn or to be drawn within this state.
R.L.1910, § 2483.

§21-1065. Advertisements by person out of state.

The provisions of Sections 2475 and 2478 are applicable wherever the advertisement was published, or the letter or circular sent or delivered through or in this state, notwithstanding the person causing or procuring the same to be published, sent or delivered, was out of this state at the time of so doing.
R.L.1910, § 2484.

§21-1066. Selling plan as lottery.

Every person who sets up, promotes or engages in any plan by which goods or anything of value is sold to a person, firm or corporation for a consideration and upon the further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase or purchases and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan, shall be held to have set up and promoted a lottery and shall be punished as provided in Section 1068 of this title.
Added by Laws 1957, p. 162, § 1, emerg. eff. June 1, 1957. Amended by Laws 1997, c. 133, § 283, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 283 from July 1, 1998, to July 1, 1999.

§21-1067. Injunction.

The district court of the judicial district in which any such plan is proposed, operated or promoted may issue an injunction without bond, upon petition filed by the Attorney General, the district attorney of the county in which such plan is proposed, operated or promoted, or other interested individual, to enjoin the further operation of any such plan.
Laws 1957, p. 162, § 2.

§21-1068. Penalty.

Any person violating the provisions of Section 1066 or 1067 of this title shall, upon conviction thereof, be guilty of a felony and be punished by a fine of not less than One Thousand Dollars

($1,000.00) nor more than Five Thousand Dollars ($5,000.00), or by imprisonment for a term not exceeding two (2) years in the State Penitentiary, or by both such fine and imprisonment.
Added by Laws 1957, p. 162, § 3, emerg. eff. June 1, 1957. Amended by Laws 1997, c. 133, § 284, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 186, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 284 from July 1, 1998, to July 1, 1999.

§21-1071. Oklahoma Pyramid Promotional Scheme Act - Short title.
This act shall be known and may be cited as the "Oklahoma Pyramid Promotional Scheme Act".
Added by Laws 1995, c. 186, § 1, eff. Nov. 1, 1995.

§21-1072. Definitions.
As used in the Oklahoma Pyramid Promotional Scheme Act:
1. "Compensation" means payment of money, thing of value or financial benefit. Compensation does not include:
a. payment to participants based upon sales of products purchased for actual use and consumption, or
b. payment to participants under reasonable commercial terms;
2. "Consideration" means the payment of cash or purchase of goods, services or intangible property. Consideration does not include:
a. purchase of products furnished at cost to be used in making sales and not for resale,
b. purchase of products where the seller offers to repurchase the participant's products under reasonable commercial terms, or
c. participant's time and effort in pursuit of sales or recruiting activities;
3. "Participant" means a person who contributes money into a pyramid promotional scheme;
4. "Person" means an individual, a corporation, a partnership or any association or unincorporated organization;
5. "Promote" means:
a. to contrive, prepare, establish, plan, operate or advertise, or
b. to induce or attempt to induce other persons to be a participant;
6. "Pyramid promotional scheme" means any plan or operation by which a participant gives consideration for the opportunity to receive compensation which is derived primarily from the person's introduction of other persons into the plan or operation rather than from the sale of goods, services or intangible property by the participant or other persons introduced into the plan or operation;

and

7. "Reasonable commercial terms" includes repurchase by the seller, at the participant's request and upon termination of the business relationship or contract with the seller, of all unencumbered products purchased by the participant from the seller within the previous twelve (12) months which are unused and in commercially resalable condition. Repurchase by the seller shall be for not less than ninety percent (90%) of the actual amount paid by the participant to the seller of the products, less any consideration received by the participant for purchase of the products being returned. A product shall not be deemed nonresalable solely because the product is no longer marketed by the seller, unless it is clearly disclosed to the participant at the time of sale that the product is a seasonal, discontinued, or special promotion product, and not subject to the repurchase obligation.
Added by Laws 1995, c. 186, § 2, eff. Nov. 1, 1995.

§21-1073. Promoting pyramid promotional scheme - Penalty.

Any person who promotes a pyramid promotional scheme shall be guilty of a felony and, upon conviction, shall be punishable by a fine of not more than Ten Thousand Dollars ($10,000.00) or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment, for each violation of this act.
Added by Laws 1995, c. 186, § 3, eff. Nov. 1, 1995. Amended by Laws 1997, c. 133, § 285, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 187, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 285 from July 1, 1998, to July 1, 1999.

§21-1074. Written assurance of discontinuance of violation - Acceptance by district attorney - Restitution.

A district attorney may accept a written assurance of discontinuance of any practice in violation of this act from the person that has engaged in the unlawful practice. The district attorney may require in the agreement that by a certain date, restitution will be made to any person that has been a victim of a violation of this act. A person is not required to accept restitution pursuant to an assurance, however, acceptance of restitution pursuant to the assurance will bar that person from seeking damages from the same defendant for the same violations of this act.
Added by Laws 1995, c. 186, § 4, eff. Nov. 1, 1995.

§21-1075. Civil action.

Except as provided in Section 4 of this act, any participant in a pyramid promotional scheme may declare their transaction void and

bring a civil action in a court of competent jurisdiction to recover the consideration paid. In such an action, the court, in addition to any judgment awarded, shall require the defendant to pay reasonable attorney fees and the costs of the action, less any money paid to the participant as profit in the pyramid promotional scheme. Added by Laws 1995, c. 186, § 5, eff. Nov. 1, 1995.

§21-1081. Offense - Punishment - Fines.

Any person who shall procure any other person for prostitution, or who, by promise, threats, violence or by any device or scheme shall cause, induce, persuade or encourage another person to become a prostitute; or shall procure a place as inmate in a house of prostitution for another person; or who shall, by promise, threats, violence, or by any device or scheme cause, induce, persuade or encourage an inmate of a house of prostitution to remain therein as such inmate; or who shall, by fraud, or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority procure any other person to become a prostitute, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution, or who shall procure any other person, who has not previously practiced prostitution to become a prostitute within this state, or to come into this state or leave this state for the purpose of prostitution; or shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any other person to become an inmate of a house of prostitution within this state, or to come into this state or leave this state for the purpose of prostitution, shall be guilty of pandering, and upon conviction for any offense under this article shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a period of not less than two (2) years nor more than twenty (20) years and by fines as follows: a fine of not less than One Thousand Dollars ($1,000.00) and not more than Three Thousand Dollars ($3,000.00) upon the first conviction for such offense, a fine of not less than Three Thousand Dollars ($3,000.00) and not more than Six Thousand Dollars ($6,000.00) upon the second conviction, and a fine of not less than Six Thousand Dollars ($6,000.00) and not more than Nine Thousand Dollars ($9,000.00) for the third or subsequent convictions for such offense.

R.L. 1910, § 2425. Amended by Laws 1997, c. 133, § 286, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 188, eff. July 1, 1999; Laws 2000, c. 123, § 1, eff. Nov. 1, 2000; Laws 2002, c. 120, § 3, emerg. eff. April 19, 2002.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 286 from July 1, 1998, to July 1, 1999.

§21-1082. Part of offense outside of state no defense.

It shall not be a defense to a prosecution for any of the acts prohibited in the foregoing section that any part of such act or acts shall have been committed outside this state.
R.L.1910, § 2426.

§21-1083. Injured party as witness.

Any such female person, referred to in the foregoing sections, shall be a competent witness in any prosecution under this article, to testify for or against the accused as to any transaction or as to any conversation with the accused or by him with another person or persons in her presence, notwithstanding the fact of her having married the accused before or after the violation of any of the provisions of this article, whether called as a witness during the existence of the marriage or after its dissolution.
R.L.1910, § 2427.

§21-1084. Marriage no defense.

The act or state of marriage shall not be a defense to any violation of this article.
R.L.1910, § 2428.

§21-1085. Restraining female in house of prostitution a felony.

Whoever shall by any means keep, hold, detain, or restrain against her will, any female person in a house of prostitution or other place where prostitution is practiced or allowed; or whoever shall, directly or indirectly keep, hold, detain or restrain or attempt to keep, hold, detain or restrain, in any house of prostitution or other place where prostitution is practiced or allowed, any female person by any means for the purpose of compelling such female person, directly or indirectly to pay, liquidate or cancel any debt, dues or obligations incurred or said to have been incurred by such female person, shall upon conviction be guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a period of not less than two (2) years nor more than twenty (20) years, and by a fine of not less than Three Hundred Dollars ($300.00) and not more than One Thousand Dollars ($1,000.00).
R.L. 1910, § 2429. Amended by Laws 1997, c. 133, § 287, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 189, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 287 from July 1, 1998, to July 1, 1999.

§21-1086. Allowing offense on premises - Punishment.

Any owner, proprietor, keeper, manager, conductor, or other person, who knowingly permits or suffers the violation of any provision of this article, in any house, building, room, tent, lot

or premises under his control or of which he has possession, upon conviction, shall be punished for the first offense by imprisonment within the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not more than Three Hundred Dollars ($300.00), and upon conviction for any subsequent offense under this article shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years.
R.L. 1910, § 2430. Amended by Laws 1997, c. 133, § 288, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 190, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 288 from July 1, 1998, to July 1, 1999.

§21-1087. Child under 18 years of age - Procuring for prostitution, lewdness or other indecent act - Punishment.

A. No person shall:

1. Offer, or offer to secure, a child under eighteen (18) years of age for the purpose of prostitution, or for any other lewd or indecent act, or procure or offer to procure a child for, or a place for a child as an inmate in, a house of prostitution or other place where prostitution is practiced;

2. Receive or to offer or agree to receive any child under eighteen (18) years of age into any house, place, building, other structure, vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose; or

3. Direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any child under eighteen (18) years of age to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation.

B. 1. Any person violating the provisions of subsection A of this section shall, upon conviction, be guilty of a felony punishable by imprisonment of not less than one (1) year nor more than ten (10) years.

2. Any owner, proprietor, keeper, manager, conductor, or other person who knowingly permits any violation of this section in any house, building, room, or other premises or any conveyances under his control or of which he has possession shall, upon conviction for the first offense, be guilty of a misdemeanor and punishable by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00). Upon conviction for a subsequent offense pursuant to this subsection such person shall be guilty of a felony

and shall be punished by imprisonment in the custody of the Department of Corrections for a period of not less than one (1) year nor more than ten (10) years, or by a fine of not less than Five Thousand Dollars ($5,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00) or by both such fine and imprisonment.

C. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.
Added by Laws 1985, c. 55, § 1, eff. Nov. 1, 1985. Amended by Laws 1997, c. 133, § 289, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 191, eff. July 1, 1999; Laws 2007, c. 261, § 15, eff. Nov. 1, 2007.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 289 from July 1, 1998, to July 1, 1999.

§21-1088. Child under 18 years of age - Inducing, keeping, detaining or restraining for prostitution - Punishment.

A. No person shall:

1. By promise, threats, violence, or by any device or scheme, including but not limited to the use of any controlled dangerous substance prohibited pursuant to the provisions of the Uniform Controlled Dangerous Substances Act, cause, induce, persuade, or encourage a child under eighteen (18) years of age to engage or continue to engage in prostitution or to become or remain an inmate of a house of prostitution or other place where prostitution is practiced;

2. Keep, hold, detain, restrain, or compel against his will, any child under eighteen (18) years of age to engage in the practice of prostitution or in a house of prostitution or other place where prostitution is practiced or allowed; or

3. Directly or indirectly keep, hold, detain, restrain, or compel or attempt to keep, hold, detain, restrain, or compel a child under eighteen (18) years of age to engage in the practice of prostitution or in a house of prostitution or any place where prostitution is practiced or allowed for the purpose of compelling such child to directly or indirectly pay, liquidate, or cancel any debt, dues, or obligations incurred, or said to have been incurred by such child.

B. 1. Any person violating the provisions of this section other than paragraph 2 of this subsection, upon conviction, shall be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than twenty-five (25) years, and by a fine of not

less than Five Thousand Dollars ($5,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00).

2. Any owner, proprietor, keeper, manager, conductor, or other person who knowingly permits a violation of this section in any house, building, room, tent, lot or premises under his control or of which he has possession, upon conviction for the first offense, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not more than Five Thousand Dollars ($5,000.00). Upon conviction for a subsequent offense pursuant to the provisions of this subsection such person shall be guilty of a felony punishable by imprisonment for a period of not less than one (1) year nor more than ten (10) years, and by a fine of not less than Five Thousand Dollars ($5,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00).

C. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.
Added by Laws 1985, c. 55, § 2, eff. Nov. 1, 1985. Amended by Laws 1997, c. 133, § 290, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 192, eff. July 1, 1999; Laws 2007, c. 261, § 16, eff. Nov. 1, 2007.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 290 from July 1, 1998, to July 1, 1999.

§21-1089. Fines for violations relating to prostitution - Percentage forwarded to city - county health department.

In counties having a population of greater than four hundred thousand (400,000), One Hundred Dollars ($100.00) of each fine collected for violation of Sections 1028, 1029, 1030, and 1081 of Title 21 of the Oklahoma Statutes shall be forwarded by the court clerk to the city-county health department serving the county.
Added by Laws 2002, c. 348, § 5, emerg. eff. May 30, 2002.

§21-1092. Refusing to exhibit stolen goods.

Any pawnbroker or person carrying on the business of a pawnbroker, and every junk dealer, who having received any goods which have been embezzled or stolen, refuses or omits to exhibit them, upon demand, during the usual business hours, to the owner of said goods or his agent authorized to demand an inspection thereof, or any peace officer, shall be guilty of a felony.
R.L. 1910, § 2513. Amended by Laws 1997, c. 133, § 291, eff. July

1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 291 from July 1, 1998, to July 1, 1999.

§21-1093. Selling pledge before default.

Every pawnbroker who sells any article received by him in pledge, before the time to redeem the same has expired, and every pawnbroker who willfully refuses to disclose the name of the purchaser and the price received by him for any article received by him in pledge and subsequently sold, is guilty of a misdemeanor.
R.L.1910, § 2514.

§21-1101. Repealed by Laws 1990, c. 135, § 1, eff. July 1, 1990.

§21-1102. License - Restrictions - Fee - Notice - Protests.

It shall be unlawful for any person to maintain or operate a public pool or billiard hall, or any public pool or billiard table, in any incorporated city or town, without first securing a license from the district court clerk. The person applying for the license shall appear once each year and satisfy the district court clerk that he or she is a person of good moral character; that he or she has never been convicted of violating any of the laws regulating the traffic in any spirituous, vinous, fermented, or malt liquors, or any of the intoxicating beverage or low-point beer laws of this state, or convicted of violating any of the gambling laws of this state. A fee of Twenty-five Dollars ($25.00) every three (3) years shall be charged for the license. Upon application, the district court clerk shall give five (5) days' notice by posting notices, one notice to be posted at the county courthouse, one notice to be served on the district attorney or the district attorney’s assistant, and three (3) notices in the city or town where the pool hall shall be located. The notice shall contain the name of the applicant and the location of the pool or billiard hall. Any citizen of the city or town may file a written protest to the issuance of the license with the district court clerk and the court shall set the matter of protest for hearing. Any person violating any provision of this section shall be punished by fine, not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00), for each offense.
Added by Laws 1915, c. 21, § 2. Amended by Laws 1968, c. 414, § 2, eff. Jan. 13, 1969; Laws 1978, c. 212, § 7, eff. July 1, 1978; Laws 1991, c. 8, § 1, eff. Sept. 1, 1991; Laws 1995, c. 274, § 4, eff. Nov. 1, 1995; Laws 2000, c. 172, § 2, eff. Nov. 1, 2000; Laws 2001, c. 161, § 1, eff. Nov. 1, 2001.

§21-1103. Revocation of license.

A judge of the district court, upon five (5) days' notice to the

person holding such license, may revoke such license for any one of the following reasons:

1. Drunkenness of the person holding such license or permitting any intoxicated person to loiter in such place;

2. Violation of any provision of law relating to persons under twenty-one (21) years of age and alcoholic beverages as defined in Section 506 of Title 37 or low-point beer as defined in Section 163.2 of Title 37; or

3. Violating any of the intoxicating beverage or low-point beer laws of the state; or permitting anyone to violate any of these laws in such place.

Added by Laws 1915, c. 21, § 3. Amended by Laws 1923-24, c. 113, p. 134, § 1; Laws 1968, c. 414, § 3, eff. Jan. 13, 1969; Laws 1991, c. 8, § 2, eff. Sept. 1, 1991; Laws 1995, c. 274, § 5, eff. Nov. 1, 1995; Laws 2001, c. 161, § 1, eff. Nov. 1, 2001.

§21-1104. Additional fee by city - Abolishment.

This act shall in no way impair the right of any incorporated city or town to impose an additional license fee for maintaining any such pool or billiard hall, or pool or billiard table; or to prevent any incorporated city or town from abolishing same under existing laws.

Laws 1915, c. 21, § 4.

§21-1105. Disposition of fees and fines.

All fees collected and all fines collected for the violation of any provision of this act shall be paid into the county treasury to the credit of the court fund.

Laws 1915, c. 21, § 5; Laws 1968, c. 414, § 4, eff. Jan. 13, 1969.

§21-1111. Rape defined.

A. Rape is an act of sexual intercourse involving vaginal or anal penetration accomplished with a male or female who is not the spouse of the perpetrator and who may be of the same or the opposite sex as the perpetrator under any of the following circumstances:

1. Where the victim is under sixteen (16) years of age;

2. Where the victim is incapable through mental illness or any other unsoundness of mind, whether temporary or permanent, of giving legal consent;

3. Where force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person;

4. Where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit;

5. Where the victim is at the time unconscious of the nature of the act and this fact is known to the accused;

6. Where the victim submits to sexual intercourse under the

belief that the person committing the act is a spouse, and this belief is induced by artifice, pretense, or concealment practiced by the accused or by the accused in collusion with the spouse with intent to induce that belief. In all cases of collusion between the accused and the spouse to accomplish such act, both the spouse and the accused, upon conviction, shall be deemed guilty of rape;

7. Where the victim is under the legal custody or supervision of a state agency, a federal agency, a county, a municipality or a political subdivision and engages in sexual intercourse with a state, federal, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim;

8. Where the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in sexual intercourse with a person who is eighteen (18) years of age or older and is an employee of the same school system; or

9. Where the victim is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or tribal court and engages in sexual intercourse with a foster parent or foster parent applicant.

B. Rape is an act of sexual intercourse accomplished with a male or female who is the spouse of the perpetrator if force or violence is used or threatened, accompanied by apparent power of execution to the victim or to another person.

R.L. 1910, § 2414. Amended by Laws 1981, c. 325, § 1; Laws 1983, c. 41, § 1, eff. Nov. 1, 1983; Laws 1984, c. 134, § 1, eff. Nov. 1, 1984; Laws 1990, c. 224, § 2, eff. Sept. 1, 1990; Laws 1993, c. 62, § 1, eff. Sept. 1, 1993; Laws 1995, c. 22, § 1, eff. Nov. 1, 1995; Laws 1999, c. 309, § 2, eff. Nov. 1, 1999; Laws 2001, c. 184, § 1, eff. Nov. 1, 2001; Laws 2002, c. 22, § 9, emerg. eff. March 8, 2002; Laws 2006, c. 62, § 5, emerg. eff. April 17, 2006; Laws 2015, c. 67, § 1, eff. Nov. 1, 2015.

NOTE: Laws 2001, c. 51, § 4 repealed by Laws 2002, c. 22, § 34, emerg. eff. March 8, 2002.

§21-1111.1. Rape by instrumentation.

A. Rape by instrumentation is an act within or without the bonds of matrimony in which any inanimate object or any part of the human body, not amounting to sexual intercourse is used in the carnal knowledge of another person without his or her consent and penetration of the anus or vagina occurs to that person.

B. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where

the victim is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or under the legal custody or supervision of any public or private elementary or secondary school, junior high or high school, or public vocational school, and engages in conduct prohibited by this section of law with a person who is eighteen (18) years of age or older and is an employee of the same school system, or where the victim is under the legal custody or supervision of a state or federal agency, county, municipal or a political subdivision and engages in conduct prohibited by this section of law with a federal, state, county, municipal or political subdivision employee or an employee of a contractor of the state, the federal government, a county, a municipality or a political subdivision that exercises authority over the victim, consent shall not be an element of the crime.

C. Provided, further, that at least one of the circumstances specified in Section 1111 of this title has been met; further, where the victim is nineteen (19) years of age or younger and in the legal custody of a state agency, federal agency or tribal court and engages in conduct prohibited by this section of law with a foster parent or foster parent applicant.

D. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.
Added by Laws 1981, c. 325, § 2. Amended by Laws 1987, c. 224, § 7, eff. Nov. 1, 1987; Laws 2007, c. 261, § 17, eff. Nov. 1, 2007; Laws 2009, c. 444, § 2, eff. July 1, 2009; Laws 2015, c. 67, § 2, eff. Nov. 1, 2015.

§21-1112. Age limitation on conviction for rape.

No person can be convicted of rape or rape by instrumentation on account of an act of sexual intercourse with anyone over the age of fourteen (14) years, with his or her consent, unless such person was over the age of eighteen (18) years at the time of such act.
R.L.1910, § 2415; Laws 1981, c. 325, § 3.

§21-1113. Slight penetration is sufficient to complete crime.

The essential guilt of rape or rape by instrumentation, except with the consent of a male or female over fourteen (14) years of age, consists in the outrage to the person and feelings of the victim. Any sexual penetration, however slight, is sufficient to complete the crime.
R.L.1910, § 2416; Laws 1981, c. 325, § 4.

§21-1114. Rape in first degree - Second degree.

A. Rape in the first degree shall include:

1. rape committed by a person over eighteen (18) years of age upon a person under fourteen (14) years of age; or

2. rape committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or

3. rape accomplished where the victim is intoxicated by a narcotic or anesthetic agent, administered by or with the privity of the accused as a means of forcing the victim to submit; or

4. rape accomplished where the victim is at the time unconscious of the nature of the act and this fact is known to the accused; or

5. rape accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the person committing the crime; or

6. rape by instrumentation resulting in bodily harm is rape by instrumentation in the first degree regardless of the age of the person committing the crime; or

7. rape by instrumentation committed upon a person under fourteen (14) years of age.

B. In all other cases, rape or rape by instrumentation is rape in the second degree.

R.L.1910, § 2417. Amended by Laws 1981, c. 325, § 5; Laws 1983, c. 41, § 2, eff. Nov. 1, 1983; Laws 1986, c. 179, § 3, eff. Nov. 1, 1986; Laws 1990, c. 224, § 3, eff. Sept. 1, 1990; Laws 2008, c. 438, § 3, eff. July 1, 2008.

§21-1115. See the following versions:

OS 21-1115v1 (SB 1425, Laws 2002, c. 455, § 5).

OS 21-1115v2 (HB 2029, Laws 2009, c. 234, § 124).

§21-1115v1. Rape in first degree a felony.

Rape in the first degree is a felony punishable by death or imprisonment in the State Penitentiary, not less than five (5) years, except as provided in Section 3 of this act, in the discretion of the jury, or in case the jury fails or refuses to fix the punishment then the same shall be pronounced by the court.

R.L.1910, § 2418. Amended by Laws 1965, c. 149, § 1; Laws 1997, c. 133, § 292, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 193, eff. July 1, 1999; Laws 2002, c. 455, § 5, emerg. eff. June 5, 2002.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 292 from July 1, 1998, to July 1, 1999.

§21-1115v2. Punishment for rape in first degree.

Rape in the first degree is a felony punishable by death or imprisonment in the custody of the Department of Corrections, for a term of not less than five (5) years, life or life without parole. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment. Any person convicted of a second or subsequent violation of subsection A of Section 1114 of this title shall not be eligible for any form of probation. Any person convicted of a third or subsequent violation of subsection A of Section 1114 of this title or of an offense under Section 888 of this title or an offense under Section 1123 of this title or sexual abuse of a child pursuant to Section 843.5 of this title, or any attempt to commit any of these offenses or any combination of these offenses shall be punished by imprisonment in the custody of the Department of Corrections for life or life without parole.
R.L. 1910, § 2418. Amended by Laws 1965, c. 149, § 1; Laws 1997, c. 133, § 292, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 193, eff. July 1, 1999; Laws 2002, c. 460, § 10, eff. Nov. 1, 2002; Laws 2007, c. 261, § 18, eff. Nov. 1, 2007; Laws 2009, c. 234, § 124, emerg. eff. May 21, 2009.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 292 from July 1, 1998, to July 1, 1999.

§21-1116. Rape in second degree a felony.
Rape in the second degree is a felony punishable by imprisonment in the State Penitentiary not less than one (1) year nor more than fifteen (15) years.
R.L. 1910, § 2419. Amended by Laws 1997, c. 133, § 293, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 194, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 293 from July 1, 1998, to July 1, 1999.

§21-1117. Compelling woman to marry.
Any person who takes any woman against her will, and by force, menace or duress, compels her to marry him or to marry any other person, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than ten (10) years.
R.L. 1910, § 2420. Amended by Laws 1997, c. 133, § 294, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 195, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 294 from July 1, 1998, to July 1, 1999.

§21-1118. Intent to compel woman to marry.

Any person who takes any woman unlawfully against her will, with the intent to compel her by force, menace or duress to marry him, or to marry any other person, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.
R.L. 1910, § 2421. Amended by Laws 1997, c. 133, § 295, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 196, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 295 from July 1, 1998, to July 1, 1999.

§21-1119. Abduction of person under fifteen.

Every person who takes away or induces to leave any person under the age of fifteen (15) years, from a parent, guardian or other person having the legal charge of the person, without the consent of said parent, guardian, or other person having legal charge, for the purpose of marriage or concubinage, or any crime involving moral turpitude shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.
R.L. 1910, § 2422. Amended by Laws 1976, c. 155, § 1; Laws 1997, c. 133, § 296, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 197, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 296 from July 1, 1998, to July 1, 1999.

§21-1120. Seduction under promise of marriage.

Any person who, under promise of marriage, seduces and has illicit connection with any unmarried female of previous chaste character shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.
R.L. 1910, § 2423. Amended by Laws 1997, c. 133, § 297, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 198, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 297 from July 1, 1998, to July 1, 1999.

§21-1121. Subsequent marriage as a defense.

The subsequent marriage of the parties is a defense to a prosecution for a violation of the last section.
R.L.1910, § 2424.

§21-1122. Marriage after seduction - Subsequent abandonment a

felony.

Any person charged by information or indictment with the offense of seduction who shall, before the trial of such charge, marry the female whom he was accused of seducing, thereby procuring the dismissal of such charge, and who shall within two (2) years after said marriage, without the fault of his said wife, such fault amounting to acts committed by her after said marriage as would entitle him to a divorce under the laws of this state, shall abandon her or refuse to live with her, or shall be so cruel to her as to compel her to leave him, or shall be guilty of such outrages or cruelties towards her as to make their living together impossible, thereby leaving her or forcing her to leave him, and live apart from each other, shall be guilty of the offense of abandonment after seduction and marriage; and any person convicted of said offense shall be guilty of a felony and shall be confined in the State Penitentiary for a term of not less than two (2) years nor more than ten (10) years; and said marriage shall be no bar to the qualifications of said female to testify against the defendant; and the female so seduced and subsequently married and abandoned as herein provided, shall be a competent witness against said defendant. Added by Laws 1915, c. 108, § 1. Amended by Laws 1997, c. 133, § 298, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 199, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 298 from July 1, 1998, to July 1, 1999.

§21-1123. Lewd or indecent proposals or acts as to child under 16 or person believed to be under 16 – Sexual battery.

A. It is a felony for any person to knowingly and intentionally:

1. Make any oral, written or electronically or computer-generated lewd or indecent proposal to any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, for the child to have unlawful sexual relations or sexual intercourse with any person; or

2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law; or

3. Ask, invite, entice, or persuade any child under sixteen (16) years of age, or other individual the person believes to be a child under sixteen (16) years of age, to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child; or

4. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16)

years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or

5. In a lewd and lascivious manner and for the purpose of sexual gratification:

a. urinate or defecate upon a child under sixteen (16) years of age,

b. ejaculate upon or in the presence of a child,

c. cause, expose, force or require a child to look upon the body or private parts of another person,

d. force or require any child under sixteen (16) years of age or other individual the person believes to be a child under sixteen (16) years of age, to view any obscene materials, child pornography or materials deemed harmful to minors as such terms are defined by Sections 1024.1 and 1040.75 of this title,

e. cause, expose, force or require a child to look upon sexual acts performed in the presence of the child, or

f. force or require a child to touch or feel the body or private parts of the child or another person.

Any person convicted of any violation of this subsection shall be punished by imprisonment in the custody of the Department of Corrections for not less than three (3) years nor more than twenty (20) years, except when the child is under twelve (12) years of age at the time the offense is committed, and in such case the person shall, upon conviction, be punished by imprisonment in the custody of the Department of Corrections for not less than twenty-five (25) years. The provisions of this subsection shall not apply unless the accused is at least three (3) years older than the victim, except when accomplished by the use of force or fear. Except as provided in Section 51.1a of this title, any person convicted of a second or subsequent violation of this subsection shall be guilty of a felony punishable as provided in this subsection and shall not be eligible for probation, suspended or deferred sentence. Except as provided in Section 51.1a of this title, any person convicted of a third or subsequent violation of this subsection shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of life or life without parole, in the discretion of the jury, or in case the jury fails or refuses to fix punishment then the same shall be pronounced by the court. Any person convicted of a violation of this subsection after having been twice convicted of a violation of subsection A of Section 1114 of this title, Section 888 of this title, sexual abuse of a child pursuant to Section 843.5 of this title, or of any attempt to commit any of these offenses or any combination of convictions pursuant to these sections shall be punished by imprisonment in the custody of the Department of Corrections for a term of life or life without parole.

B. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner:

1. Without the consent of that person;

2. When committed by a state, county, municipal or political subdivision employee or a contractor or an employee of a contractor of the state, a county, a municipality or political subdivision of this state upon a person who is under the legal custody, supervision or authority of a state agency, a county, a municipality or a political subdivision of this state;

3. When committed upon a person who is at least sixteen (16) years of age and is less than twenty (20) years of age and is a student, or in the legal custody or supervision of any public or private elementary or secondary school, or technology center school, by a person who is eighteen (18) years of age or older and is an employee of the same school system that the victim attends; or

4. When committed upon a person who is nineteen (19) years of age or younger and is in the legal custody of a state agency, federal agency or a tribal court, by a foster parent or foster parent applicant.

As used in this subsection, "employee of the same school system" means a teacher, principal or other duly appointed person employed by a school system or an employee of a firm contracting with a school system who exercises authority over the victim.

C. No person shall in any manner lewdly or lasciviously:

1. Look upon, touch, maul, or feel the body or private parts of any human corpse in any indecent manner relating to sexual matters or sexual interest; or

2. Urinate, defecate or ejaculate upon any human corpse.

D. Any person convicted of a violation of subsection B or C of this section shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.

E. The fact that an undercover operative or law enforcement officer was involved in the detection and investigation of an offense pursuant to this section shall not constitute a defense to a prosecution under this section.

F. Except for persons sentenced to life or life without parole, any person sentenced to imprisonment for two (2) years or more for a violation of this section shall be required to serve a term of post-imprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by the Department of Corrections. The jury shall be advised that the mandatory post-imprisonment supervision shall be in addition to the actual imprisonment.

Added by Laws 1945, p. 95, § 1, emerg. eff. May 5, 1945. Amended by

Laws 1947, p. 232, § 1, emerg. eff. March 6, 1947; Laws 1951, p. 60, § 1, emerg. eff. May 26, 1951; Laws 1955, p. 186, § 1, emerg. eff. May 24, 1955; Laws 1965, c. 97, § 1, emerg. eff. May 12, 1965; Laws 1981, c. 206, § 1, emerg. eff. May 26, 1981; Laws 1983, c. 42, § 1, eff. Nov. 1, 1983; Laws 1985, c. 112, § 4, eff. Nov. 1, 1985; Laws 1989, c. 113, § 1, eff. Nov. 1, 1989; Laws 1990, c. 224, § 4, eff. Sept. 1, 1990; Laws 1992, c. 289, § 3, emerg. eff. May 25, 1992; Laws 1997, c. 133, § 299, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 200, eff. July 1, 1999; Laws 2000, c. 175, § 2, eff. Nov. 1, 2000; Laws 2000, c. 334, § 1, eff. Nov. 1, 2000; Laws 2002, c. 110, § 2, eff. July 1, 2002; Laws 2002, c. 460, § 11, eff. Nov. 1, 2002; Laws 2003, c. 159, § 1, eff. Nov. 1, 2003; Laws 2006, c. 284, § 2, emerg. eff. June 7, 2006; Laws 2007, c. 261, § 19, eff. Nov. 1, 2007; Laws 2008, c. 3, § 14, emerg. eff. Feb. 28, 2008; Laws 2009, c. 234, § 125, emerg. eff. May 21, 2009; Laws 2010, c. 226, § 5, eff. Nov. 1, 2010; Laws 2013, c. 138, § 1, eff. Nov. 1, 2013; Laws 2015, c. 67, § 3, eff. Nov. 1, 2015.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 299 from July 1, 1998, to July 1, 1999.
NOTE: Laws 2000, c. 56, § 1 repealed by Laws 2000, c. 334, § 9, eff. Nov. 1, 2000. Laws 2007, c. 325, § 3 repealed by Laws 2008, c. 3, § 15, emerg. eff. Feb. 28, 2008. Laws 2002, c. 455, § 6 repealed by Laws 2013, c. 138, § 2, eff. Nov. 1, 2013.

§21-1124. Renumbered as Title 21, § 1958 by Laws 1989, c. 151, § 6, eff. Nov. 1, 1989.

§21-1125. Zone of safety - Schools, child care centers, playgrounds and parks - Restrictions on convicted sex offenders - Exemptions.

A. A zone of safety is hereby created around elementary, junior high and high schools, permitted or licensed child care centers as defined by the Department of Human Services, playgrounds, or parks.

1. A person is prohibited from loitering within five hundred (500) feet of any elementary, junior high or high school, permitted or licensed child care center, playground, or park if the person has been convicted of a crime that requires the person to register pursuant to the Sex Offenders Registration Act or the person has been convicted of an offense in another jurisdiction, which offense if committed or attempted in this state, would have been punishable as one or more of the offenses listed in Section 582 of Title 57 of the Oklahoma Statutes and the victim was a child under the age of sixteen (16) years.

2. A person is prohibited from entering any park if:

a. the person has been designated as a habitual or aggravated sex offender as provided in Section 584 of Title 57 of the Oklahoma Statutes, or

b. the person has been convicted of an offense in another

jurisdiction, which offense, if committed or attempted in this state, would designate the person as a habitual or aggravated sex offender as provided in Section 584 of Title 57 of the Oklahoma Statutes.

B. A person convicted of a violation of subsection A of this section shall be guilty of a felony punishable by a fine not exceeding Two Thousand Five Hundred Dollars ($2,500.00), or by imprisonment in the county jail for a term of not more than one (1) year, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of subsection A of this section shall be punished by a fine not exceeding Two Thousand Five Hundred Dollars ($2,500.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, or by both such fine and imprisonment. This proscription of conduct shall not modify or remove any restrictions currently applicable to the person by court order, conditions of probation or as provided by other provision of law.

C. 1. A person shall be exempt from the prohibition of this section regarding a school or a licensed or permitted child care facility only under the following circumstances and limited to a reasonable amount of time to complete such tasks:

a. the person is the custodial parent or legal guardian of a child who is an enrolled student at the school or child care facility, and

b. the person is enrolling, delivering or retrieving such child at the school or licensed or permitted child care center during regular school or facility hours or for school-sanctioned or licensed-or-permitted-child-care-center-sanctioned extracurricular activities.

Prior to entering the zone of safety for the purposes listed in this paragraph, the person shall inform school or child care center administrators of his or her status as a registered sex offender. The person shall update monthly, or as often as required by the school or center, information about the specific times the person will be within the zone of safety as established by this section.

2. This exception shall not be construed to modify or remove any restrictions applicable to the person by court order, conditions of probation, or as provided by other provision of law.

D. The provisions of subsection A of this section shall not apply to any person receiving medical treatment at a hospital or other facility certified or licensed by the State of Oklahoma to provide medical services. As used in this subsection, "medical treatment" shall not include any form of psychological, social or rehabilitative counseling services or treatment programs for sex offenders.

E. Nothing in this section shall prohibit a person, who is registered as a sex offender pursuant to the Sex Offenders

Registration Act, from attending a recognized church or religious denomination for worship; provided, the person has notified the religious leader of his or her status as a registered sex offender and the person has been granted written permission by the religious leader.

F. For purpose of prosecution of any violation of this section, the provisions of Section 51.1 of this title shall not apply.

G. As used in this section, "park" means any outdoor public area specifically designated as being used for recreational purposes that is operated or supported in whole or in part by a homeowners' association or a city, town, county, state , federal or tribal governmental authority.

Added by Laws 2003, c. 209, § 1, emerg. eff. May 12, 2003. Amended by Laws 2006, c. 284, § 3, emerg. eff. June 7, 2006; Laws 2007, c. 32, § 1, emerg. eff. April 18, 2007; Laws 2007, c. 261, § 20, eff. Nov. 1, 2007; Laws 2008, c. 318, § 2, eff. Nov. 1, 2008; Laws 2010, c. 147, § 1, emerg. eff. April 19, 2010; Laws 2014, c. 250, § 1, eff. Nov. 1, 2014; Laws 2015, c. 270, § 1, eff. Nov. 1, 2015.

§21-1151. Disposal of one's own body.

A. Any person has the right to direct the manner in which his or her body shall be disposed of after death, and to direct the manner in which any part of his or her body which becomes separated therefrom during his or her lifetime shall be disposed of. The provisions of Section 1151 et seq. of this title do not apply where such person has given directions for the disposal of his or her body or any part thereof inconsistent with these provisions.

B. A person may assign the right to direct the manner in which his or her body shall be disposed of after death by executing a sworn affidavit stating the assignment of the right and the name of the person or persons to whom the right has been assigned.

C. If the decedent died while serving in any branch of the United States Armed Forces, the United States Reserve Forces or the National Guard, and completed a United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, the person authorized by the decedent pursuant to that form shall have the right to bury the decedent or to provide other funeral and disposition arrangements, including but not limited to cremation.

D. Any person who knowingly fails to follow the directions as to the manner in which the body of a person shall be disposed of pursuant to subsection A, B or C of this section, upon conviction thereof, shall be guilty of a misdemeanor punishable by a fine of not more than Five Thousand Dollars ($5,000.00).

R.L. 1910, § 2446. Amended by Laws 1997, c. 197, § 1, eff. Nov. 1, 1997; Laws 2011, c. 208, § 8, eff. Nov. 1, 2011.

§21-1151a. Forfeiture of right to dispose of body of decedent.

Any person entitled by law to the right to dispose of the body of the decedent shall forfeit that right, and the right shall be passed on to the next qualifying person as listed in Section 1158 of Title 21 of the Oklahoma Statutes, in the following circumstances:

1. Any person charged with first or second degree murder or voluntary manslaughter in connection with the death of the decedent, and whose charges are known to the funeral director; provided, however that if the charges against such person are dropped, or if such person is acquitted of the charges, the right of disposition shall be returned to the person;

2. Any person who does not exercise the right of disposition within three (3) days of notification of the death of the decedent or within five (5) days of the death of the decedent, whichever is earlier; or

3. If the district court, pursuant to Title 58 of the Oklahoma Statutes, determines that the person entitled to the right of disposition and the decedent were estranged at the time of death. For purposes of this paragraph, "estranged" means a physical and emotional separation from the decedent at the time of death that clearly demonstrates an absence of due affection, trust and regard for the decedent.

Added by Laws 2011, c. 208, § 2, eff. Nov. 1, 2011.

§21-1152. Duty of burial.

Except in the cases in which a right to dissect a dead body is expressly conferred by law, every dead body of a human being must be decently buried within a reasonable time after the death.

R.L.1910, § 2447.

§21-1153. Burial in other states.

The last section does not affect the right to carry the dead body of a human being through this state, or to remove from this state the body of a person dying within it, for the purpose of burying the same in another state or territory.

R.L.1910, § 2448.

§21-1154. Autopsy - Definition - When allowed - Retention of tissue and specimens.

A. Autopsy means a post mortem dissection of a dead human body in order to determine the cause, seat or nature of disease or injury and includes, but is not limited to, the retention of tissues for evidentiary, identification, diagnostic, scientific and therapeutic purposes.

B. An autopsy may be performed on the dead body of a human being in the following cases:

1. In cases authorized by positive enactment of the Legislature;

2. Whenever the death occurs under circumstances in which the

medical examiner is authorized as provided in Title 63 of the Oklahoma Statutes to conduct such autopsy; or

3. Whenever consent is given to a licensed physician to conduct an autopsy on the body of a deceased person by whichever one of the following assumes custody of the body for purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in the absence of any of the foregoing, a friend, or a person charged by law with the responsibility for burial. If two (2) or more such persons assume custody of the body, the consent of one of them shall be deemed sufficient.

C. 1. Any physician or hospital authorized to perform an autopsy pursuant to this section, whether by statutory authority or by consent from a person entitled to assume custody of the body for burial, shall be and is authorized to retain such tissue and specimens as the examining physician deems proper. Such tissue and specimens may be retained for examination, dissection or study in furtherance of determining the cause of death, or for evidentiary, diagnostic, or scientific purposes. Except with regard to medical examiners and the Office of the Chief Medical Examiner, this provision shall not apply if a person entitled to assume custody of the body for burial notifies the physician or hospital performing the autopsy prior to said autopsy of any objection to the retention of tissue and specimens obtained from the autopsy.

2. No physician or hospital authorized to perform an autopsy pursuant to this section shall be subject to criminal or civil liability for the retention, examination, dissection, or study of tissue and specimens obtained from said autopsy under existing laws regarding the prevention of mutilation of dead bodies.

R.L. 1910, § 2449; Laws 1967, c. 98, § 1, emerg. eff. April 20, 1967; Laws 1981, c. 106, § 1; Laws 1992, c. 355, § 1.

§21-1155. Unlawful dissection is a misdemeanor.

Every person who makes or procures to be made any dissection of the body of a human being, except by authority of law, or in pursuance of a permission given by the deceased, is guilty of a misdemeanor.

R.L.1910, § 2450.

§21-1156. Remains after dissection.

In all cases in which a dissection has been made, the provisions of this article requiring the burial of a dead body, and punishing interference with or injuries to a dead body, apply equally to the remains of the body dissected as soon as the lawful purposes of such dissection have been accomplished.

R.L.1910, § 2451.

§21-1157. Dead limb or member of body.

All provisions of this article requiring the burial of a dead body, or punishing interference with or injuries to a dead body, applying equally to any dead limb or member of a human body, separated therefrom during lifetime.
R.L.1910, § 2452.

§21-1158. Right to control disposition of the remains of a deceased person.

The right to control the disposition of the remains of a deceased person, the location, manner and conditions of disposition, and arrangements for funeral goods and services vests in the following order, provided the person is eighteen (18) years of age or older and of sound mind:

1. The decedent, provided the decedent has entered into a pre-need funeral services contract or executed a written document that meets the requirements of the State of Oklahoma;

2. A representative appointed by the decedent by means of an executed and witnessed written document meeting the requirements of the State of Oklahoma;

3. The surviving spouse;

4. The sole surviving adult child of the decedent whose whereabouts is reasonably ascertained or if there is more than one adult child of the decedent, the majority of the surviving adult children whose whereabouts are reasonably ascertained;

5. The surviving parent or parents of the decedent, whose whereabouts are reasonably ascertained;

6. The surviving adult brother or sister of the decedent whose whereabouts is reasonably ascertained, or if there is more than one adult sibling of the decedent, the majority of the adult surviving siblings, whose whereabouts are reasonably ascertained;

7. The guardian of the person of the decedent at the time of the death of the decedent, if one had been appointed;

8. The person in the classes of the next degree of kinship, in descending order, under the laws of descent and distribution to inherit the estate of the decedent. If there is more than one person of the same degree, any person of that degree may exercise the right of disposition;

9. If the decedent was an indigent person or other person the final disposition of whose body is the financial responsibility of the state or a political subdivision of the state, the public officer or employee responsible for arranging the final disposition of the remains of the decedent; and

10. In the absence of any person under paragraphs 1 through 9 of this section, any other person willing to assume the responsibilities to act and arrange the final disposition of the remains of the decedent, including the personal representative of the estate of the decedent or the funeral director with custody of

the body, after attesting in writing that a good-faith effort has been made to no avail to contact the individuals under paragraphs 1 through 9 of this section.
R.L. 1910, § 2453. Amended by Laws 1997, c. 197, § 2, eff. Nov. 1, 1997; Laws 2011, c. 208, § 1, eff. Nov. 1, 2011.

§21-1158a. Court authority to award the right of disposition of body of decedent.

The district court for the county where the decedent resided may award the right of disposition to the person determined by the court to be the most fit and appropriate to carry out the right of disposition, and may make decisions regarding the remains of the decedent if those sharing the right of disposition cannot agree. The following provisions shall apply to the determination of the court under this section:

1. If the persons holding the right of disposition are two or more persons with the same relationship to the decedent and cannot, by majority vote, make a decision regarding the disposition of the remains of the decedent, any of the persons or a funeral director with custody of the remains may file a petition asking the district court to make a determination in the matter;

2. In making a determination under this section, the district court shall consider the following:

a. the reasonableness and practicality of the proposed funeral arrangements and disposition,
b. the degree of the personal relationship between the decedent and each person claiming the right of disposition,
c. the desires of the person or persons who are ready, willing and able to pay the cost of the funeral arrangements and disposition,
d. the convenience and needs of other families and friends wishing to pay respects,
e. the desires of the decedent, and
f. the degree to which the funeral arrangements would allow maximum participation by all wishing to pay respect;

3. In the event of a dispute regarding the right of disposition, a funeral director shall not be liable for refusing to accept the remains or to inter or otherwise dispose of the remains of the decedent or complete the arrangements for the final disposition of the remains until the funeral director receives a court order or other written agreement signed by the parties in the disagreement that decides the final disposition of the remains. If the funeral director retains the remains for final disposition while the parties are in disagreement, the funeral director may embalm, refrigerate, or shelter the body in order to preserve it while

awaiting the final decision of the district court and may add the cost of embalming, refrigeration or sheltering to the final disposition costs. If a funeral director brings an action under this section, the funeral director may add the legal fees and court costs associated with a petition under this section to the cost of final disposition. This section shall not be construed to require or to impose a duty on a funeral director to bring an action under this section. A funeral director shall not be held criminally or civilly liable for choosing not to bring an action under this section; and

4. Except to the degree it may be considered by the district court under subparagraph c of paragraph 2 of this section, the fact that a person has paid or agreed to pay for all or part of the funeral arrangements and final disposition does not give that person a greater right to the right of disposition than the person would otherwise have. The personal representative of the estate of the decedent does not, by virtue of being the personal representative, have a greater claim to the right of disposition than the person would otherwise have.

Added by Laws 2011, c. 208, § 3, eff. Nov. 1, 2011.

§21-1158b. Funeral service agreements - Instructions.

Any person signing a funeral service agreement, cremation authorization form, or any other authorization for disposition shall be deemed to warrant the truthfulness of any facts set forth therein, including the identity of the decedent whose remains are to be buried, cremated, or otherwise disposed of, and the authority of the person to order such disposition. A funeral establishment shall have the right to rely on such funeral service contract or authorization and shall have the authority to carry out the instructions of the person or persons who the funeral director reasonably believes holds the right of disposition. The funeral director shall have no responsibility to contact or to independently investigate the existence of any next of kin or relative of the decedent. If there is more than one person in a class who are equal in priority and the funeral director has no knowledge of any objection by other members of such class, the funeral director shall be entitled to rely on and act according to the instructions of the first person in the class to make funeral and disposition arrangements; provided that no other person in such class provides written notice of objections to the funeral director.

Added by Laws 2011, c. 208, § 4, eff. Nov. 1, 2011.

§21-1158c. Funeral directors - Final disposition - Collection of charges.

A funeral director shall have complete authority to control the final disposition and to proceed under this act to recover

reasonable charges for the final disposition when both of the following apply:

1. The funeral director has actual knowledge that none of the persons described in paragraphs 1 through 7 of Section 1158 of Title 21 of the Oklahoma Statutes exist or that none of the persons so described whose whereabouts are reasonably ascertained, can be found; and

2. The appropriate public or court authority fails to assume responsibility for disposition of the remains within thirty-six (36) hours after having been given written notice of the facts. Written notice may be delivered by hand, United States mail, facsimile transmission or electronic mail.

Added by Laws 2011, c. 208, § 5, eff. Nov. 1, 2011.

§21-1158d. Funeral director - Criminal and civil liability.

No funeral establishment or funeral director who relies in good faith upon the instructions of an individual claiming the right of disposition shall be subject to criminal or civil liability or subject to disciplinary action for carrying out the disposition of the remains in accordance with the instructions.

Added by Laws 2011, c. 208, § 6, eff. Nov. 1, 2011.

§21-1159. Neglect of burial.

Every person upon whom the duty of making burial of the remains of a deceased person is imposed by law, who omits to perform that duty within a reasonable time, is guilty of a misdemeanor; and, in addition to the punishment prescribed therefor, is liable to pay to the person performing the duty in his stead, treble the expenses incurred by the latter in making the burial, to be recovered in a civil action.

R.L.1910, § 2454.

§21-1160. Persons entitled to custody of body.

The person charged by law with the duty of burying the body of a deceased person is entitled to the custody of such body for the purpose of burying it, except that in the cases in which an inquest is required by law to be held upon a dead body, the officer holding the inquest is entitled to its custody until such inquest has been completed.

R.L.1910, § 2455.

§21-1161. Unlawful removal of dead body - Violation of or damage to casket or burial vault.

A. No person shall intentionally remove the dead body of a human being or any part thereof from the initial site where such dead body is located for any purpose, unless such removal is authorized by a district attorney or his authorized representative

or medical examiner or his authorized representative, or is not required to be investigated pursuant to the provisions of Section 938 of Title 63 of the Oklahoma Statutes, said authorization by the district attorney or medical examiner shall not be required prior to the removal of said body. A district attorney having jurisdiction may refuse to prosecute a violation of this subsection if the district attorney determines that circumstances existed which would justify such removal or that such removal was not an act of malice or wantonness.

B. No person shall remove any part of the dead body of a human being from any grave or other place where the same has been buried, or from any place where the same is deposited while awaiting burial, with intent to sell the same, or to dissect it without authority of law, or from malice or wantonness.

C. No person shall willfully or with malicious intent violate or cause damage to the casket or burial vault holding the deceased human remains.

D. Any person convicted of violating any of the provisions of this section shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

R.L. 1910, § 2456. Amended by Laws 1986, c. 281, § 1, eff. Nov. 1, 1986; Laws 1989, c. 193, § 1, eff. Nov. 1, 1989; Laws 1997, c. 133, § 300, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 201, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 300 from July 1, 1998, to July 1, 1999.

§21-1161.1. Desecration of a human corpse - Penalty - Prosecution with other offenses - Definition.

A. It is unlawful for any person to knowingly and willfully desecrate a human corpse for any purpose of:

1. Tampering with the evidence of a crime;

2. Camouflaging the death of human being;

3. Disposing of a dead body;

4. Impeding or prohibiting the detection, investigation or prosecution of a crime;

5. Altering, inhibiting or concealing the identification of a dead body, a crime victim, or a criminal offender; or

6. Disrupting, prohibiting or interfering with any law enforcement agency or the Office of the State Medical Examiner in detecting, investigating, examining, determining, identifying or processing a dead body, cause of death, the scene where a dead body is found, or any forensic examination or investigation relating to a dead body or a crime.

B. Upon conviction, the violator of any provision of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than seven (7) years, by a fine not exceeding Eight Thousand Dollars ($8,000.00), or by both such fine and imprisonment.

C. This offense may be prosecuted in addition to any prosecution pursuant to Section 1161 of Title 21 of the Oklahoma Statutes for removal of a dead body or any other criminal offense.

D. For purposes of this section, "desecration of a human corpse" means any act committed after the death of a human being including, but not limited to, dismemberment, disfigurement, mutilation, burning, or any act committed to cause the dead body to be devoured, scattered or dissipated; except, those procedures performed by a state agency or licensed authority in due course of its duties and responsibilities for forensic examination, gathering or removing crime scene evidence, presentation or preservation of evidence, dead body identification, cause of death, autopsy, cremation or burial, organ donation, use of a cadaver for medical educational purposes, or other necessary procedures to identify, remove or dispose of a dead body by the proper authority.
Added by Laws 2008, c. 438, § 6, eff. July 1, 2008.

§21-1162. Purchasing dead body.

Whoever purchases, or who receives, except for the purpose of burial, any dead body of a human being, knowing the same has been removed contrary to Section 1161 of this title shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a 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.
R.L. 1910, § 2457. Amended by Laws 1997, c. 133, § 301, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 202, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 301 from July 1, 1998, to July 1, 1999.

§21-1163. Unlawful interference with places of burial.

Any person who opens any grave or any place of burial, temporary or otherwise, or who breaks open any building wherein any dead body of a human being is deposited while awaiting burial, with intent either:

1. To remove any dead body of a human being for the purpose of selling the same, or for the purpose of dissection; or

2. To steal the coffin, or any part thereof or anything attached thereto, or connected therewith, or the vestments or other articles buried with the same,

shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding two (2) years, or in a county jail not

exceeding six (6) months, or by a fine not exceeding Two Hundred Fifty Dollars ($250.00), or by both such fine and imprisonment.
R.L. 1910, § 2458. Amended by Laws 1997, c. 133, § 302, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 203, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 302 from July 1, 1998, to July 1, 1999.

§21-1164. Removal to another burial place.

Whenever a cemetery or other place of burial is lawfully authorized to be removed from one place to another, the right and duty to disinter, remove and rebury the remains of bodies there lying buried devolves upon the same persons required to bury the deceased in the order in which they there are named, and if they all fail to act, then upon the lawful custodians of the place of burial so removed. Every omission of such duty is punishable in the same manner as other omissions to perform the duty of making burial.
R.L.1910, § 2459.

§21-1165. Arresting or attaching dead body.

Every person who arrests or attaches any dead body of a human being upon any debt or demand whatever, or detains or claims to detain it for any debt or demand, or upon any pretended lien or charge, is guilty of a misdemeanor.
R.L.1910, § 2460.

§21-1166. Disturbing funerals.

Every person who willfully disturbs, interrupts or disquiets any assemblage of people met for the purpose of any funeral, or who, without authority of law, obstructs or detains any persons engaged in carrying or accompanying any dead body of a human being to a place of burial, is guilty of a misdemeanor.
R.L.1910, § 2461.

§21-1167. Destruction, mutilation, etc. of cemetery structures, markers, etc. – Sale or barter of veteran markers.

Every person who:

1. Shall willfully with malicious intent destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure placed in any cemetery or private burying ground, or any fence, railing, or other work for the protection or ornament of any such cemetery or place of burial of any human being, or tomb, monument or gravestone, memento, veteran marker from any war, or memorial, or other structure aforesaid, or of any lot within a cemetery, or shall willfully or with malicious intent destroy, cut, break, or injure any tree, shrub or plant, within the limits thereof; or

2. Knowingly buys, sells or barters for profit any veteran

marker from any war that is placed on a lot within a cemetery or place of burial of any human being,
shall be guilty of a misdemeanor if the amount of damage is less than Five Thousand Dollars ($5,000.00), and shall, upon conviction thereof, be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not less than ninety (90) days, or by both such fine and imprisonment. In addition, the court shall require the person to perform not more than one hundred twenty (120) hours of community service. If the amount of damage exceeds Five Thousand Dollars ($5,000.00) the person shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00), or by imprisonment in the county jail for not less than six (6) months, or by both such fine and imprisonment. In addition, the court shall require the person to perform not more than two hundred forty (240) hours of community service. The court shall not suspend any portion of the community service requirement set forth in this section.
R.L. 1910, § 2462. Amended by Laws 1989, c. 193, § 2, eff. Nov. 1, 1989; Laws 2001, c. 386, § 1, eff. July 1, 2001; Laws 2003, c. 179, § 1, eff. Nov. 1, 2003; Laws 2005, c. 225, § 1, eff. Nov. 1, 2005.

§21-1168. Definitions.

As used in this section and Sections 13 through 18 of this act:

1. "Human skeletal remains" means the bony portion of a human body which remains after the flesh has decomposed;

2. "Burial grounds" means any place where human skeletal remains are buried;

3. "Burial furniture" means any items intentionally placed with human remains at the time of burial and shall include but not be limited to burial markers, items of personal adornment, casket and hardware, stone, bone, shell and metal ornaments and elaborately decorated pottery vessels;

4. "State Historic Preservation Officer" means the individual of this title appointed by the Governor and employed by the Oklahoma Historical Society; and

5. "State Archaeologist" means the individual of this title employed by the Oklahoma Archeological Survey.
Added by Laws 1987, c. 204, § 12, operative July 1, 1987.

§21-1168.1. Buying, selling or bartering for profit of human skeletal remains or associated burial furniture - Felony.

Anyone who knowingly buys, sells or barters for profit human skeletal remains or associated burial furniture, previously buried within this state, shall be guilty of a felony.
Added by Laws 1987, c. 204, § 13, operative July 1, 1987. Amended by Laws 1997, c. 133, § 303, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 303 from July 1, 1998, to July 1, 1999.

§21-1168.2. Certain institutions and museums to consult tribal leaders or certain state entities before disposition of remains.

Accredited educational institutions, or officially designated institutions or museums as provided by Section 361 of Title 53 of the Oklahoma Statutes, coming into possession or knowledge of human skeletal remains or associated burial furniture from Oklahoma shall consult if possible with tribal leaders, designated by the Oklahoma Indian Affairs Commission, regarding the final disposition of said remains prior to any activities related to scientific or educational purposes. Where direct historical ties to existing tribal groups cannot be established, consultation regarding final disposition shall take place with the State Historic Preservation Officer, State Archaeologist and the Director of the Oklahoma Museum of Natural History.

Added by Laws 1987, c. 204, § 14, operative July 1, 1987.

§21-1168.3. Display of open burial ground, furniture or skeletal remains for profit or commercial enterprise.

Anyone who knowingly displays an open burial ground, burial furniture or human skeletal remains previously buried in Oklahoma for profit or to aid and abet a commercial enterprise shall be guilty of a misdemeanor and each day of display shall be a separate offense.

Added by Laws 1987, c. 204, § 15, operative July 1, 1987.

§21-1168.4. Discovery of human remains or burial furniture - Reporting and notification procedure.

A. All persons who encounter or discover human skeletal remains or what they believe may be human skeletal remains or burial furniture thought to be associated with human burials in or on the ground shall immediately cease any activity which may cause further disturbance and shall report the presence and location of such human skeletal remains to an appropriate law enforcement officer.

B. Any person who willfully fails to report the presence or discovery of human skeletal remains or what they believe may be human skeletal remains within forty-eight (48) hours to an appropriate law enforcement officer in the county in which the remains are found shall be guilty of a misdemeanor.

C. Any person who knowingly disturbs human skeletal remains or burial furniture other than a law enforcement officer, registered mortician, a representative of the Office of the Chief Medical Examiner, a professional archaeologist or physical anthropologist, or other officials designated by law in performance of official duties, shall be guilty of a felony.

D. Anyone other than a law enforcement officer, registered mortician, a representative of the Office of the Chief Medical Examiner, a professional archaeologist or physical anthropologist, or other officials designated by law in performance of official duties, who disturbs or permits disturbance of a burial ground with the intent to obtain human skeletal remains or burial furniture shall be guilty of a felony.

E. The law enforcement officer, if there is a reason to believe that the skeletal remains may be human, shall promptly notify the landowner and the Chief Medical Examiner. If remains reported under this act are not associated with or suspected of association with any crime, the State Archaeologist and the State Historic Preservation Officer shall be notified within fifteen (15) days. If review by the State Archaeologist and the State Historic Preservation Officer of the human skeletal remains and any burial furniture demonstrates or suggests a direct historical relationship to a tribal group, then the State Archaeologist shall:

1. Notify the State Historic Preservation Officer; and

2. Consult with the tribal leader, designated by the Oklahoma Indian Affairs Commission, within fifteen (15) days regarding any proposed treatment or scientific studies and final disposition of the materials.

Added by Laws 1987, c. 204, § 16, operative July 1, 1987. Amended by Laws 1997, c. 133, § 304, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 304 from July 1, 1998, to July 1, 1999.

§21-1168.5. Designation of repository for remains and furniture for scientific purposes.

If the human skeletal remains and any burial furniture are not directly related to a tribal group or if the remains are not claimed by the consulted entity, the State Archaeologist and the State Historic Preservation Officer with the Director of the Oklahoma Museum of Natural History may designate a repository for curation of such skeletal remains and burial furniture for scientific purposes.

Added by Laws 1987, c. 204, § 17, operative July 1, 1987.

§21-1168.6. Penalties.

A. Any person convicted of a misdemeanor pursuant to the provisions of Sections 1168 through 1168.5 of this title shall be punishable by a fine not exceeding Five Hundred Dollars ($500.00), by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

B. Any person convicted of a felony pursuant to the provisions of Sections 1168 through 1168.5 of this title shall be punishable by a fine not exceeding One Thousand Dollars ($1,000.00), by imprisonment in the State Penitentiary not exceeding two (2) years,

or by both such fine and imprisonment.
Added by Laws 1987, c. 204, § 18, operative July 1, 1987. Amended by Laws 1997, c. 133, § 305, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 204, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 305 from July 1, 1998, to July 1, 1999.

§21-1168.7. Federal and state agencies encountering burial grounds, human skeletal remains or burial furniture - Reports - Disposition.

A. Any federal or state department or agency which, in the performance of its duties, discovers a burial ground, human skeletal remains or burial furniture shall immediately cease any activity which may cause further disturbance of the site and shall report the presence and location of any skeletal remains to an appropriate law enforcement officer as required by Section 1168 et seq. of Title 21 of the Oklahoma Statutes and shall comply with all other provisions of said sections.

B. If it is determined that the burial ground, human skeletal remains or burial furniture is not directly related to a tribal group, the State Historic Preservation Officer shall work with the director of the federal or state department or agency until disposition of the burial ground, human skeletal remains or burial furniture has been completed to the satisfaction of the State Historic Preservation Officer.
Added by Laws 1992, c. 214, § 2, eff. Sept. 1, 1992.

§21-1169. Disposition of human tissue - Rules and regulations.

A. The State Board of Health is hereby directed to immediately promulgate rules and regulations for the proper disposition of human tissue by medical facilities over which the Board has jurisdiction.

B. The State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall immediately promulgate rules and regulations for the proper disposition of human tissue by physicians, their employees or agents.

C. The State Board of Health, the State Board of Medical Licensure and Supervision and the State Board of Osteopathic Examiners shall cooperatively establish uniform rules and regulations so as to provide consistency for the proper disposition of human tissue.

D. Any person violating any rule or regulation established pursuant to subsections A or B of this section relating to the disposition of human tissue shall, upon conviction, be fined an amount not to exceed Ten Thousand Dollars ($10,000.00).
Added by Laws 1992, c. 355, § 2.

§21-1171. Peeping Tom – Use of photographic, electronic or video equipment – Offenses and punishment - Definition.

A. Every person who hides, waits or otherwise loiters in the vicinity of any private dwelling house, apartment building, any other place of residence, or in the vicinity of any locker room, dressing room, restroom or any other place where a person has a right to a reasonable expectation of privacy, with the unlawful and willful intent to watch, gaze, or look upon any person in a clandestine manner, shall, upon conviction, be guilty of a misdemeanor. The violator shall be punished by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

B. Every person who uses photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person without the knowledge and consent of such person when the person viewed is in a place where there is a right to a reasonable expectation of privacy, or who publishes or distributes any image obtained from such act, shall, upon conviction, be guilty of a felony. The violator shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

C. Every person who uses photographic, electronic or video equipment in a clandestine manner for any illegal, illegitimate, prurient, lewd or lascivious purpose with the unlawful and willful intent to view, watch, gaze or look upon any person and capture an image of a private area of a person without the knowledge and consent of such person and knowingly does so under circumstances in which a reasonable person would believe that the private area of the person would not be visible to the public, regardless of whether the person is in a public or private place shall, upon conviction, be guilty of a misdemeanor. The violator shall be punished by imprisonment in the county jail for a term of not more than one (1) year, 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, the phrase “private area of the person” means the naked or undergarment-clad genitals, pubic area, buttocks, or any portion of the areola of the female breast of that individual.

Added by Laws 1959, p. 112, § 1. Amended by Laws 2001, c. 386, § 2, eff. July 1, 2001; Laws 2008, c. 38, § 1, eff. Nov. 1, 2008.

§21-1172. Obscene, threatening or harassing telecommunication or other electronic communications - Penalty.

A. It shall be unlawful for a person who, by means of a telecommunication or other electronic communication device,

willfully either:

1. Makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;

2. Makes a telecommunication or other electronic communication with intent to terrify, intimidate or harass, or threaten to inflict injury or physical harm to any person or property of that person;

3. Makes a telecommunication or other electronic communication, whether or not conversation ensues, with intent to put the party called in fear of physical harm or death;

4. Makes a telecommunication or other electronic communication, whether or not conversation ensues, without disclosing the identity of the person making the call or communication and with intent to annoy, abuse, threaten, or harass any person at the called number;

5. Knowingly permits any telecommunication or other electronic communication under the control of the person to be used for any purpose prohibited by this section; and

6. In conspiracy or concerted action with other persons, makes repeated calls or electronic communications or simultaneous calls or electronic communications solely to harass any person at the called number(s).

B. As used in this section, "telecommunication" and "electronic communication" mean any type of telephonic, electronic or radio communications, or transmission of signs, signals, data, writings, images and sounds or intelligence of any nature by telephone, including cellular telephones, wire, cable, radio, electromagnetic, photoelectronic or photo-optical system or the creation, display, management, storage, processing, transmission or distribution of images, text, voice, video or data by wire, cable or wireless means, including the Internet. The term includes:

1. A communication initiated by electronic mail, instant message, network call, or facsimile machine; and

2. A communication made to a pager.

C. Use of a telephone or other electronic communications facility under this section shall include all use made of such a facility between the points of origin and reception. Any offense under this section is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

D. Except as provided in subsection E of this section, any person who is convicted of the provisions of subsection A of this section, shall be guilty of a misdemeanor.

E. Any person who is convicted of a second offense under this section shall be guilty of a felony.

Added by Laws 1969, c. 233, § 1, emerg. eff. April 21, 1969. Amended by Laws 1986, c. 215, § 1, eff. Nov. 1, 1986; Laws 1993, c. 283, § 1, eff. Sept. 1, 1993; Laws 1997, c. 133, § 306, eff. July 1, 1999; Laws 2004, c. 275, § 5, eff. July 1, 2004; Laws 2005, c. 231, §

1, eff. Nov. 1, 2005.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 306 from July 1, 1998, to July 1, 1999.

§21-1173. Stalking - Penalties.

A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

1. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and

2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested,

shall, upon conviction, be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section when:

1. There is a permanent or temporary restraining order, a protective order, an emergency ex parte protective order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction;

2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party or under the conditions of a community or alternative punishment; or

3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence for a conviction of a crime involving the use or threat of violence against the same party, or against any member of the immediate family of such party,

shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding five (5) years, or by a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00), or by both such fine and imprisonment.

C. Any person who:

1. Commits a second act of stalking within ten (10) years of the completion of sentence for a prior conviction of stalking; or

2. Has a prior conviction of stalking and, after being served with a protective order that prohibits contact with an individual, knowingly makes unconsented contact with the same individual,

shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a

term not exceeding five (5) years, or by a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00), or by both such fine and imprisonment.

D. Any person who commits an act of stalking within ten (10) years of the completion of execution of sentence for a prior conviction under subsection B or C of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding ten (10) years, or by a fine of not less than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

E. Evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact, as defined in subsection F of this section, with the victim after having been requested by the victim to discontinue the same or any other form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

F. For purposes of this section:

1. "Harasses" means a pattern or course of conduct directed toward another individual that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment shall include harassing or obscene phone calls as prohibited by Section 1172 of this title and conduct prohibited by Section 850 of this title. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

2. "Course of conduct" means a pattern of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct";

3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;

4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:

   a. following or appearing within the sight of that individual,
   b. approaching or confronting that individual in a public

place or on private property,
c. appearing at the workplace or residence of that individual,
d. entering onto or remaining on property owned, leased, or occupied by that individual,
e. contacting that individual by telephone,
f. sending mail or electronic communications to that individual, and
g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual; and

5. "Member of the immediate family", for the purposes of this section, means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.

Added by Laws 1992, c. 107, § 1, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 64, § 1, emerg. eff. April 13, 1993; Laws 1997, c. 133, § 307, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 205, eff. July 1, 1999; Laws 2000, c. 370, § 14, eff. July 1, 2000; Laws 2015, c. 206, § 1, eff. Nov. 1, 2015.

NOTE: Laws 1992, c. 348, § 4 repealed the original effective date of Laws 1992, c. 107, § 1 (Sept. 1, 1992). A new emergency effective date of June 4, 1992, was given to that section by Laws 1992, c. 348, § 5.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 307 from July 1, 1998, to July 1, 1999.

§21-1174. Burning cross with intent to intimidate.

It shall be unlawful for any person or persons, with the intent of intimidating any person or group of persons, to burn, or cause to be burned, a cross on the property of another, a highway or other public place. Any person who shall violate any provision of this section shall be guilty of a felony.

Added by Laws 2003, c. 256, § 2, emerg. eff. May 23, 2003.

§21-1175. Unauthorized use of newborn DNA.

A laboratory, medical facility, hospital or birthing place is prohibited from the unauthorized storage, transferring, use or databasing of DNA from any newborn child without express parental consent.

Added by Laws 2010, c. 246, § 1, emerg. eff. May 10, 2010.

§21-1190. Hazing - Prohibition - Presumption as forced activity - Penalty - Definition.

A. No student organization or any person associated with any organization sanctioned or authorized by the governing board of any

public or private school or institution of higher education in this state shall engage or participate in hazing.

B. Any hazing activity described in subsection F of this section upon which the initiation or admission into or affiliation with an organization sanctioned or authorized by a public or private school or by any institution of higher education in this state is directly or indirectly conditioned shall be presumed to be a forced activity, even if the student willingly participates in such activity.

C. A copy of the policy or the rules and regulations of the public or private school or institution of higher education which prohibits hazing shall be given to each student enrolled in the school or institution and shall be deemed to be part of the bylaws of all organizations operating at the public school or the institution of higher education.

D. Any organization sanctioned or authorized by the governing board of a public or private school or of an institution of higher education in this state which violates subsection A of this section, upon conviction, shall be guilty of a misdemeanor, and may be punishable by a fine of not more than One Thousand Five Hundred Dollars ($1,500.00) and the forfeit for a period of not less than one (1) year all of the rights and privileges of being an organization organized or operating at the public or private school or at the institution of higher education.

E. Any individual convicted of violating the provisions of subsection A of this section shall be guilty of a misdemeanor, and may be punishable by imprisonment for not to exceed ninety (90) days in the county jail, or by the imposition of a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

F. For purposes of this section:

1. "Hazing" means an activity which recklessly or intentionally endangers the mental health or physical health or safety of a student for the purpose of initiation or admission into or affiliation with any organization operating subject to the sanction of the public or private school or of any institution of higher education in this state;

2. "Endanger the physical health" shall include but not be limited to any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, alcoholic beverage as defined in Section 506 of Title 37 of the Oklahoma Statutes, low-point beer as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, drug, controlled dangerous substance, or other substance, or any other forced physical activity which could adversely affect the physical health or safety of the individual; and

3. "Endanger the mental health" shall include any activity,

except those activities authorized by law, which would subject the individual to extreme mental stress, such as prolonged sleep deprivation, forced prolonged exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.
Added by Laws 1990, c. 165, § 3, eff. July 1, 1990. Amended by Laws 1995, c. 274, § 6, eff. Nov. 1, 1995.

§21-1191. Public nuisance a misdemeanor.

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a misdemeanor.
R.L.1910, § 2517.

§21-1192. Spread of infectious diseases.

Any person who shall inoculate himself or any other person or shall suffer himself to be inoculated with smallpox, syphilis or gonorrhea and shall spread or cause to be spread to any other persons with intent to or recklessly be responsible for the spread of or prevalence of such infectious disease, shall be deemed a felon, and, upon conviction thereof, guilty of a felony and shall be punished by imprisonment in the State Penitentiary for not more than five (5) years nor less than two (2) years.
R.L. 1910, § 2518. Amended by Laws 1997, c. 133, § 308, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 206, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 308 from July 1, 1998, to July 1, 1999.

§21-1192.1. Knowingly engaging in conduct reasonably likely to transfer HIV virus.

A. It shall be unlawful for any person knowing that he or she has Acquired Immune Deficiency Syndrome (AIDS) or is a carrier of the human immunodeficiency virus (HIV) and with intent to infect another, to engage in conduct reasonably likely to result in the transfer of the person's own blood, bodily fluids containing visible blood, semen, or vaginal secretions into the bloodstream of another, or through the skin or other membranes of another person, except during in utero transmission of blood or bodily fluids, and:

1. The other person did not consent to the transfer of blood, bodily fluids containing blood, semen, or vaginal secretions; or

2. The other person consented to the transfer but at the time of giving consent had not been informed by the person that the person transferring such blood or fluids had AIDS or was a carrier of HIV.

B. Any person convicted of violating the provisions of this

section shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.
Added by Laws 1988, c. 153, § 3, eff. July 1, 1988. Amended by Laws 1991, c. 200, § 2, eff. Sept. 1, 1991; Laws 1997, c. 133, § 309, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 207, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 309 from July 1, 1998, to July 1, 1999.

§21-1194. Gas tar, throwing into public water.
Every person who throws or deposits any gas tar, or refuse of any gas house or factory, into any public waters, river or stream, or into any sewer or stream emptying into any such public waters, river or stream, is guilty of a misdemeanor.
R.L.1910, § 2528. de

§21-1195. Quarantine regulations, violating.
Every person who having been lawfully ordered by any health officer to be detained in quarantine and not having been discharged leaves the quarantine grounds or willfully violates any quarantine law or regulation, is guilty of a misdemeanor.
R.L.1910, § 2529. d

§21-1196. Apothecary liable for negligence - Willful or ignorant acts or omissions.
Every apothecary or every person employed as clerk or salesman by an apothecary, or otherwise carrying on business as a dealer in drugs or medicines, who, in putting up any drugs or medicines, willfully, negligently or ignorantly omits to label the same, or puts any untrue label, stamp or other designation of contents upon any box, bottle or other package containing any drugs or medicines, or substitutes a different article for any article prescribed or ordered, or puts up a greater or less quantity of any article than that prescribed or ordered, or otherwise deviates from the terms of the prescription or order which he undertakes to follow, in consequence of which human life or health is endangered, is guilty of a misdemeanor.
R.L.1910, § 2530.

§21-1197. Poisons, laying out.
Whosoever shall willfully lay out poison with the intent that the same be taken by any domestic animal, or in such a manner as to endanger human life; or whoever shall, if in open range livestock territory, lay out poisons except in a safe place on his own premises, is guilty of a misdemeanor.
R.L.1910, § 2531; Laws 1951, p. 61, § 1.

§21-1198. Fires, refusing to aid at or interfering with others' acts.

Every person who, at any burning of a building, is guilty of any disobedience to lawful orders of any public officer or fireman, or of any resistance to or interference with the lawful efforts of any fireman or company of firemen to extinguish the same, or of any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of a misdemeanor. R.L.1910, § 2533.

§21-1199. Contagious disease, exposing oneself or another with.

Every person who willfully exposes himself or another person, being affected with any contagious disease in any public place or thoroughfare, except in his necessary removal in a manner not dangerous to the public health, is guilty of a misdemeanor. R.L.1910, § 2540.

§21-1200. Frauds affecting market price.

Every person who willfully makes or publishes any false statement, spreads any false rumor, or employs any other false and fraudulent means or device, with intent to affect the market price of any kind of property, is guilty of a misdemeanor. R.L.1910, § 2541.

§21-1201. Newspapers, false statements in.

Every editor or proprietor of any newspaper who willfully publishes in such newspaper as true, any statement which he has not good reason to believe to be true, with intent to increase thereby the sales of copies of such paper, is guilty of a misdemeanor. R.L.1910, § 2542. d

§21-1202. Eavesdropping.

Every person guilty of secretly loitering about any building, with intent to overhear discourse therein, and to repeat or publish the same to vex, annoy, or injure others, is guilty of a misdemeanor. R.L.1910, § 2543.

§21-1205. Throwing, leaving or depositing trash near highway or road unlawful - Establishment of solid waste disposal sites.

It shall be unlawful for any person to throw or leave or deposit garbage, tin cans, junk, rubbish or refuse and other items and matters commonly referred to as trash within one hundred (100) yards of any state highway or any county road. Provided, however, that any city or town operating or desiring to operate a solid waste disposal site within the distance above prescribed may establish

said solid waste disposal site when said solid waste disposal site is approved by the Oklahoma Department of Environmental Quality.
Added by Laws 1945, p. 152, § 2. Amended by Laws 1993, c. 145, § 337, eff. July 1, 1993.

§21-1206. Punishment for violations.

Any person or any officer of any city or town violating any of the provisions of this act shall upon conviction be fined not more than One Hundred Dollars ($100.00), or be imprisoned in the County Jail for not more than thirty (30) days, or by both such fine and imprisonment.
Laws 1945, p. 153, § 3.

§21-1207. Repealed by Laws 1992, c. 284, § 58, eff. Jan. 1, 1993.

§21-1208. Abandonment of refrigerators and iceboxes in places accessible to children - Penalty.

Any person, firm or corporation who abandons or discards, in any place accessible to children, any refrigerator, icebox, or ice chest, of a capacity of one and one-half (1 1/2) cubic feet or more, which has an attached lid or door which may be opened or fastened shut by means of an attached latch, or who, being the owner, lessee, or manager of such place, knowingly permits such abandoned or discarded refrigerator, icebox or ice chest to remain in such condition, shall be deemed negligent as a matter of law and shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Five Hundred Dollars ($500.00), or imprisoned not more than one (1) year, or both such fine and imprisonment.
Laws 1955, p. 188, § 1. d

§21-1209. Disaster areas - Prevention of unauthorized persons from hampering rescue operations.

The purpose of this act is to prevent sightseers, thrill-seekers, souvenir hunters and other unauthorized persons from hampering the work of rescue operations in a disaster area.
Laws 1959, p. 276, § 1.

§21-1210. Definitions.

For the purpose of, and when used in this act:

1. The term "disaster area" means the scene or location of a natural or military disaster, an explosion, an aircraft accident, a fire, a railroad accident and a major traffic accident.

2. The term "authorized person" shall include all state, county and municipal police and fire personnel; hospital and ambulance crews; National Guard and Emergency Management personnel ordered into the disaster area by proper authority; federal civil and military personnel on official business; persons who enter the

disaster area to maintain or restore facilities for the provision of water, electricity, communications, or transportation to the public; and such other officials as have a valid reason to enter said disaster area.
Added by Laws 1959, p. 276, § 2. Amended by Laws 2003, c. 329, § 57, emerg. eff. May 29, 2003.

§21-1211. Following of emergency vehicles unlawful.
It shall be unlawful for the driver of any vehicle other than one on official business to follow any emergency vehicle or to purposely drive to any location on or near a highway where a disaster area exists.
Laws 1959, p. 276, § 3.

§21-1211.1. Disruption or prevention of emergency telephone call - Penalties.
Any person who intentionally interrupts, disrupts, impedes or interferes with an emergency telephone call or intentionally prevents or hinders another person from placing an emergency telephone call shall be guilty of a misdemeanor. Upon conviction, the person shall be punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not more than Three Thousand Dollars ($3,000.00), or by both such fine and imprisonment.
Added by Laws 2004, c. 275, § 6, eff. July 1, 2004.

§21-1212. Proceeding to or remaining at disaster area unlawful - Removal of objects.
It shall be unlawful for any person except an authorized person to proceed to or to remain at a disaster area for the purpose of being a bystander, spectator, sightseer or souvenir hunter; or for any such person to take or remove from the disaster area, or disturb or move, any material objects, equipment or thing either directly or indirectly relating or pertaining to the disaster.
Laws 1959, p. 276, § 4.

§21-1213. Penalties.
1. It is a misdemeanor for any person to violate any of the provisions of Section 1209 et seq. of this title.
2. Every person convicted of a misdemeanor for violating any provision of Section 1209 et seq. of this title shall be punished by a fine of not more than Three Thousand Dollars ($3,000.00) or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.
Added by Laws 1959, p. 276, § 5. Amended by Laws 2012, c. 187, § 1, eff. Nov. 1, 2012.

§21-1214. Radio sets capable of receiving on police frequencies -

Unlawful uses.

It shall be unlawful for any person to operate a mobile radio capable of receiving transmissions made by any law enforcement agency for illegal purposes or while in the commission of a crime and not otherwise and any person violating the provisions hereof shall be guilty of a felony and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for not more than three (3) years, or fined by not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

Added by Laws 1961, p. 228, H.B. No. 811, § 1. Amended by Laws 1965, c. 134, § 1; Laws 1970, c. 271, § 1, emerg. eff. April 28, 1970; Laws 1997, c. 133, § 310, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 208, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 310 from July 1, 1998, to July 1, 1999.

§21-1215. Renumbered as Title 10A, § 2-8-222 by Laws 2013, c. 404, § 27, eff. Nov. 1, 2013.

§21-1216. Renumbered as Title 10A, § 2-8-223 by Laws 2013, c. 404, § 27, eff. Nov. 1, 2013.

§21-1217. Firemen - Interference with performance of duties.

Any person or persons acting in concert with each other who knowingly and willfully interfere with, molest, or assault firemen in the performance of their duties, or who knowingly and willfully obstruct, interfere with or impede the progress of firemen to reach the destination of a fire, shall be deemed guilty of a felony and shall be punished therefor by imprisonment in the State Penitentiary for a term not exceeding ten (10) years nor less than two (2) years.

Added by Laws 1968, c. 90, § 1, emerg. eff. April 1, 1968. Amended by Laws 1997, c. 133, § 311, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 209, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 311 from July 1, 1998, to July 1, 1999.

§21-1218. Display of names of military dead at demonstrations or protests without consent prohibited.

It shall be unlawful for the names of persons killed in military action to be carried, displayed on cards or placards, or otherwise published for the purpose of any antiwar, antipolice action or antidraft demonstration or protest on the grounds of schools, colleges, universities, state institutions or facilities, county or city institutions or facilities, which are wholly or in part supported by public funds, or on any other public property such as parks and streets dedicated to public use, without the written consent of the surviving spouse of such deceased person, if married

at time of death or, if unmarried, the written consent of one or both parents, or if they both be deceased, then the next of kin.
Laws 1970, c. 66, § 1, emerg. eff. March 16, 1970.

§21-1220. Transporting intoxicating beverage or low-point beer - Prohibition – Special assessment - Exceptions - Penalty.

A. Except as provided in subsection C of this section, it shall be unlawful for any operator to knowingly transport or for any passenger to possess in any moving vehicle upon a public highway, street or alley any intoxicating beverage or low-point beer, as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, except in the original container which shall not have been opened and from which the original cap or seal shall not have been removed, unless the opened container be in the rear trunk or rear compartment, which shall include the spare tire compartment in a station wagon or panel truck, or any outside compartment which is not accessible to the driver or any other person in the vehicle while it is in motion. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished as provided in subsection A of Section 566 of Title 37 of the Oklahoma Statutes.

B. Any person convicted of violating any provision of subsection A of this section shall, in addition to any fine imposed, pay a special assessment trauma-care fee of One Hundred Dollars ($100.00) to be deposited into the Trauma Care Assistance Revolving Fund created in Section 1-2522 of Title 63 of the Oklahoma Statutes.

C. The provisions of subsection A of this section shall not apply to the passenger area of buses and limousines; however, it shall be unlawful for the driver of the bus or limousine to consume or have in the driver’s immediate possession any intoxicating beverage or low-point beer.

D. No city, town, or county may adopt any order, ordinance, rule or regulation concerning the consumption or serving of intoxicating beverages or low-point beer in buses or limousines.

E. As used in this section:

1. “Bus” means a vehicle as defined in Section 1-105 of Title 47 of the Oklahoma Statutes chartered for transportation of persons for hire. It shall not mean a school bus, as defined by Section 1-160 of Title 47 of the Oklahoma Statutes, transporting children or a vehicle operated pursuant to a franchise with a city or town operating over a regularly scheduled route; and

2. “Limousine” means a chauffeur-driven motor vehicle, other than a bus or taxicab, as defined by Section 1-174 of Title 47 of the Oklahoma Statutes, designed and used for transportation of persons for compensation.

Added by Laws 1970, c. 290, § 1. Amended by Laws 1990, c. 209, § 1, emerg. eff. May 14, 1990; Laws 1995, c. 274, § 7, eff. Nov. 1, 1995;

Laws 2003, c. 30, § 1, emerg. eff. April 7, 2003; Laws 2004, c. 386, § 1, emerg. eff. June 3, 2004; Laws 2005, c. 291, § 1, eff. Nov. 1, 2005; Laws 2006, c. 16, § 1, emerg. eff. March 29, 2006.
NOTE: Laws 2005, c. 190, § 1 repealed by Laws 2006, c. 16, § 2, emerg. eff. March 29, 2006.

§21-1220.1. Prohibition of alcohol inhalation device.

It is unlawful for any person to buy, sell, furnish, manufacture or possess any alcohol inhalation device, alcohol infuser or any other device capable of causing a blood or breath alcohol concentration in the human body by means of fumes, vapors, gases, air particles or matter inhaled directly into the central nervous system by mouth or nasal passages. Any person convicted of any violation of this section shall be guilty of a misdemeanor punishable by a fine in the amount of Five Thousand Dollars ($5,000.00). The Alcoholic Beverage Laws Enforcement Commission is prohibited from licensing any establishment for consumption of alcohol from such prohibited devices, and shall permanently revoke any license issued to any person convicted of any violation of this section. Provided, however, that any inhalation device which may contain alcohol and is intended or used for medicinal purposes, whether it is available for over-the-counter or by prescription purchase, shall be exempt from these provisions.
Added by Laws 2005, c. 358, § 1, emerg. eff. June 6, 2005.

§21-1221. Contagious diseases among domestic animals.

Any person who shall suffer to run at large, or who shall keep in any place where other animals can have access to or become infected by them, any horse, mare, mule, ass, ox, bull, cow, sheep or other domestic animals owned by him, or in his care or possession, and known by him, or good reason to believe such animal to be infected by glanders, farcy, or Texas mange or other infectious or contagious disease, or who shall bring into this state any diseased cattle, shall be punished upon conviction of the same, by imprisonment in the county jail not more than one (1) year or by fine not exceeding Five Hundred Dollars ($500.00).
R.L.1910, § 2520.

§21-1222. Disposition of animals dying of contagious or infectious diseases.

It shall be the duty of the owner of any domestic animal in the State of Oklahoma, which may hereafter die of any contagious or infectious disease, either to burn the carcass thereof or bury the same within twenty-four (24) hours after he has notice or knowledge of such fact so that no part of such carcass shall be nearer than two and one-half (2 1/2) feet of the surface of the soil: Provided, That all hogs dying of any disease shall be burned. It shall

further be unlawful to bury any such carcass as mentioned in this section in any land along any stream or ravine, where it is liable to become exposed through erosion of the soil, or where such land is any time subject to overflow. "Owner", as used in this section, shall mean and include any person having domestic animals in his possession, either by reason of ownership, rent, hire, loan, or otherwise, and shall be subject to all the pains and penalties of this article.
R.L.1910, § 2521.

§21-1223. Leaving carcass in certain places unlawful.

It shall be unlawful for any person to leave or deposit, or cause to be deposited or left the carcass of any animal, chicken or other fowl, whether the same shall have died from disease or otherwise, in any well, spring, pond or stream of water; or leave or deposit the same within one-fourth (1/4) mile of any occupied dwelling or of any public highway, without burying the same as provided in the preceding section of this act.
R.L.1910, § 2522; Laws 1955, p. 189, § 1.

§21-1224. Violation of sections regarding carcasses a misdemeanor.

Every person who violates the two preceding sections, shall be guilty of a misdemeanor.
R.L.1910, § 2523.

§21-1225. Unclean slaughter houses.

If any owner or occupier of any slaughterhouses, or any premises where hogs, beeves or other animals are slaughtered, shall permit the same to remain unclean, to the annoyance of the citizens of this state, or any of them, every person so offending shall be fined upon conviction for every such offense in any sum not less than five nor more than Twenty-five Dollars ($25.00), and if said nuisance be not removed within five (5) days thereafter, it shall be deemed a second offense against the provisions of this section.
R.L.1910, § 2524.

§21-1226. Selling or buying infected carcass.

If any person shall barter, sell or dispose of the carcass of any swine or other domestic animals infected with cholera or other infectious diseases at the time of death to any person for the purpose of manufacturing the same into lard, soap or for any other purpose, or if any person shall buy or otherwise obtain the carcass of any swine or other domestic animals infected with cholera or other infectious diseases at the time of death for manufacturing purposes as aforesaid or any other purpose except that of burial or burning he shall be fined in any sum not to exceed Fifty ($50.00) Dollars or be imprisoned in the county jail not more than thirty

(30) days.
R.L.1910, § 2525.

§21-1227. Selling or driving infected swine on highway a misdemeanor.

It shall be unlawful for any person to sell or otherwise dispose of any live swine that is infected with cholera or any other contagious diseases or to drive any such swine on the public highways, after any such person or persons have received knowledge of any such contagious diseases.
R.L.1910, § 2526.

§21-1228. Violation a misdemeanor.

Any person violating the provisions of the preceding section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed Fifty Dollars ($50.00), or be imprisoned in the county jail not more than thirty (30) days.
R.L.1910, § 2527.

§21-1229. Exhibition livestock - Administration of certain substances or performance of certain surgical procedures to alter appearance.

For livestock utilized for exhibition purposes, it shall be unlawful for any person to inject into the livestock or cause the livestock to ingest any drug, chemical or substance that is not labeled for use on animals, or to administer any chemical or substance used on livestock for the specific purpose of altering the appearance of livestock or to alter the muscle or fat content of the animal's carcass or to perform any surgical procedure to alter the appearance of the livestock. Ordinary and customary veterinarian procedures, including but not limited to dehorning, branding, tagging or notching ears, castrating, deworming, vaccinating or docking the tail of farm animals shall not be prohibited. Surgery of any kind performed to change the natural contour or appearance of the animal's body or hide, shall be prohibited by this section. Any violation of the provisions of this section shall be a misdemeanor, upon conviction, punishable by a fine of not less than One Thousand Dollars ($1,000.00), nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the county jail for a term not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment. A second or subsequent violation of the provisions of this section shall be a felony, upon conviction, punishable by a fine of not less than One Thousand Dollars ($1,000.00), nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a term not less than one (1) year nor more than five (5) years, or by both such fine and

imprisonment.
Added by Laws 1995, c. 195, § 1, emerg. eff. May 16, 1995. Amended by Laws 1997, c. 133, § 312, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 210, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 312 from July 1, 1998, to July 1, 1999.

§21-1230.1. Environmental Crimes Act - Short title.

Sections 339 through 347 of this act shall be known and may be cited as the "Environmental Crimes Act".
Added by Laws 1992, c. 363, § 1, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 338, eff. July 1, 1993.

§21-1230.2. Definitions.

A. As used in the Environmental Crimes Act:

1. "Waste" means at least twenty-eight (28) gallons or two hundred twenty (220) pounds, whether liquid or solid, of discarded or abandoned materials and by-products including but not limited to trash, refuse, garbage, biomedical waste, sewage, ash, sludge, deleterious substances, oil field wastes, commercial and industrial waste and chemical waste; and

2. "Hazardous waste" means:

a. waste that is subject to regulation as a hazardous waste under the federal Resource Conservation and Recovery Act, Title 42 U.S.C., Section 6901 et seq., and regulations adopted pursuant thereto,

b. waste that is subject to regulation as a hazardous waste under the Oklahoma Hazardous Waste Management Act, or

c. waste that is ignitable, corrosive, reactive or toxic as determined by testing for the characteristics of ignitability, corrosivity, reactivity or toxicity as provided in 40 Code of Federal Regulations, Sections 261.21 through 261.24.

B. The minimum quantity requirements in paragraph 1 of subsection A of this section shall not apply to chemical wastes used or intended for use in the manufacture of controlled substances in violation of the Uniform Controlled Dangerous Substances Act and shall not apply to hazardous wastes in circumstances involving unlawful disposal or concealment of hazardous waste as prohibited in Sections 1230.6 and 1230.7 of this title.

C. The term hazardous waste shall not include the handling, hauling, storage and disposition of salt water, mineral brines, waste oil and other deleterious substances produced from or obtained or used in connection with the drilling, development, producing and processing of oil and gas, including reclaiming of oil from tank bottoms located on leases and tank farms located outside the

boundaries of a refinery.
Added by Laws 1992, c. 363, § 2, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 339, eff. July 1, 1993; Laws 2001, c. 386, § 3, eff. July 1, 2001.

§21-1230.3. Unlawful hazardous waste transportation.

Any person who knowingly and willfully transports or causes the transportation of hazardous waste within the State of Oklahoma without a proper manifest, as prescribed in the Oklahoma Hazardous Waste Management Act, commits the offense of unlawful hazardous waste transportation.
Added by Laws 1992, c. 363, § 3, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 340, eff. July 1, 1993.

§21-1230.4. Unlawful waste management.

Any person required by law to have a permit or authorization from the Oklahoma Department of Environmental Quality, the Oklahoma Corporation Commission or the Oklahoma Department of Agriculture to receive, store, treat, process, recycle or dispose of waste, who without such permit or authorization knowingly and willfully receives, stores, treats, processes, recycles or disposes of waste, commits the offense of unlawful waste management.
Added by Laws 1992, c. 363, § 4, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 341, eff. July 1, 1993.

§21-1230.5. Unlawful misrepresentation of waste.

A. It shall be unlawful to knowingly and willfully:

1. Make false statements, include false data or omit material information in an application for a waste permit, or for a waste authorization, from the Oklahoma Department of Environmental Quality, the Oklahoma Corporation Commission or the Oklahoma Department of Agriculture;

2. Make false statements, include false data or omit material information in a waste manifest, waste label, or other waste compliance document, record or plan required by law to be created, maintained or submitted to any state agency;

3. Submit a false sample of waste for laboratory analysis;

4. Make false statements or include false data in, or omit material information from, a laboratory analysis of waste;

5. Tamper with an environmental monitoring device to compromise or impair the accuracy of the device; or

6. Provide hazardous waste to another person for transportation without providing a proper manifest as prescribed in the Oklahoma Hazardous Waste Management Act.

B. Any person who violates the provisions of this section commits the offense of unlawful misrepresentation of waste.
Added by Laws 1992, c. 363, § 5, emerg. eff. June 4, 1992. Amended

by Laws 1993, c. 145, § 342, eff. July 1, 1993.

§21-1230.6. Unlawful disposal of hazardous waste.

Any person who knowingly and willfully fails to secure a permit required by or pursuant to law, and who, without lawful permit or authorization, knowingly and willfully disposes, directs the disposal or aids and abets the disposal of hazardous waste into a sanitary sewer system without appropriate pretreatment, or at a solid waste landfill, transfer station or processing facility, or at any unpermitted disposal place commits the offense of unlawful disposal of hazardous waste.

Added by Laws 1992, c. 363, § 6, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 343, eff. July 1, 1993.

§21-1230.7. Unlawful concealment of hazardous waste.

Any person commits the offense of unlawful concealment of hazardous waste who knowingly and willfully subjects any other person, including but not limited to peace officers, emergency responders or clean-up crews, to the potential for immediate or long-term risk to their health or safety by exposure to chemical wastes, by knowingly and willfully:

1. Concealing or causing other persons to conceal the unlawful abandonment or disposal of hazardous waste;

2. Concealing or causing other persons to conceal that hazardous waste is being transported; or

3. Misrepresenting or causing other persons to misrepresent the type of hazardous waste being transported.

Added by Laws 1992, c. 363, § 7, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 344, eff. July 1, 1993.

§21-1230.8. Penalties.

Any person convicted of the offense of:

1. Unlawful hazardous waste transportation shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or both such fine and imprisonment;

2. Unlawful waste management with respect to:

   a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Ten Thousand Dollars ($10,000.00), and

   b. hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Fifty Thousand Dollars ($50,000.00) or both such fine and imprisonment;

3. Unlawful waste misrepresentation with respect to:

   a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Five

Thousand Dollars ($5,000.00), and

b. hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or both such fine and imprisonment;

4. Unlawful disposal of hazardous waste shall be guilty of a felony punishable by imprisonment for not more than five (5) years or a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or both such fine and imprisonment; and

5. Unlawful concealment of hazardous waste shall be guilty of a felony punishable by imprisonment for not less than two (2) years nor more than ten (10) years and a fine of not more than One Hundred Thousand Dollars ($100,000.00).

Added by Laws 1992, c. 363, § 8, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 345, eff. July 1, 1993; Laws 1997, c. 133, § 313, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 211, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 313 from July 1, 1998, to July 1, 1999.

§21-1230.9. Penalty enhancements.

The fines provided for in Section 1230.8 of this title shall be doubled for any person convicted of any violation of the provisions of the Environmental Crimes Act if:

1. The conviction is for a second or subsequent violation of the same or another provision of the Environmental Crimes Act; or

2. The convicted person profited from or received any remuneration for the actions leading to the conviction.

Added by Laws 1992, c. 363, § 9, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 346, eff. July 1, 1993.

§21-1230.10. Laws saved from repeal - Penalties not in lieu of civil or administrative penalties.

Nothing in Sections 1230.1 through 1230.10 of this title is intended to repeal any existing law. Any penalty imposed under Section 1230.8 of this title shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law.

Added by Laws 1992, c. 363, § 10, emerg. eff. June 4, 1992. Amended by Laws 1993, c. 145, § 347, eff. July 1, 1993.

§21-1241. Furnishing cigarettes or other tobacco or vapor products to minors - Punishment.

Any person who shall furnish to any minor by gift, sale or otherwise any cigarettes, cigarette papers, cigars, bidis, snuff, chewing tobacco, or any other form of tobacco product, or vapor products shall be guilty of a misdemeanor and, upon conviction,

shall be punished by a fine in the amount of not less than Twenty-five Dollars ($25.00) nor more than Two Hundred Dollars ($200.00) and by imprisonment in the county jail for a term of not less than ten (10) days nor more than ninety (90) days for each offense. For the purposes of this section, the term "vapor product" shall have the same meaning as provided in the Prevention of Youth Access to Tobacco Act.
Added by Laws 1915, c. 190, § 1. Amended by Laws 1917, c. 148, p. 238, § 1; Laws 1985, c. 54, § 1, eff. Nov. 1, 1985; Laws 2002, c. 76, § 1, emerg. eff. April 15, 2002; Laws 2014, c. 162, § 1, eff. Nov. 1, 2014.

§21-1242. Refusal of minor to disclose place where and person from whom obtained.

Any minor being in possession of cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product, or vapor products and being by any police officer, constable, juvenile court officer, truant officer, or teacher in any school, asked where and from whom such cigarettes, cigarette papers, cigars, snuff, chewing tobacco, or any other form of tobacco product, or vapor products were obtained, who shall refuse to furnish such information, shall be guilty of a misdemeanor and upon conviction thereof before the district court, or any judge of the district court, such minor being of the age of sixteen (16) years or upwards shall be sentenced to pay a fine not exceeding Five Dollars ($5.00) or to undergo an imprisonment in the jail of the proper county not exceeding five (5) days, or both; if such minor shall be under the age of sixteen (16) years, he or she shall be certified by such magistrate or justice to the juvenile court of the county for such action as the court shall deem proper. For the purposes of this section, the term "vapor product" shall have the same meaning as provided in the Prevention of Youth Access to Tobacco Act.
Added by Laws 1915, c. 190, § 2. Amended by Laws 1985, c. 54, § 2, eff. Nov. 1, 1985; Laws 2014, c. 162, § 2, eff. Nov. 1, 2014.

§21-1244. Disposition of fines - Share of informer.

Of all sums recovered hereunder as fines, one-fourth (1/4) shall be paid to the complaining witness, if not a public officer, the remainder to be paid into the county road fund and be used in the construction and maintenance of the public roads of the county to be distributed as are other county road funds.
Laws 1917, c. 148, p. 238, § 3.

§21-1247. Smoking in certain public areas, indoor workplaces, and educational facilities prohibited - Exemptions - Penalty.

A. The possession of lighted tobacco in any form is a public nuisance and dangerous to public health and is hereby prohibited

when such possession is in any indoor place used by or open to the public, all parts of a zoo to which the public may be admitted, whether indoors or outdoors, public transportation, or any indoor workplace, except where specifically allowed by law. Commercial airport operators may prohibit the use of lighted tobacco in any area that is open to or used by the public whether located indoors or outdoors, provided that the outdoor area is within one hundred seventy-five (175) feet from an entrance.

As used in this section, "indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways, or the like. The provisions of this section shall apply to such indoor workplace at any given time, whether or not work is being performed.

B. All buildings and other properties, or portions thereof, owned or operated by this state shall be designated as nonsmoking. The provisions of this subsection shall not apply to veterans centers operated by this state pursuant to the provisions of Section 221 et seq. of Title 72 of the Oklahoma Statutes, which shall be designated nonsmoking effective January 1, 2015, at which time veterans centers may establish outdoor designated smoking areas for resident veterans only. Smoking shall only be allowed in designated outdoor smoking areas until January 1, 2018. Each veterans center described in this subsection shall be entirely nonsmoking no later than January 1, 2018.

C. All buildings and other properties, or portions thereof, owned or operated by a county or municipal government, at the discretion of the county or municipal governing body, may be designated as entirely nonsmoking.

D. All educational facilities or portions thereof as defined in the Smoking in Public Places and Indoor Workplaces Act and all educational facilities as defined in the 24/7 Tobacco-free Schools Act shall be designated as nonsmoking as provided for in Section 1-1523 of Title 63 of the Oklahoma Statutes. All campuses, buildings and grounds, or portions thereof, owned or operated by an institution within The Oklahoma State System of Higher Education may be designated as tobacco free, including smoking or smokeless tobacco, by the institution upon adoption of a policy stating the

tobacco restrictions for the institution and an intent to enforce the penalty for violations as set forth in subsection M of this section.

E. No smoking shall be allowed within twenty-five (25) feet of the entrance or exit of any building specified in subsection B, C or D of this section.

F. The restrictions provided in this section shall not apply to stand-alone bars, stand-alone taverns and cigar bars as defined in Section 1-1522 of Title 63 of the Oklahoma Statutes.

G. The restrictions provided in this section shall not apply to the following:

1. The room or rooms where licensed charitable bingo games are being operated, but only during the hours of operation of such games;

2. Up to twenty-five percent (25%) of the guest rooms at a hotel or other lodging establishment;

3. Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;

4. Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace has only incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business;

5. Workplaces occupied exclusively by one or more smokers, if the workplace has only incidental public access;

6. Private offices occupied exclusively by one or more smokers;

7. Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;

8. Medical research or treatment centers, if smoking is integral to the research or treatment;

9. A facility operated by a post or organization of past or present members of the Armed Forces of the United States which is exempt from taxation pursuant to Section 501(c)(8), 501(c)(10) or 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(8), 501(c)(10) or 501(c)(19), when such facility is utilized exclusively by its members and their families and for the conduct of post or organization nonprofit operations except during an event or activity which is open to the public; and

10. Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.

H. An employer not otherwise restricted from doing so may elect

to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit or air intake.

I. If smoking is to be permitted in any space exempted in subsection F or G of this section or in a smoking room pursuant to subsection H of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from a smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.

J. Notwithstanding any other provision of this section, until March 1, 2006, restaurants may have designated smoking and nonsmoking areas or may be designated as being a totally nonsmoking area. Beginning March 1, 2006, restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the State Department of Health.

K. The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance to the building indicating that the place is smoke-free or tobacco-free.

L. Responsibility for posting signs or decals shall be as follows:

1. In privately owned facilities, the owner or lessee, if a lessee is in possession of the facilities, shall be responsible;

2. In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and

3. In publicly owned facilities, the manager and/or supervisor of the facility shall be responsible.

M. Any person who knowingly violates the provisions of this section shall be punished by a citation and fine of not more than One Hundred Dollars ($100.00).
Added by Laws 1975, c. 26, § 1, operative Sept. 1, 1975. Amended by Laws 2002, c. 96, § 1, eff. July 1, 2002; Laws 2002, c. 377, § 2, eff. July 1, 2002; Laws 2003, S.J.R. No. 21, § 1, eff. Sept. 1, 2003; Laws 2007, c. 70, § 1, eff. Nov. 1, 2007; Laws 2010, c. 95, § 1, eff. Nov. 1, 2010; Laws 2012, c. 30, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 14, emerg. eff. April 8, 2013; Laws 2013, c. 187, § 1, eff. Nov. 1, 2013; Laws 2014, c. 167, § 1, eff. Nov. 1, 2014; Laws 2015, c. 259, § 4.
NOTE: Laws 2012, c. 304, § 90 repealed by Laws 2013, c. 15, § 15, emerg. eff. April 8, 2013.

§21-1253. Failure to ring bell of locomotive.
Every person in charge, as engineer of a locomotive engine, who omits to cause a bell to ring or a steam whistle to sound at the distance of at least eighty (80) rods from the place where the track crosses, on the same level, any traveled public way, is punishable by a fine not exceeding Fifty Dollars ($50.00), or by imprisonment in the county jail not exceeding sixty (60) days.
R.L.1910, § 2536.

§21-1254. Drunken engineer or conductor or driver.
Every person who, while in charge, as engineer, of a locomotive engine, or while acting as conductor or driver upon a railroad train or car, whether propelled by steam or drawn by horses, is intoxicated, is guilty of a misdemeanor.
R.L.1910, § 2537.

§21-1255. Railroad officers, servants and agents, neglect of duty.
Every engineer, conductor, brakeman, switch-tender or other officer, agent or servant of any railroad company, who is guilty of any willful violation or omission of his duty as such officer, agent or servant, by which human life or safety is endangered or property is injured or destroyed, the punishment for which is not otherwise prescribed, is guilty of a misdemeanor.
R.L.1910, § 2538.

§21-1261. Criminal syndicalism defined.
Criminal syndicalism is hereby defined to be the doctrine which advocates crime, physical violence, arson, destruction of property, sabotage, or other unlawful acts or methods, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution, or for profit.
Laws 1919, c. 70, p. 110, § 1. d

§21-1262. Sabotage defined.

Sabotage is hereby defined to be a malicious, felonious, intentional or unlawful damage, injury to or destruction of real or personal property of any employer or owner by his or her employee or employees, or any employer or employers or by any person or persons at their own instance, or at the instance, request or instigation of such employees, employers, or any other person.
Laws 1919, c. 70, p. 111, § 2.

§21-1263. Advocating or teaching necessity, etc., of crime, criminal syndicalism or sabotage - Printing, publishing, etc., books, pamphlets, etc. - Organizing or becoming member of society or assembly.

Any person who, by word of mouth or writings, advocates, affirmatively suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution, or for profit; or who prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit; or who shall openly, or at all attempt to justify by word of mouth or writing, the commission or the attempt to commit sabotage, any act of physical violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act, with the intent to exemplify, spread or teach or affirmatively suggest criminal syndicalism; or who organizes, or helps to organize or becomes a member of or voluntarily assembles with any society or assemblage of persons which teaches, advocates, or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or for profit, is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a

term not to exceed ten (10) years, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. Provided, that none of the provisions of Sections 1261 through 1264 of this title shall be construed to modify or affect Section 166 of Title 40 of the Oklahoma Statutes.
Added by Laws 1919, c. 70, p. 111, § 3, emerg. eff. March 15, 1919. Amended by Laws 1997, c. 133, § 314, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 212, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 314 from July 1, 1998, to July 1, 1999.

§21-1264. Permitting use of building for assemblies in violation of section 1263 prohibited.

The owner, lessee, agent, superintendent, or person in charge or occupation of any place, building, room or rooms, or structure, who knowingly permits therein any assembly or consort of persons prohibited by the provisions of Section 3 of this act, or who after notification by authorized public or peace officers that the place or premises, or any part thereof, is or are so used, permits such use to be continued, is guilty of a misdemeanor and punishable upon conviction thereof by imprisonment in the county jail for not less than sixty (60) days or for not more than one (1) year, or by a fine of not less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.
Laws 1919, c. 70, p. 111, § 4.

§21-1265.1. Definitions - Highway - Highway commissioners - Public utility.

"Highway" includes any private or public street, way or other place used for travel to or from property.

"Highway commissioners" means any individual, board or other body having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.

"Public utility" includes any pipeline, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communication or other system, by whomsoever owned or operated for public use.
Laws 1941, p. 84, § 1.

§21-1265.2. Destroying or interfering with property with intent to hinder defense preparations or prosecution of war.

Whoever destroys, impairs, injures, interferes or tampers with real or personal property with intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be guilty of a felony punishable by imprisonment for

not more than ten (10) years, or by a fine of not more than Ten Thousand Dollars ($10,000.00), or both; provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one (1) year.
Added by Laws 1941, p. 85, § 2. Amended by Laws 1997, c. 133, § 315, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 213, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 315 from July 1, 1998, to July 1, 1999.

§21-1265.3. Causing defects in articles used in defense preparation or prosecution of war.

Whoever intentionally makes or causes to be made any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or that such article or thing is one of a number of similar articles or things, some of which are intended so to be used, shall be guilty of a felony punishable by imprisonment for not more than ten (10) years, or a fine of not more than Ten Thousand Dollars ($10,000.00) or both; provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one (1) year.
Added by Laws 1941, p. 85, § 3. Amended by Laws 1997, c. 133, § 316, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 214, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 316 from July 1, 1998, to July 1, 1999.

§21-1265.4. Attempts - Punishment - Acts constituting.

Whoever attempts to commit any of the crimes defined by Sections 1265.1 through 1265.14 of this title shall be liable to one-half (1/2) the punishment prescribed for the completed crime. In addition to the acts which constitute an attempt to commit a crime under the law of this state, the solicitation or incitement of another to commit any of the crimes defined by Sections 1265.1 through 1265.14 of this title not followed by the commission of the crime, the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime, or the entry, with or without permission, of a building, enclosure or other premises of another with the

intent to commit any such crime therein or thereon shall constitute an attempt to commit such crime.
Added by Laws 1941, p. 85, § 4. Amended by Laws 1997, c. 133, § 317, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 215, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 317 from July 1, 1998, to July 1, 1999.

§21-1265.5. Conspiracies.

If two or more persons conspire to commit any crime defined by Sections 1265.1 through 1265.14 of this title, each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence or punishment on behalf of any person prosecuted under this section, that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.
Added by Laws 1941, p. 85, § 5. Amended by Laws 1997, c. 133, § 318, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 318 from July 1, 1998, to July 1, 1999.

§21-1265.6. Self incriminating testimony - Immunity from prosecution.

No person shall be excused from attending and testifying or producing any books, papers, or other documents before any court, magistrate, referee or grand jury upon any investigation, proceeding or trial, for or relating to or concerned with a violation of any section of this act or attempt to commit such violation, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him by the state may tend to convict him of a crime or to subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be received against him, upon any criminal investigation, proceeding or trial, except upon a prosecution for perjury or contempt of court based upon the giving or producing of such testimony.
Laws 1941, p. 85, § 6.

§21-1265.7. Posting property of producers of defense materials and public utilities - Entry without permission.

Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged

in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate entrance, dock or railway entrance and every one hundred (100) feet of water front a sign reading "No Entry Without Permission". Whoever without permission of such owner shall willfully enter upon premises so posted shall be punished by imprisonment for not more than ten (10) days, or a fine of not more than Fifty Dollars ($50.00), or both.
Laws 1941, p. 86, § 7.

§21-1265.8. Detention and arrest of persons entering without permission.

Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises posted as provided in Section 7 may stop any person found on any premises to which entry without permission is forbidden by Section 7 and may detain him for the purpose of demanding, and may demand of him his name, address and business in such place. If said peace officer or employee has reason to believe from the answers of the person so interrogated that such person has no right to be in such place, said peace officer shall forthwith release such person or he may arrest such person without a warrant on the charge of violating the provisions of Section 7; and said employee shall forthwith release such person or turn him over to a peace officer, who may arrest him without a warrant on the charge of violating the provisions of Section 7.
Laws 1941, p. 86, § 8.

§21-1265.9. Highways - Closing on petition of producers of defense materials or public utilities.

Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States, or in the manufacture, transportation, distribution of storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility, who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited

on one or more highways or parts thereof upon which such property abuts, may petition the highway commissioners of any city, town or county to close one or more of said highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of said highways or parts thereof.

Upon receipt of such petition, the highway commissioners shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, town or county in which such property is located, such notice to be at least seven days prior to the date set for hearing. If after hearing the highway commissioners determine that the public safety and the safety of the property of the petitioner so require, they shall, by suitable order, close to public use and travel or reasonably restrict the use of and travel upon one or more of said highways or parts thereof; provided, the highway commissioners may issue written permits to travel over the highways so closed or restricted to responsible and reputable persons for such term, under such conditions and in such form as said commissioners may prescribe. Appropriate notices in letters at least three (3) inches high shall be posted conspicuously at each end of any highway so closed or restricted by such order. The highway commissioners may at any time revoke or modify any order so made.
Laws 1941, p. 86, § 9.

§21-1265.10. Violation of order closing or restricting use of highways.

Whoever violates any order made under Section 9 shall be punished by imprisonment for not more than ten (10) days, or a fine of not more than Fifty Dollars ($50.00), or both.
Laws 1941, p. 87, § 10.

§21-1265.11. Organization of employees and right to bargain collectively not impaired.

Nothing in this act shall be construed to impair, curtail or destroy the rights of employees and their representatives to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection.
Laws 1941, p. 87, § 11.

§21-1265.12. Repealed by Laws 1989, c. 154, § 2, operative July 1, 1989.

§21-1265.13. Short title.

This act may be cited as the Sabotage Prevention Act.
Laws 1941, p. 87, § 13.

§21-1265.14. Suspension of inconsistent laws - Conduct made unlawful by other laws.

All acts and parts of acts inconsistent with this act are hereby suspended in their application to any proceedings under this act. If conduct prohibited by this act is also made unlawful by another or other laws, the offender may be convicted for the violation of this act or of such other law or laws.
Laws 1941, p. 87, § 14.

§21-1266. Advocating overthrow of government by force - Penalty.

Any person above the age of eighteen (18) years who advocates revolution, teaches or justifies a program of sabotage, force and violation, sedition or treason against the government of the United States or of this state, or who directly or indirectly advocates or teaches by any means the overthrow of the government of the United States or of this state by force or any unlawful means shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary from five (5) years to life.
Added by Laws 1955, p. 189, § 1, emerg. eff. June 6, 1955. Amended by Laws 1997, c. 133, § 319, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 216, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 319 from July 1, 1998, to July 1, 1999.

§21-1266.1. Existence of communist conspiracy.

Upon evidence and proof already presented before this legislature, congress, the courts of this state, and the courts of the United States, it is here now found and declared to be a fact that there exists an International Communist conspiracy which is committed to the overthrow of the government of the United States and of the several states, including that of the State of Oklahoma, by force or violence, such conspiracy including the Communist Party of the United States, its component or related parts and members, and that such conspiracy constitutes a clear and present danger to the government of the United States and of this state.
Laws 1955, p. 189, § 1.

§21-1266.2. Communist Party of the United States and component parts as illegal.

The Communist Party of the United States, together with its component or related parts and organizations, no matter under what name known, and all other organizations, incorporated or unincorporated, which engage in or advocate, abet, advise, or teach, or a purpose of which is to engage in or advocate, abet, advise, or teach, any activities intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the

constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence, are hereby declared to be illegal and not entitled to any rights, privileges, or immunities attendant upon bodies under the jurisdiction of the State of Oklahoma or any political subdivision thereof. It shall be unlawful for such Party or any of its component or related parts or organizations, or any such other organization, to exist, function, or operate in the State of Oklahoma. Any organization which is found by a court of competent jurisdiction to have violated any provisions of this section, in a proceeding brought for that purpose by the County Attorney, shall be dissolved, and if it be a corporation organized and existing under the laws of this state or having a permit to do business in this state, its charter or permit shall be forfeited, and, whether incorporated or unincorporated, all funds, records, and other property belonging to such Party or any component or related part or organization thereof, or to any such other organization, shall be seized by and forfeited to the State of Oklahoma to escheat to the state as in the case of a person dying without heirs. All books, records, and files of any such organizations shall be turned over to the Attorney General.
Laws 1955, p. 190, § 2.

§21-1266.3. Affiliation with parent or superior organization - Prima facie evidence of guilt.

As to any particular organization, proof of its affiliation with a parent or superior organization, inside or outside of this state, which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or advocate, abet, advise, or teach, any activities intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence, shall constitute prima facie evidence that such particular organization engages in or advocates, abets, advises, or teaches, or has as a purpose the engaging in or advocating, abetting, advising, or teaching of, the same activities with the same intent.
Laws 1955, p. 190, § 3.

§21-1266.4. Unlawful acts.

It shall be unlawful for any person knowingly or willfully to:

(1) Commit, attempt to commit, or aid in the commission of any act intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or

violence; or

(2) Advocate, abet, advise, or teach by any means any person to commit, attempt to commit, or aid in the commission of any such act, under such circumstances as to constitute a clear and present danger to the security of the United States, or of the State of Oklahoma, or of any political subdivision of either of them; or

(3) Conspire with one or more persons to commit any of the above acts; or

(4) Assist in the formation of, or participate in the management of, or contribute to the support of, or become or remain a member of, or destroy any books or records or files of, or secrete any funds in this state of the Communist Party of the United States or any component or related part or organization thereof, or any organization which engages in or advocates, abets, advises, or teaches, or a purpose of which is to engage in or advocate, abet, advise or teach, any activities intended to overthrow, destroy, or alter, or to assist in the overthrow, destruction, or alteration of, the constitutional form of the government of the United States, or of the State of Oklahoma, or of any political subdivision of either of them, by force or violence, knowing the nature of such organization.

Laws 1955, p. 190, § 4.

§21-1266.5. Penalty.

Any person who shall violate any of the provisions of Section 1266.4 of this title shall be guilty of a felony, and upon conviction thereof shall be fined not more than Twenty Thousand Dollars ($20,000.00), or imprisoned not less than one (1) year nor more than twenty (20) years in the State Penitentiary, or may be both so fined and imprisoned. No person convicted of any violation of this act shall ever be entitled to suspension or probation of sentence by the trial court.

Added by Laws 1955, p. 191, § 5, emerg. eff. June 6, 1955. Amended by Laws 1997, c. 133, § 320, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 217, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 320 from July 1, 1998, to July 1, 1999.

§21-1266.6. Bar from holding public office.

Any person who shall be convicted finally by a court of competent jurisdiction of violating any of the provisions of this act shall from the date of such final conviction automatically be disqualified and barred from holding any office, elective or appointive, or any other position of profit, trust, or employment with the government of the State of Oklahoma or any agency thereof, or of any county, municipal corporation, or other political subdivision of the state.

Laws 1955, p. 191, § 6.

§21-1266.7. District court powers.

The district courts of this state and the judges thereof shall have full power, authority, and jurisdiction, upon the application of the State of Oklahoma, acting through the district attorney, to issue any and all proper restraining orders, temporary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce the provisions of this act; no injunction or other writ shall be granted, used or relied upon under the provisions of this act in any labor dispute or disputes. Such proceedings shall be instituted, prosecuted, tried, and heard as other civil proceedings of like nature in such courts, provided that such proceedings shall have priority over other cases in settings for hearing.

Nothing in this act shall be construed to alter in any way the powers now held by the courts of this state or of this nation under the laws of this state in labor disputes.

Laws 1955, p. 191, § 7.

§21-1266.8. Search warrants.

A search warrant may issue for the purpose of searching for and seizing any books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, or any written instruments showing that a person or organization is violating or has violated any provision of this act. Search warrants may be issued by any judge of a court of record in this state upon the written application of the district attorney, within their respective jurisdictions, accompanied by the affidavit of a credible person setting forth the name or description of the owner or person in charge of the premises to be searched, or stating that his name and description are unknown, the address or description of the premises, and showing that the described premises is a place where some specified phase or phases of this act are violated or are being violated, or where are kept any books, records, pamphlets, cards, receipts, lists, memoranda, pictures, recordings, or written instruments of any kind showing a violation of some phase or phases of this act; provided that if the premises to be searched constitute a private residence, such application for a search warrant shall be accompanied by the affidavits of two (2) credible citizens. Except as herein provided, the application, issuance, and execution of any such warrant and all proceedings relative thereto shall conform to the applicable provisions of the Code of Criminal Procedure; provided that any evidence obtained by virtue of a search warrant issued under the provisions of this act shall not be admissible in evidence in the trial of any proceeding, administrative or judicial, save and except those arising under this act.

Laws 1955, p. 191, § 8.

§21-1266.9. Utilization of State agency personnel by Governor.

The Governor is authorized to utilize any personnel of the Department of Public Safety and any other state agency to conduct such investigations and to render such assistance to local law enforcement officers as the Governor may deem necessary in carrying out the provisions of this act.
Laws 1955, p. 191, § 9.

§21-1266.10. Partial invalidity.

If any section or any part whatever of this act, or the application thereof to any person or circumstances, should be held for any reason to be invalid, such invalidity shall not affect or invalidate any portion of the remainder of this act, and it is hereby declared that such remaining portions would have been enacted in any event.
Laws 1955, p. 192, § 10.

§21-1266.11. Provisions cumulative.

The provisions of this act are expressly declared to be cumulative to existing laws.
Laws 1955, p. 192, § 11.

§21-1267.1. Organizing or assisting to organize groups, companies, etc.

Any person organizing or assisting to organize any group, company, assembly of persons, or association with the intent of advocating or encouraging the overthrow of the United States or state governments, or of acting to overthrow such governments, by force or violence, or who is or becomes a member or affiliate of any such organization knowing its purposes shall, upon conviction thereof, be guilty of a felony.
Added by Laws 1961, p. 743, § 1, emerg. eff. July 12, 1961. Amended by Laws 1997, c. 133, § 321, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 321 from July 1, 1998, to July 1, 1999.

§21-1267.2. Registration - Contents.

(a) The officers of each group, company, assembly of persons, or association with the intent designated in Section 1267.1 of this title shall, within thirty (30) days of the effective date hereof, register with the Attorney General, on forms prescribed by him by regulations, as such an organization, and shall thereafter register annually on or before July 1.

(b) The registration statements shall include the following information:

(1) The name of the organization and address of its principal office;

(2) The name and present address of each person who is currently an officer of the organization or who has been an officer of the organization any time in the course of the twelve (12) months preceding the filing of each registration statement;

(3) An accounting of all money received and expended by the organization, including the sources of receipt and purposes of expenditures, in the course of the twelve (12) months preceding the filing of each registration statement;

(4) The name and present address of each person who is or was a member of the organization at any time in the course of the twelve (12) months preceding the filing of each registration statement.

(5) If any officer or member of the organization uses or has used more than one name, all such names shall be included in the registration statements.

(c) All such organizations shall maintain, in the form and manner as the Attorney General shall by regulations provide, an accurate and complete record of all information required by the registration statement forms.

(d) If the officers of any such organization violate any provision of this section they shall, upon conviction, be guilty of a felony.

Added by Laws 1961, p. 743, § 2, emerg. eff. July 12, 1961. Amended by Laws 1997, c. 133, § 322, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 322 from July 1, 1998, to July 1, 1999.

§21-1268. Short title.

This act shall be known and may be cited as the “Oklahoma Antiterrorism Act”.

Added by Laws 2002, c. 477, § 1, emerg. eff. June 6, 2002.

§21-1268.1. Definitions.

As used in this act:

1. "Biochemical assault" means the intentional delivery of any substance or material to another person without lawful cause, whether or not such substance or material is toxic, noxious or lethal to humans, to:

   a. cause intimidation, fear or anxiety and a reasonable belief by the victim that death, disease, injury or illness will occur as a result of contamination by such substance or material and, based upon that belief, an emergency response is necessary, or

   b. poison, injure, harm or cause disease or illness to any person;

2. "Biochemical terrorism" means an act of terrorism involving

any biological organism, pathogen, bacterium, virus, chemical or its toxins, isomers, salts or compounds, or any combination of organisms, viruses or chemicals that is capable of and intended to cause death, disease, injury, illness or harm to any human or animal upon contact or ingestion, or harm to any food supply, plant, water supply, drink, medicine or other product used for or consumed by humans or animals;

3. "Conduct" includes initiating, concluding, or participating in initiating or concluding a transaction;

4. "Financial institution" includes:

a. any financial institution, as defined in Section 5312(a)(2) of Title 31 of the United States Code, or the regulations promulgated thereunder, and

b. any foreign bank, as defined in Section 3101 of Title 12 of the United States Code;

5. "Financial transaction" means:

a. a transaction which in any way or degree affects state, interstate or foreign commerce:

(1) involving the movement of funds by wire or other means,

(2) involving one or more monetary instruments, or

(3) involving the transfer of title to any real property, vehicle, vessel, or aircraft, or

b. a transaction involving the use of a financial institution which is engaged in, or the activities of which affect, state, interstate or foreign commerce in any way or degree;

6. "Monetary instrument" means:

a. coin or currency of the United States or of any other country, travelers' checks, personal checks, bank checks, and money orders, or

b. investment securities or negotiable instruments, in bearer form or otherwise in such form that title thereto passes upon delivery;

7. "Proceeds" means all monies, negotiable instruments, and securities received, used, or intended to be used to facilitate any violation of the Oklahoma Antiterrorism Act;

8. "Terrorism" means one or more kidnappings or other act of violence, or a series of acts of violence, resulting in damage to property, personal injury or death, or the threat of such act or acts that appears to be intended:

a. to intimidate or coerce a civilian population,

b. to influence the policy or conduct of a government by intimidation or coercion, or

c. in retaliation for the policy or conduct of a government by intimidation or coercion.

Peaceful picketing or boycotts and other nonviolent action shall

not be considered terrorism;

9. "Terrorism hoax" means the willful conduct to simulate an act of terrorism as a joke, hoax, prank or trick against a place, population, business, agency or government by:

a. the intentional use of any substance to cause fear, intimidation or anxiety and a reasonable belief by any victim that such substance is used, placed, sent, delivered or otherwise employed as an act of biochemical terrorism requiring an emergency response or the evacuation or quarantine of any person, place or article, or

b. any act or threat of violence, sabotage, damage or harm against a population, place or infrastructure that causes fear, intimidation or anxiety and a reasonable belief by any victim that such act or threat is an act of terrorism to disrupt any place, population, business, agency or government;

10. "Terrorist activity" means to plan, aid or abet an act of terrorism or aid or abet any person who plans or commits an act of terrorism; and

11. "Transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.

Added by Laws 2002, c. 477, § 2, emerg. eff. June 6, 2002. Amended by Laws 2010, c. 456, § 1, eff. Nov. 1, 2010; Laws 2016, c. 154, § 1, eff. Nov. 1, 2016.

§21-1268.2. Violations - Penalties.

A. Every act of terrorism is a felony.

B. A person convicted of terrorism shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding life.

C. A person who kills another person or who causes the death of another person in the commission of an act of terrorism shall be guilty of murder in the first degree.

D. A person convicted of biochemical terrorism shall be ordered, in addition to the punishment imposed for the act of terrorism, to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act of terrorism.

E. The punishment for terrorism shall be in addition to any

penalty imposed for any individual offense or offenses involved in the act or acts of terrorism.
Added by Laws 2002, c. 477, § 3, emerg. eff. June 6, 2002. Amended by Laws 2016, c. 154, § 2, eff. Nov. 1, 2016.

§21-1268.3. Conspiracy - Penalty.

A. Conspiracy to commit terrorism is a felony.

B. A person convicted of conspiracy to commit terrorism shall be punished by imprisonment in the State Penitentiary for a term not exceeding life.
Added by Laws 2002, c. 477, § 4, emerg. eff. June 6, 2002.

§21-1268.4. Hoax - Penalty.

A. Terrorism hoax is a felony.

B. A person convicted of terrorism hoax shall be punished by imprisonment in the State Penitentiary for a term of not more than ten (10) years. In addition to any punishment imposed for the act of terrorism hoax, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.
Added by Laws 2002, c. 477, § 5, emerg. eff. June 6, 2002.

§21-1268.5. Biochemical assault - Penalties.

A. Every person who, without justifiable or excusable cause, willfully commits biochemical assault against another person shall be punished as provided in this section.

B. Every act of biochemical assault is a misdemeanor punishable by imprisonment in the county jail for a term of not more than one (1) year, or by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment when the person knows the substance or material used to commit biochemical assault is not toxic, noxious, or lethal to humans. In addition to any term of imprisonment imposed for biochemical assault, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.

C. Every act of biochemical assault is a felony punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years when the person knows the substance or material used to commit biochemical assault is toxic, noxious, or lethal to humans. In addition to any term of imprisonment imposed for biochemical assault, the person shall be ordered to make restitution to the victim and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to such act.

Added by Laws 2002, c. 477, § 6, emerg. eff. June 6, 2002.

§21-1268.6. Manufacture, delivery or possession of toxic materials intended for terrorist activity - Penalties.

A. It shall be unlawful for any person to manufacture, send, deliver or possess any toxic, noxious, or lethal substance, chemical, biological or nuclear material with the intent of engaging in terrorist activity.

B. A person convicted of a violation of this section shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not more than eight (8) years. In addition to any term of imprisonment imposed for a violation of this section, the person shall be ordered to make restitution to victims and to reimburse the cost of any emergency personnel, equipment, supplies, and other expenses incurred by the state and any political subdivision as a result of responding to the crime.

Added by Laws 2002, c. 477, § 7, emerg. eff. June 6, 2002.

§21-1268.7. Unlawful acts - Conduct financial transaction or transport, transmit, or transfer monetary instrument.

A. No person, knowing that property is the proceeds of an act of terrorism or a monetary instrument given, received, or intended to be used in support of an act of terrorism, shall conduct or attempt to conduct any financial transaction involving that property or transport, transmit or transfer that monetary instrument with the intent to do any of the following:

1. Commit or further the commission of an act of terrorism;

2. Conceal or disguise the nature, location, source, ownership, or control of either the proceeds of an act of terrorism or a monetary instrument given, received, or intended to be used to support an act of terrorism; or

3. Conceal or disguise the intent to avoid a financial transaction reporting requirement as provided in 31 U.S.C., Section 5311 et seq., 31 C.F.R., Part 103, Title 6 of the Oklahoma Statutes, or other federal monetary reporting requirements under law.

B. Any person convicted of violating any provision of subsection A of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, or by a fine of not more than Fifty Thousand Dollars ($50,000.00) or an amount equal to twice the dollar amount of each transaction, whichever is greater, or by both such fine and imprisonment.

Added by Laws 2010, c. 456, § 2, eff. Nov. 1, 2010.

§21-1268.8. Oklahoma Antiterrorism Act - Using money services business or electronic funds transfer network.

Any person who knowingly or intentionally uses a money services

business, as defined by the Oklahoma Financial Transaction Reporting Act, or an electronic funds transfer network for any purpose in violation of the Oklahoma Antiterrorism Act, or with intent to facilitate any violation of the Oklahoma Antiterrorism Act shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than ten (10) years, or by a fine of not more than Fifty Thousand Dollars ($50,000.00) or an amount equal to twice the dollar amount of each transaction, whichever is greater, or by both such fine and imprisonment.
Added by Laws 2010, c. 456, § 3, eff. Nov. 1, 2010.

§21-1271.1. Detention or arrest of person under 18 years - Confiscation and forfeiture of prohibited weapons and firearms - Disposition of forfeited weapons and firearms.

A. Whenever a person under eighteen (18) years of age is detained or arrested by a law enforcement officer and is carrying any weapon or firearm prohibited by Section 1272 of this title, each such prohibited weapon and firearm may be confiscated and forfeited to the State of Oklahoma by the law enforcement authority. Such confiscation and forfeiture shall not require that criminal charges be filed against the minor.

B. However, when a weapon or firearm confiscated pursuant to the provisions of this section has been taken by a minor without the permission of the owner, the weapon or firearm shall be returned to the owner pursuant to the procedures provided in Section 1321 of Title 22 of the Oklahoma Statutes, provided the possession of such weapon or firearm by the owner is not otherwise prohibited by law.

C. Any weapon or firearm confiscated and forfeited by any law enforcement authority may be sold at public auction, or when no longer needed as evidence in the criminal proceeding the confiscating authority may lease any firearm confiscated and forfeited by law pursuant to this section to any law enforcement agency for a period of one (1) year. Such lease may be renewed each year thereafter at the discretion of such authority to assist in the enforcement of the laws of this state or its political subdivisions. Any weapon or firearm deemed by the confiscating authority to be inappropriate for lease or sale shall be destroyed.

D. For purposes of this section, the term "confiscate" shall not be construed to prohibit any parent, guardian or other adult person from removing or otherwise seizing from any minor any weapon or firearm in the minor's possession. Provided however, no school authority shall return any weapon or firearm removed or otherwise seized from any minor to any person, and shall immediately deliver such weapon or firearm to a law enforcement authority for prosecution and forfeiture.
Added by Laws 1993, c. 309, § 3, emerg. eff. June 7, 1993. Amended

by Laws 1994, c. 290, § 51, eff. July 1, 1994.

§21-1272. Unlawful carry

UNLAWFUL CARRY

A. It shall be unlawful for any person to carry upon or about his or her person, or in a purse or other container belonging to the person, any pistol, revolver, shotgun or rifle whether loaded or unloaded or any blackjack, loaded cane, billy, hand chain, metal knuckles, or any other offensive weapon, whether such weapon be concealed or unconcealed, except this section shall not prohibit:

1. The proper use of guns and knives for hunting, fishing, educational or recreational purposes;

2. The carrying or use of weapons in a manner otherwise permitted by statute or authorized by the Oklahoma Self-Defense Act;

3. The carrying, possession and use of any weapon by a peace officer or other person authorized by law to carry a weapon in the performance of official duties and in compliance with the rules of the employing agency;

4. The carrying or use of weapons in a courthouse by a district judge, associate district judge or special district judge within this state, who is in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose name appears on a list maintained by the Administrative Director of the Courts; or

5. The carrying and use of firearms and other weapons provided in this subsection when used for the purpose of living history reenactment. For purposes of this paragraph, "living history reenactment" means depiction of historical characters, scenes, historical life or events for entertainment, education, or historical documentation through the wearing or use of period, historical, antique or vintage clothing, accessories, firearms, weapons, and other implements of the historical period.

B. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor punishable as provided in Section 1276 of this title.

R.L. 1910, § 2546. Amended by Laws 1957, p. 163, § 1; Laws 1969, c. 311, § 1, emerg. eff. April 28, 1969; Laws 1993, c. 309, § 1, emerg. eff. June 7, 1993; Laws 1995, c. 272, § 26, eff. Sept. 1, 1995; Laws 1996, c. 191, § 2, emerg. eff. May 16, 1996; Laws 2003, c. 465, § 1, eff. July 1, 2003; Laws 2007, c. 128, § 1, eff. Nov. 1, 2007; Laws 2012, c. 259, § 1, eff. Nov. 1, 2012; Laws 2013, c. 102, § 1, eff. Nov. 1, 2013; Laws 2015, c. 197, § 1, eff. Nov. 1, 2015; Laws 2016, c. 217, § 1, eff. Nov. 1, 2016.

NOTE: Laws 1993, c. 264, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§21-1272.1. Carrying firearms where liquor is consumed.

CARRYING FIREARMS WHERE LIQUOR IS CONSUMED

A. It shall be unlawful for any person to carry or possess any weapon designated in Section 1272 of this title in any establishment where low-point beer, as defined by Section 163.2 of Title 37 of the Oklahoma Statutes, or alcoholic beverages, as defined by Section 506 of Title 37 of the Oklahoma Statutes, are consumed. This provision shall not apply to a peace officer, as defined in Section 99 of this title, or to private investigators with a firearms authorization when acting in the scope and course of employment, and shall not apply to an owner or proprietor of the establishment having a pistol, rifle, or shotgun on the premises. Provided however, a person possessing a valid handgun license pursuant to the provisions of the Oklahoma Self-Defense Act may carry the concealed or unconcealed handgun into any restaurant or other establishment licensed to dispense low-point beer or alcoholic beverages where the sale of low-point beer or alcoholic beverages does not constitute the primary purpose of the business.

Provided further, nothing in this section shall be interpreted to authorize any peace officer in actual physical possession of a weapon to consume low-point beer or alcoholic beverages, except in the authorized line of duty as an undercover officer.

Nothing in this section shall be interpreted to authorize any private investigator with a firearms authorization in actual physical possession of a weapon to consume low-point beer or alcoholic beverages in any establishment where low-point beer or alcoholic beverages are consumed.

B. Any person violating the provisions of this section shall be punished as provided in Section 1272.2 of this title.

Added by Laws 1975, c. 248, § 1, emerg. eff. June 2, 1975. Amended by Laws 1976, c. 179, § 1, emerg. eff. June 1, 1976; Laws 1986, c. 240, § 2, eff. Nov. 1, 1986; Laws 1995, c. 272, § 27, eff. Sept. 1, 1995; Laws 1996, c. 191, § 3, emerg. eff. May 16, 1996; Laws 2001, c. 396, § 1, eff. July 1, 2001; Laws 2012, c. 259, § 2, eff. Nov. 1, 2012.

§21-1272.2. Penalty for firearm in liquor establishment.

PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

Any person who intentionally or knowingly carries on his or her person any weapon in violation of Section 1272.1 of this title, shall, upon conviction, be guilty of a felony punishable by a fine not to exceed One Thousand Dollars ($1,000.00), or imprisonment in the custody of the Department of Corrections for a period not to exceed two (2) years, or by both such fine and imprisonment.

Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license revoked by the Oklahoma State Bureau of Investigation after a

hearing and determination that the person is in violation of Section 1272.1 of this title.
Added by Laws 1975, c. 248, § 2, emerg. eff. June 2, 1975. Amended by Laws 1995, c. 272, § 28, eff. Sept. 1, 1995; Laws 1997, c. 133, § 323, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 218, eff. July 1, 1999; Laws 2012, c. 259, § 3, eff. Nov. 1, 2012.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 323 from July 1, 1998, to July 1, 1999.

§21-1272.3. Unlawful discharge of stun gun or deleterious agent - Penalties.

It is unlawful for any person to knowingly discharge, or cause to be discharged, any electrical stun gun, tear gas weapon, mace, tear gas, pepper mace or any similar deleterious agent against another person knowing the other person to be a peace officer, corrections officer, probation or parole officer, firefighter, or an emergency medical technician or paramedic who is acting in the course of official duty. Any person violating the provisions of this section, upon conviction, shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not exceeding ten (10) years, or by imprisonment in the county jail for a term of not exceeding one (1) year.
Added by Laws 2008, c. 381, § 1, eff. July 1, 2008.

§21-1273. Allowing minors to possess firearms.

ALLOWING MINORS TO POSSESS FIREARMS

A. It shall be unlawful for any person within this state to sell or give to any child any of the arms or weapons designated in Section 1272 of this title; provided, the provisions of this section shall not prohibit a parent of a child or legal guardian of a child, or a person acting with the permission of the parent of the child or legal guardian of the child, from giving the child a firearm for participation in hunting animals or fowl, hunter safety classes, education and training in the safe use and handling of firearms, target shooting, skeet, trap or other sporting events or competitions, except as provided in subsection B of this section.

B. It shall be unlawful for any parent or guardian to intentionally, knowingly, or recklessly permit his or her child to possess any of the arms or weapons designated in Section 1272 of this title, including any firearm, if such parent is aware of a substantial risk that the child will use the weapon to commit a criminal offense or if the child has either been adjudicated a delinquent or has been convicted as an adult for any criminal offense that contains as an element the threat or use of physical force against the person of another.

C. It shall be unlawful for any child to possess any of the

arms or weapons designated in Section 1272 of this title, except firearms used for participation in hunting animals or fowl, hunter safety classes, education and training in the safe use and handling of firearms, target shooting, skeet, trap or other sporting events or competitions. Provided, this section shall not authorize the possession of such weapons by any person who is subject to the provisions of Section 1283 of this title.

D. Any person violating the provisions of this section shall, upon conviction, be punished as provided in Section 1276 of this title, and, any child violating the provisions of this section shall be subject to adjudication as a delinquent. In addition, any person violating the provisions of subsection A or B of this section shall be liable for civil damages for any injury or death to any person and for any damage to property, as provided in Section 10 of Title 23 of the Oklahoma Statutes, resulting from any discharge of a firearm by the child or use of any other weapon that the person had given to the child or permitted the child to possess. Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act may be liable for an administrative violation as provided in Section 1276 of this title.

E. As used in this section, "child" means a person under eighteen (18) years of age.

R.L.1910, § 2547. Amended by Laws 1993, c. 309, § 2, emerg. eff. June 7, 1993; Laws 1994, c. 290, § 52, eff. July 1, 1994; Laws 1995, c. 272, § 29, eff. Sept. 1, 1995; Laws 2000, c. 382, § 13, eff. July 1, 2000; Laws 2012, c. 259, § 4, eff. Nov. 1, 2012; Laws 2014, c. 193, § 1.

NOTE: Laws 1993, c. 264, § 2 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§21-1276. Penalty for 1272 and 1273.

PENALTY FOR 1272 AND 1273

Any person violating the provisions of Section 1272 or 1273 of this title shall, upon a first conviction, be adjudged guilty of a misdemeanor and the party offending shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Hundred Fifty Dollars ($250.00), or by imprisonment in the county jail for a period not to exceed thirty (30) days or both such fine and imprisonment. On the second and every subsequent violation, the party offending shall, upon conviction, be punished by a fine of not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a period not less than thirty (30) days nor more than three (3) months, or by both such fine and imprisonment.

Any person convicted of violating the provisions of Section 1272 or 1273 of this title after having been issued a handgun license

pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a period of six (6) months and shall be liable for an administrative fine of Fifty Dollars ($50.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.
R.L.1910, § 2550. Amended by Laws 1995, c. 272, § 30, eff. Sept. 1, 1995; Laws 2012, c. 259, § 5, eff. Nov. 1, 2012.

§21-1277. See the following versions:
OS 21-1277v1 (SB 1057, Laws 2016, c. 18, § 1).
OS 21-1277v2 (HB 3201, Laws 2016, c. 210, § 3).

§21-1277v1. Unlawful carry in certain places

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act to carry any concealed or unconcealed handgun into any of the following places:

1. Any structure, building, or office space which is owned or leased by a city, town, county, state or federal governmental authority for the purpose of conducting business with the public;

2. Any courthouse, courtroom, prison, jail, detention facility or any facility used to process, hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;

3. Any public or private elementary or public or private secondary school, except as provided in subsection C of this section;

4. Any publicly owned or operated sports arena or venue during a professional sporting event, unless allowed by the event holder;

5. Any place where gambling is authorized by law, unless allowed by the property owner; and

6. Any other place specifically prohibited by law.

B. For purposes of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, state or federal governmental authority;

2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, which is open to the public, or by any entity engaged in gambling authorized by law;

3. Any property adjacent to a structure, building or office space in which concealed or unconcealed weapons are prohibited by the provisions of this section;

4. Any property designated by a city, town, county or state

governmental authority as a park, recreational area, or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed handgun into any structure, building or office space which is specifically prohibited by the provisions of subsection A of this section; and

5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property.

Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in this subsection.

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

D. Any person violating the provisions paragraph 2 or 3 of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars ($250.00). A person violating any other provision of subsection A may be denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two Hundred Fifty Dollars ($250.00).

E. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed as prohibited for persons having a valid

handgun license:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university or technology center school property;

2. Any property authorized for possession or use of handguns by college, university or technology center school policy; and

3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the handgun and the valid handgun license while on college, university or technology center school property.

The college, university or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars ($250.00) and may have the handgun license suspended for three (3) months.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in paragraphs 1, 2, and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college, university or technology center school in this state from taking administrative action against any student for any violation of any provision of this subsection.

F. The provisions of this section shall not apply to any peace officer or to any person authorized by law to carry a pistol in the course of employment. District judges, associate district judges, and special district judges, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, shall be exempt from this section when acting in the course and scope of employment within the courthouses of this state. Private investigators with a firearms authorization shall be exempt from this section when acting in the course and scope of employment.

G. For the purposes of this section, "motor vehicle" means any

automobile, truck, minivan or sports utility vehicle.
R.L. 1910, § 2551. Amended by Laws 1992, c. 170, § 1, emerg. eff. May 5, 1992; Laws 1993, c. 264, § 3, eff. Sept. 1, 1993; Laws 1995, c. 272, § 31, eff. Sept. 1, 1995; Laws 1996, c. 191, § 4, emerg. eff. May 16, 1996; Laws 2000, c. 382, § 2, eff. July 1, 2000; Laws 2001, c. 33, § 19, eff. July 1, 2001; Laws 2001, c. 396, § 2, eff. July 1, 2001; Laws 2007, c. 128, § 2, eff. Nov. 1, 2007; Laws 2011, c. 333, § 1, eff. Nov. 1, 2011; Laws 2012, c. 259, § 6, eff. Nov. 1, 2012; Laws 2013, c. 344, § 1, eff. Nov. 1, 2013; Laws 2014, c. 325, § 1, eff. Nov. 1, 2014; Laws 2015, c. 226, § 1, eff. Nov. 1, 2015; Laws 2016, c. 18, § 1, eff. Nov. 1, 2016.
NOTE: Laws 2015, c. 226, § 1 was repealed by Laws 2016, c. 210, § 4, emerg. eff. April 26, 2016, but, prior to repeal, that section had been amended by Laws 2016, c. 18, § 1.

§21-1277v2. Unlawful carry in certain places.

UNLAWFUL CARRY IN CERTAIN PLACES

A. It shall be unlawful for any person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act to carry any concealed or unconcealed handgun into any of the following places:

1. Any structure, building, or office space which is owned or leased by a city, town, county, state or federal governmental authority for the purpose of conducting business with the public;

2. Any prison, jail, detention facility or any facility used to process, hold or house arrested persons, prisoners or persons alleged delinquent or adjudicated delinquent, except as provided in Section 21 of Title 57 of the Oklahoma Statutes;

3. Any public or private elementary or public or private secondary school, except as provided in subsections C and D of this section;

4. Any sports arena during a professional sporting event;

5. Any place where pari-mutuel wagering is authorized by law; and

6. Any other place specifically prohibited by law.

B. For purposes of paragraphs 1, 2, 3, 4 and 5 of subsection A of this section, the prohibited place does not include and specifically excludes the following property:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by a city, town, county, state or federal governmental authority;

2. Any property set aside for the use or parking of any vehicle, whether attended or unattended, by any entity offering any professional sporting event which is open to the public for admission, or by any entity engaged in pari-mutuel wagering authorized by law;

3. Any property adjacent to a structure, building or office

space in which concealed or unconcealed weapons are prohibited by the provisions of this section;

4. Any property designated by a city, town, county or state governmental authority as a park, recreational area, or fairgrounds; provided, nothing in this paragraph shall be construed to authorize any entry by a person in possession of a concealed or unconcealed handgun into any structure, building or office space which is specifically prohibited by the provisions of subsection A of this section; and

5. Any property set aside by a public or private elementary or secondary school for the use or parking of any vehicle, whether attended or unattended; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property.

Nothing contained in any provision of this subsection or subsection C of this section shall be construed to authorize or allow any person in control of any place described in paragraph 1, 2, 3, 4 or 5 of subsection A of this section to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in paragraph 1, 2, 3, 4 or 5 of this subsection.

C. A concealed or unconcealed weapon may be carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the carrying and possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Code.

D. Notwithstanding paragraph 3 of subsection A of this section, a board of education of a school district may adopt a policy pursuant to Section 5-149.2 of Title 70 of the Oklahoma Statutes to authorize the carrying of a handgun onto school property by school personnel specifically designated by the board of education, provided such personnel either:

1. Possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes; or

2. Hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes.

Nothing in this subsection shall be construed to restrict authority

granted elsewhere in law to carry firearms.

E. Any person violating the provisions of subsection A of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Two Hundred Fifty Dollars ($250.00).

F. No person in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act shall be authorized to carry the handgun into or upon any college, university or technology center school property, except as provided in this subsection. For purposes of this subsection, the following property shall not be construed as prohibited for persons having a valid handgun license:

1. Any property set aside for the use or parking of any vehicle, whether attended or unattended, provided the handgun is carried or stored as required by law and the handgun is not removed from the vehicle without the prior consent of the college or university president or technology center school administrator while the vehicle is on any college, university or technology center school property;

2. Any property authorized for possession or use of handguns by college, university or technology center school policy; and

3. Any property authorized by the written consent of the college or university president or technology center school administrator, provided the written consent is carried with the handgun and the valid handgun license while on college, university or technology center school property.

The college, university or technology center school may notify the Oklahoma State Bureau of Investigation within ten (10) days of a violation of any provision of this subsection by a licensee. Upon receipt of a written notification of violation, the Bureau shall give a reasonable notice to the licensee and hold a hearing. At the hearing, upon a determination that the licensee has violated any provision of this subsection, the licensee may be subject to an administrative fine of Two Hundred Fifty Dollars ($250.00) and may have the handgun license suspended for three (3) months.

Nothing contained in any provision of this subsection shall be construed to authorize or allow any college, university or technology center school to establish any policy or rule that has the effect of prohibiting any person in lawful possession of a handgun license from possession of a handgun allowable under such license in places described in paragraphs 1, 2 and 3 of this subsection. Nothing contained in any provision of this subsection shall be construed to limit the authority of any college, university or technology center school in this state from taking administrative action against any student for any violation of any provision of this subsection.

G. The provisions of this section shall not apply to any peace

officer or to any person authorized by law to carry a pistol in the course of employment. District judges, associate district judges and special district judges, who are in possession of a valid handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act and whose names appear on a list maintained by the Administrative Director of the Courts, shall be exempt from this section when acting in the course and scope of employment within the courthouses of this state. Private investigators with a firearms authorization shall be exempt from this section when acting in the course and scope of employment.

H. For the purposes of this section, "motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

R.L. 1910, § 2551. Amended by Laws 1992, c. 170, § 1, emerg. eff. May 5, 1992; Laws 1993, c. 264, § 3, eff. Sept. 1, 1993; Laws 1995, c. 272, § 31, eff. Sept. 1, 1995; Laws 1996, c. 191, § 4, emerg. eff. May 16, 1996; Laws 2000, c. 382, § 2, eff. July 1, 2000; Laws 2001, c. 33, § 19, eff. July 1, 2001; Laws 2001, c. 396, § 2, eff. July 1, 2001; Laws 2007, c. 128, § 2, eff. Nov. 1, 2007; Laws 2011, c. 333, § 1, eff. Nov. 1, 2011; Laws 2012, c. 259, § 6, eff. Nov. 1, 2012; Laws 2013, c. 344, § 1, eff. Nov. 1, 2013; Laws 2014, c. 325, § 1, eff. Nov. 1, 2014; Laws 2015, c. 310, § 1, emerg. eff. May 12, 2015; Laws 2016, c. 210, § 3, emerg. eff. April 26, 2016.

NOTE: Laws 2015, c. 226, § 1 was repealed by Laws 2016, c. 210, § 4, emerg. eff. April 26, 2016, but, prior to repeal, that section had been amended by Laws 2016, c. 18, § 1.

§21-1278. Unlawful intent to carry.

UNLAWFUL INTENT TO CARRY

Any person in this state who carries or wears any deadly weapons or dangerous instrument whatsoever with the intent or for the avowed purpose of unlawfully injuring another person, upon conviction, shall be guilty of a felony punishable by a fine not exceeding Five Thousand Dollars ($5,000.00), by imprisonment in the custody of the Department of Corrections for a period not exceeding two (2) years, or by both such fine and imprisonment. The mere possession of such a weapon or dangerous instrument, without more, however, shall not be sufficient to establish intent as required by this section.

Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license permanently revoked and shall be liable for an administrative fine of One Thousand Dollars ($1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

R.L.1910, § 2552. Amended by Laws 1993, c. 264, § 4, eff. Sept. 1, 1993; Laws 1995, c. 272, § 32, eff. Sept. 1, 1995; Laws 1997, c. 133, § 324, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 219,

eff. July 1, 1999; Laws 2012, c. 259, § 7, eff. Nov. 1, 2012.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 324 from July 1, 1998, to July 1, 1999.

§21-1279. Misdemeanor pointing a firearm.

MISDEMEANOR POINTING A FIREARM

Except for an act of self-defense, it shall be unlawful for any person to point any pistol or any other deadly weapon whether loaded or not, at any other person or persons. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable as provided in Section 1280 of this title.

Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act may be subject to an administrative violation as provided in Section 1280 of this title.
R.L. 1910, § 2553. Amended by Laws 1995, c. 272, § 33, eff. Sept. 1, 1995; Laws 2013, c. 171, § 1, eff. Nov. 1, 2013.

§21-1280. Penalty for 1279.

PENALTY FOR 1279

Any person violating the provisions of Section 1279 of this title, upon conviction, shall be guilty of a misdemeanor. The person offending shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) and shall be imprisoned in the county jail for a period not less than three (3) nor more than twelve (12) months. Any person convicted of violating the provisions of Section 1279 of this title after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the handgun license permanently revoked and shall be liable for an administrative fine of Fifty Dollars ($50.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.
R.L. 1910, § 2554. Amended by Laws 1992, c. 170, § 2, emerg. eff. May 5, 1992; Laws 1993, c. 264, § 5, eff. Sept. 1, 1993; Laws 1995, c. 272, § 34, eff. Sept. 1, 1995.

§21-1280.1. Possession of firearm on school property.

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title, except as provided in subsection C of this section or as otherwise authorized by law.

B. For purposes of this section:

1. "School property" means any publicly owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or where such property is leased or rented to an individual or corporation and used for purposes other than educational;

2. "Private school" means a school that offers a course of instruction for students in one or more grades from prekindergarten through grade twelve and is not operated by a governmental entity; and

3. "Motor vehicle" means any automobile, truck, minivan or sports utility vehicle.

C. Firearms and weapons are allowed on school property and deemed not in violation of subsection A of this section as follows:

1. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property;

2. A gun or knife used for the purposes of participating in the Oklahoma Department of Wildlife Conservation certified hunter training education course or any other hunting, fishing, safety or firearms training courses, or a recognized firearms sports event, team shooting program or competition, or living history reenactment, provided the course or event is approved by the principal or chief administrator of the school where the course or event is offered, and provided the weapon is properly displayed or stored as required by law pending participation in the course, event, program or competition;

3. Weapons in the possession of any peace officer or other person authorized by law to possess a weapon in the performance of his or her duties and responsibilities;

4. A concealed or unconcealed weapon carried onto private school property or in any school bus or vehicle used by any private school for transportation of students or teachers by a person who is licensed pursuant to the Oklahoma Self-Defense Act, provided a policy has been adopted by the governing entity of the private school that authorizes the possession of a weapon on private school property or in any school bus or vehicle used by a private school. Except for acts of gross negligence or willful or wanton misconduct, a governing entity of a private school that adopts a policy which authorizes the possession of a weapon on private school property, a school bus or vehicle used by the private school shall be immune from liability for any injuries arising from the adoption of the policy. The provisions of this paragraph shall not apply to claims pursuant to the Workers' Compensation Code;

5. A gun, knife, bayonet or other weapon in the possession of a

member of a veterans group, the national guard, active military, the Reserve Officers' Training Corps (ROTC) or Junior ROTC, in order to participate in a ceremony, assembly or educational program approved by the principal or chief administrator of a school or school district where the ceremony, assembly or educational program is being held; provided, however, the gun or other weapon that uses projectiles is not loaded and is inoperable at all times while on school property;

6. A handgun carried in a motor vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act onto property set aside by a public or private elementary or secondary school for the use or parking of any vehicle; provided, however, said handgun shall be stored and hidden from view in a locked motor vehicle when the motor vehicle is left unattended on school property; and

7. A handgun carried onto public school property by school personnel who have been designated by the board of education, provided such personnel either:

a. possess a valid armed security guard license as provided for in Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes, or

b. hold a valid reserve peace officer certification as provided for in Section 3311 of Title 70 of the Oklahoma Statutes,

if a policy has been adopted by the board of education of the school district that authorizes the carrying of a handgun onto public school property by such personnel. Nothing in this subsection shall be construed to restrict authority granted elsewhere in law to carry firearms.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not to exceed Two Hundred Fifty Dollars ($250.00).

Added by Laws 1992, c. 170, § 3, emerg. eff. May 5, 1992. Amended by Laws 1992, c. 286, § 2, emerg. eff. May 25, 1992; Laws 1995, c. 272, § 35, eff. Sept. 1, 1995; Laws 1996, c. 191, § 5, emerg. eff. May 16, 1996; Laws 1997, c. 133, § 325, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 220, eff. July 1, 1999; Laws 2003, c. 465, § 2, eff. July 1, 2003; Laws 2012, c. 259, § 8, eff. Nov. 1, 2012; Laws 2013, c. 344, § 2, eff. Nov. 1, 2013; Laws 2014, c. 10, § 1, eff. Nov. 1, 2014; Laws 2014, c. 325, § 2, eff. Nov. 1, 2014; Laws 2015, c. 310, § 2, emerg. eff. May 12, 2015.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 325 from July 1, 1998, to July 1, 1999.

§21-1281. Manufacturing slung-shot.

Any person who manufactures or causes to be manufactured, or sells or offers or keeps for sale or disposes of any instrument or

weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a misdemeanor.
R.L.1910, § 2555.

§21-1282. Felony use of a slung shot.

FELONY USE OF A SLUNG SHOT

Any person who carries upon his person, whether concealed or not, or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, shall be guilty of a felony.
R.L. 1910, § 2556. Amended by Laws 1997, c. 133, § 326, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 326 from July 1, 1998, to July 1, 1999.

§21-1283. Convicted felons and delinquents.

CONVICTED FELONS AND DELINQUENTS

A. Except as provided in subsection B of this section, it shall be unlawful for any person convicted of any felony in any court of this state or of another state or of the United States to have in his or her possession or under his or her immediate control, or in any vehicle which the person is operating, or in which the person is riding as a passenger, or at the residence where the convicted person resides, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm.

B. Any person who has previously been convicted of a nonviolent felony in any court of this state or of another state or of the United States, and who has received a full and complete pardon from the proper authority and has not been convicted of any other felony offense which has not been pardoned, shall have restored the right to possess any firearm or other weapon prohibited by subsection A of this section, the right to apply for and carry a handgun, concealed or unconcealed, pursuant to the Oklahoma Self-Defense Act and the right to perform the duties of a peace officer, gunsmith, or for firearms repair.

C. It shall be unlawful for any person serving a term of probation for any felony in any court of this state or of another state or of the United States or under the jurisdiction of any alternative court program to have in his or her possession or under his or her immediate control, or at his or her residence, or in any passenger vehicle which the person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any imitation or homemade pistol, altered air or toy pistol, shotgun or rifle, while such person is subject to supervision, probation, parole or inmate status.

D. It shall be unlawful for any person previously adjudicated

as a delinquent child or a youthful offender for the commission of an offense, which would have constituted a felony offense if committed by an adult, to have in the possession of the person or under the immediate control of the person, or have in any vehicle which he or she is driving or in which the person is riding as a passenger, or at the residence of the person, any pistol, imitation or homemade pistol, altered air or toy pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm within ten (10) years after such adjudication; provided, that nothing in this subsection shall be construed to prohibit the placement of the person in a home with a full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes.

E. Any person having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent or a youthful offender as prohibited by the provisions of subsection A, C, or D of this section to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Five Thousand Dollars ($5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.

F. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided in Section 1284 of this title.

G. For purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun or rifle which has been shortened to any length.

H. For purposes of this section, "altered toy pistol" shall mean any toy weapon which has been altered from its original manufactured state to resemble a real weapon.

I. For purposes of this section, "altered air pistol" shall mean any air pistol manufactured to propel projectiles by air pressure which has been altered from its original manufactured state.

J. For purposes of this section, "alternative court program" shall mean any drug court, Anna McBride or mental health court, DUI court or veterans court.

Added by Laws 1959, p. 112, § 1. Amended by Laws 1961, p. 231, § 1, emerg. eff. April 10, 1961; Laws 1981, c. 155, § 1; Laws 1983, c. 160, § 1, emerg. eff. June 2, 1983; Laws 1989, c. 185, § 1, emerg. eff. May 8, 1989; Laws 1992, c. 151, § 3, eff. Sept. 1, 1992; Laws 1994, c. 169, § 1; Laws 1994, c. 290, § 53, eff. July 1, 1994; Laws 1995, c. 272, § 36, eff. Sept. 1, 1995; Laws 1997, c. 358, § 1, emerg. eff. June 9, 1997; Laws 2002, c. 136, § 1, emerg. eff. April

24, 2002; Laws 2005, c. 190, § 2, eff. Sept. 1, 2005; Laws 2007, c. 62, § 2, emerg. eff. April 30, 2007; Laws 2007, c. 162, § 1, eff. Nov. 1, 2007; Laws 2009, c. 13, § 1, eff. Nov. 1, 2009; Laws 2012, c. 259, § 9, eff. Nov. 1, 2012; Laws 2014, c. 179, § 1, eff. Nov. 1, 2014.
NOTE: Laws 1997, c. 133, § 327 repealed by Laws 1999, 1st Ex.Sess., c. 5, § 452, eff. July 1, 1999.

§21-1284. Penalty for 1283.

PENALTY FOR 1283

Any previously convicted or adjudicated person who violates any provision of Section 1283 of this title shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for a period not less than one (1) year nor more than ten (10) years.
Added by Laws 1959, p. 112, § 2. Amended by Laws 1995, c. 272, § 37, eff. Sept. 1, 1995; Laws 1997, c. 133, § 328, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 221, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 328 from July 1, 1998, to July 1, 1999.

§21-1286. Repealed by Laws 1995, c. 272, § 59, eff. Sept. 1, 1995.

§21-1287. Use of firearm while committing a felony.

USE OF FIREARM WHILE COMMITTING A FELONY

A. Any person who, while committing or attempting to commit a felony, possesses a pistol, shotgun or rifle or any other offensive weapon in such commission or attempt, whether the pistol, shotgun or rifle is loaded or not, or who possesses a blank or imitation pistol, altered air or toy pistol, shotgun or rifle capable of raising in the mind of one threatened with such device a fear that it is a real pistol, shotgun or rifle, or who possesses an air gun or carbon dioxide or other gas-filled weapon, electronic dart gun, conductive energy weapon, knife, dagger, dirk, switchblade knife, blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a felony for possessing such weapon or device, which shall be a separate offense from the felony committed or attempted and shall be punishable by imprisonment in the custody of the Department of Corrections for a period of not less than two (2) years nor for more than ten (10) years for the first offense, and for a period of not less than ten (10) years nor more than thirty (30) years for any second or subsequent offense.

B. Any person convicted of violating the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license

permanently revoked and shall be liable for an administrative fine of One Thousand Dollars ($1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

C. As used in this section, "altered toy pistol" shall mean any toy weapon which has been altered from its original manufactured state to resemble a real weapon.

D. As used in this section, "altered air pistol" shall mean any air pistol manufactured to propel projectiles by air pressure which has been altered from its original manufactured state.

Added by Laws 1969, c. 220, § 1. Amended by Laws 1976, c. 111, § 1; Laws 1982, c. 173, § 3, emerg. eff. April 16, 1982; Laws 1995, c. 272, § 38, eff. Sept. 1, 1995; Laws 1997, c. 133, § 329, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 222, eff. July 1, 1999; Laws 2006, c. 62, § 2, emerg. eff. April 17, 2006; Laws 2007, c. 162, § 2, eff. Nov. 1, 2007; Laws 2012, c. 259, § 10, eff. Nov. 1, 2012.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 329 from July 1, 1998, to July 1, 1999.

§21-1287.1. Penalty enhancement for weapon possession.

PENALTY ENHANCEMENT FOR WEAPON POSSESSION

Any person who, while committing or attempting to commit a crime of violence, discharges a firearm, in addition to the penalty provided by statute for the crime of violence committed or attempted, upon conviction, may be charged, in the discretion of the district attorney, with an additional felony for possessing such weapon, which shall be a separate offense punishable, upon conviction, by not less than ten (10) years in the custody of the Department of Corrections which may be served concurrently with the sentence for the crime of violence. For purposes of this section, "crime of violence" means an offense that is a felony and has as an element of the offense, the use, attempted use, or threatened use of physical force against the person of another or that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense. For purposes of this section, "firearm" means a rifle, pistol or shotgun.

Added by Laws 1999, c. 318, § 2, eff. Nov. 1, 1999.

§21-1288. Purchases of firearms, ammunition and equipment from dealer licensed in another state - Purchases in Oklahoma by residents of other states.

A. Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment from a dealer licensed in a state other than Oklahoma. This authorization is enacted in conformance with the provisions of Section 922(b)(3) of Title 18 of the United States

Code and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and the state in which the purchase is made.

B. Residents of a state other than Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment from a dealer licensed in the State of Oklahoma. This authorization is enacted in conformance with the provisions of Section 922(b)(3) of Title 18 of the United States Code and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the state in which such persons reside.

Added by Laws 1969, c. 230, § 1, emerg. eff. April 21, 1969. Amended by Laws 2009, c. 66, § 1, emerg. eff. April 20, 2009.

§21-1289.1. Oklahoma Firearms Act of 1971.

OKLAHOMA FIREARMS ACT OF 1971

Sections 1289.1 through 1289.17 of this title may be known and cited as the "Oklahoma Firearms Act of 1971".

Added by Laws 1971, c. 159, § 1, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 39, eff. Sept. 1, 1995.

§21-1289.2. Legislative findings for Firearms Act.

LEGISLATIVE FINDINGS FOR FIREARMS ACT

The Legislature finds as a matter of public policy and fact that it is necessary for the safe and lawful use of firearms to curb and prevent crime wherein weapons are used by enacting legislation having the purpose of controlling the use of firearms, and of prevention of their use, without unnecessarily denying their lawful use in defense of life, home and property, and their use by the United States or state military organizations and as may otherwise be provided by law, including their use and transportation for lawful purposes.

Added by Laws 1971, c. 159, § 2, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 40, eff. Sept. 1, 1995.

§21-1289.3. Definitions for Firearms Act - Pistols.

DEFINITIONS FOR FIREARMS ACT

"Pistols" as used in the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include flare guns, underwater fishing guns or blank pistols.

Added by Laws 1971, c. 159, § 3, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 41, eff. Sept. 1, 1995.

§21-1289.4. Definitions for Firearms Act - Rifles.

DEFINITIONS FOR FIREARMS ACT

"Rifles" as used in the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".
Added by Laws 1971, c. 159, § 4, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 42, eff. Sept. 1, 1995.

§21-1289.5. Definitions for Firearms Act - Shotguns.

DEFINITIONS FOR FIREARMS ACT

"Shotguns" as used in the Oklahoma Firearms Act of 1971, Sections 1289.1 through 1289.17 of this title, shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".
Added by Laws 1971, c. 159, § 5, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 43, eff. Sept. 1, 1995.

§21-1289.6. Conditions under which firearms may be carried.

CONDITIONS UNDER WHICH FIREARMS MAY BE CARRIED

A. A person shall be permitted to carry loaded and unloaded shotguns, rifles and pistols, open and not concealed and without a handgun license as authorized by the Oklahoma Self-Defense Act pursuant to the following conditions:

1. When hunting animals or fowl;

2. During competition in or practicing in a safety or hunter safety class, target shooting, skeet, trap or other recognized sporting events;

3. During participation in or in preparation for a military function of the state military forces to be defined as the Oklahoma Army or Air National Guard, Federal Military Reserve and active military forces. It is further provided that Oklahoma Army or Air National Guard personnel with proper authorization and performing a military function may carry loaded or unloaded and concealed weapons on Oklahoma Military Department facilities in accordance with rules

promulgated by the Adjutant General;

4. During participation in or in preparation for a recognized police function of either a municipal, county or state government as functioning police officials;

5. During a practice for or a performance for entertainment purposes;

6. For lawful self-defense and self-protection or any other legitimate purpose in or on property that is owned, leased, rented, or otherwise legally controlled by the person; or

7. For any legitimate purpose not in violation of the Oklahoma Firearms Act of 1971 or any legislative enactment regarding the use, ownership and control of firearms.

B. A person shall be permitted to carry unloaded shotguns, rifles and pistols, open and not concealed and without a handgun license as authorized by the Oklahoma Self-Defense Act pursuant to the following conditions:

1. When going to or from the person's private residence or vehicle or a vehicle in which the person is riding as a passenger to a place designated or authorized for firearms repairs or reconditioning, or for firearms trade, sale, or barter, or gunsmith, or hunting animals or fowl, or hunter safety course, or target shooting, or skeet or trap shooting or any recognized firearms activity or event and while in such places; or

2. For any legitimate purpose not in violation of the Oklahoma Firearms Act of 1971.

C. The provisions of this section shall not be construed to prohibit educational or recreational activities, exhibitions, displays or shows involving the use or display of rifles, shotguns or pistols or other weapons if the activity is approved by the property owner and sponsor of the activity.

Added by Laws 1971, c. 159, § 6, emerg. eff. May 24, 1971. Amended by Laws 1993, c. 264, § 6, eff. Sept. 1, 1993; Laws 1995, c. 272, § 44, eff. Sept. 1, 1995; Laws 2012, c. 259, § 11, eff. Nov. 1, 2012; Laws 2016, c. 268, § 1, eff. Nov. 1, 2016.

§21-1289.7. Firearms in vehicles.

FIREARMS IN VEHICLES

Any person, except a convicted felon, may transport in a motor vehicle a rifle, shotgun or pistol, open and unloaded, at any time. For purposes of this section "open" means the firearm is transported in plain view, in a case designed for carrying firearms, which case is wholly or partially visible, in a gun rack mounted in the vehicle, in an exterior locked compartment or a trunk of a vehicle.

Any person, except a convicted felon, may transport in a motor vehicle a rifle or shotgun concealed behind a seat of the vehicle or within the interior of the vehicle provided the rifle or shotgun is not clip, magazine or chamber loaded. The authority to transport a

clip or magazine loaded rifle or shotgun shall be pursuant to Section 1289.13 of this title.

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act to carry a handgun, concealed or unconcealed, and is carrying a handgun or has the handgun in such vehicle, shall not be deemed in violation of the provisions of this section provided the licensee is in or near the vehicle.
Added by Laws 1971, c. 159, § 7, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 45, eff. Sept. 1, 1995; Laws 1996, c. 190, § 1, emerg. eff. May 16, 1996; Laws 2012, c. 259, § 12, eff. Nov. 1, 2012.

§21-1289.7a. Transporting or storing firearms or ammunition - Prohibition proscribed - Liability - Enforcement.

A. No person, property owner, tenant, employer, or business entity shall maintain, establish, or enforce any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms or ammunition in a locked motor vehicle, or from transporting and storing firearms or ammunition locked in or locked to a motor vehicle on any property set aside for any motor vehicle.

B. No person, property owner, tenant, employer, or business entity shall be liable in any civil action for occurrences which result from the storing of firearms or ammunition in a locked motor vehicle on any property set aside for any motor vehicle, unless the person, property owner, tenant, employer, or owner of the business entity commits a criminal act involving the use of the firearms or ammunition. The provisions of this subsection shall not apply to claims pursuant to the Workers' Compensation Act.

C. An individual may bring a civil action to enforce this section. If a plaintiff prevails in a civil action related to the personnel manual against a person, property owner, tenant, employer or business for a violation of this section, the court shall award actual damages, enjoin further violations of this section, and award court costs and attorney fees to the prevailing plaintiff.

D. As used in this section, "motor vehicle" means any automobile, truck, minivan, sports utility vehicle, motorcycle, motor scooter, and any other vehicle required to be registered under the Oklahoma Vehicle License and Registration Act.
Added by Laws 2004, c. 39, § 1, eff. Nov. 1, 2004. Amended by Laws 2005, c. 448, § 1, eff. Nov. 1, 2005; Laws 2012, c. 259, § 13, eff. Nov. 1, 2012.

§21-1289.8. Carrying weapon

CARRYING WEAPON

A. Any fire marshal inspector who is retired, state, county or

municipal peace officer of this state who is retired, or any state, county or municipal peace officer classified as a reserve who is retired, or any federal law enforcement officer who is retired may retain their status as a peace officer, retired, in the State of Oklahoma, and as such may carry a firearm pursuant to the provisions of subsection B of this section. A retired state, county or municipal peace officer may in times of great emergency or danger serve to enforce the law, keep the peace or to protect the public in keeping with their availability and ability at the request of the Governor, the sheriff or the mayor of their retirement jurisdiction. If a retired fire marshal is activated for duty, the peace officer powers of the retired fire marshal are limited to the duties granted prior to retirement.

B. The Council on Law Enforcement Education and Training (CLEET) shall issue an identification card to eligible retired federal, state, county, and municipal peace officers which authorizes the retired peace officer to carry a firearm anywhere in the State of Oklahoma. The identification card shall bear the full name of the retired officer, the signature of the retired officer, the date of issuance, and such other information as may be deemed appropriate by CLEET. The card shall expire every ten (10) years and may be denied, suspended or revoked as provided by the rules promulgated by CLEET or upon the discovery of any preclusion prescribed in Section 1290.10 or 1290.11 of this title. In order to renew the permit, the Council on Law Enforcement Education and Training shall request, pursuant to Section 150.9 of Title 74 of the Oklahoma Statutes, the Oklahoma State Bureau of Investigation to conduct a state and national criminal history records search on each retired peace officer authorized to carry a firearm pursuant to the provisions of this section; and unless a preclusion prescribed in Section 1290.10 or 1290.11 of this title is found to exist, no action shall be necessary. A retired peace officer requesting a renewal of his or her permit shall submit to the Council a nonrefundable fee for a national criminal history record with fingerprint analysis, as provided in Section 150.9 of Title 74 of the Oklahoma Statutes. When a preclusion is discovered, the Council shall notify the retired peace officer and shall hold a hearing before taking any action to suspend or revoke the authority to carry a firearm.

C. The retired peace officer shall be required to submit the following information to the Council on Law Enforcement Education and Training (CLEET) and any other information requested by CLEET:

1. A statement from the appropriate law enforcement agency verifying the status of the person as a retired peace officer of that jurisdiction; and

2. A notarized statement, signed by the retired peace officer, stating that the officer:

a. has not been convicted of and is currently not subject to any pending criminal prosecution for any preclusion prescribed in Section 1290.10 or 1290.11 of this title,
b. has not been forced into retirement due to any mental disorder, and
c. has not suffered any injury or any physical or mental impairment which would render the person unsafe to carry a firearm.

D. A retired peace officer, who has made application for the CLEET identification card authorized in subsection B of this section, shall be authorized to carry a firearm as an off-duty peace officer, pursuant to Section 1289.23 of this title, until the authority to carry a firearm as a retired officer is finally approved or denied by CLEET.

E. The Council on Law Enforcement Education and Training shall promulgate rules and procedures necessary to implement the provisions of this section.

F. Any peace officer, retired, who carries any firearm in violation of the provisions of this section shall be deemed to be in violation of Section 1272 of this title and may be prosecuted as provided by law for a violation of that section.

Added by Laws 1971, c. 159, § 8, emerg. eff. May 24, 1971. Amended by Laws 1993, c. 264, § 7, eff. Sept. 1, 1993; Laws 1994, c. 2, § 8, emerg. eff. March 2, 1994; Laws 1994, c. 169, § 2; Laws 1995, c. 272, § 46, eff. April 1, 1996; Laws 1996, c. 191, § 6, emerg. eff. May 16, 1996; Laws 1998, c. 103, § 1, eff. Nov. 1, 1998; Laws 1998, c. 286, § 1, eff. July 1, 1998; Laws 2003, c. 54, § 1, eff. Nov. 1, 2003; Laws 2005, c. 169, § 2, eff. Nov. 1, 2005; Laws 2015, c. 144, § 2, eff. Nov. 1, 2015; Laws 2016, c. 256, § 1, eff. Nov. 1, 2016.

NOTE: Laws 1993, c. 162, § 1 repealed by Laws 1994, c. 2, § 34, emerg. eff. March 2, 1994.

§21-1289.9. Carrying weapons under influence of alcohol.

CARRYING WEAPONS UNDER INFLUENCE OF ALCOHOL

It shall be unlawful for any person to carry or use shotguns, rifles or pistols in any circumstances while under the influence of beer, intoxicating liquors or any hallucinogenic, or any unlawful or unprescribed drug, and it shall be unlawful for any person to carry or use shotguns, rifles or pistols when under the influence of any drug prescribed by a licensed physician if the aftereffects of such consumption affect mental, emotional or physical processes to a degree that would result in abnormal behavior. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license

suspended for a term of six (6) months and shall be subject to an administrative fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.
Added by Laws 1971, c. 159, § 9, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 47, eff. Sept. 1, 1995; Laws 2001, c. 396, § 3, eff. July 1, 2001; Laws 2012, c. 259, § 14, eff. Nov. 1, 2012.

§21-1289.10. Furnishing firearms to incompetent persons.

FURNISHING FIREARMS TO INCOMPETENT PERSONS

It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is mentally deficient or of unsound mind. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a term of six (6) months and shall be subject to an administrative fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.
Added by Laws 1971, c. 159, § 10, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 48, eff. Sept. 1, 1995; Laws 1996, c. 191, § 7, emerg. eff. May 16, 1996; Laws 2012, c. 259, § 15, eff. Nov. 1, 2012.

§21-1289.11. Reckless conduct.

RECKLESS CONDUCT

It shall be unlawful for any person to engage in reckless conduct while having in his or her possession any shotgun, rifle or pistol, such actions consisting of creating a situation of unreasonable risk and probability of death or great bodily harm to another, and demonstrating a conscious disregard for the safety of another person. Any person convicted of violating the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the Oklahoma Self-Defense Act shall have the license revoked and shall be subject to an administrative fine of One Thousand Dollars ($1,000.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.
Added by Laws 1971, c. 159, § 11, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 49, eff. Sept. 1, 1995; Laws 2012, c. 259, §

16, eff. Nov. 1, 2012.

§21-1289.12. Giving firearms to convicted persons.

GIVING FIREARMS TO CONVICTED PERSONS

It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon or an adjudicated delinquent, and it shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer. Any person convicted of violating the provisions of this section shall be punished as provided in Section 1289.15 of this title.

Any person convicted of a violation of this section after having been issued a handgun license pursuant to the Oklahoma Self-Defense Act shall have the license suspended for six (6) months and shall be liable for an administrative fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

Added by Laws 1971, c. 159, § 12, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 50, eff. Sept. 1, 1995; Laws 2012, c. 259, § 17, eff. Nov. 1, 2012.

§21-1289.13. Transporting a loaded firearm.

TRANSPORTING A LOADED FIREARM

Except as otherwise provided by the provisions of the Oklahoma Self-Defense Act or another provision of law, it shall be unlawful to transport a loaded pistol, rifle or shotgun in a landborne motor vehicle over a public highway or roadway. However, a rifle or shotgun may be transported clip or magazine loaded and not chamber loaded when transported in an exterior locked compartment of the vehicle or trunk of the vehicle or in the interior compartment of the vehicle notwithstanding the provisions of Section 1289.7 of this title when the person is in possession of a valid handgun license pursuant to the Oklahoma Self-Defense Act.

Any person convicted of a violation of this section shall be punished as provided in Section 1289.15 of this title.

Any person who is the operator of a vehicle or is a passenger in any vehicle wherein another person who is licensed pursuant to the Oklahoma Self-Defense Act to carry a handgun, concealed or unconcealed, and is carrying a handgun or has a handgun or rifle or shotgun in such vehicle shall not be deemed in violation of the

provisions of this section provided the licensee is in or near the vehicle.
Added by Laws 1971, c. 159, § 13, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 51, eff. Sept. 1, 1995; Laws 2003, c. 465, § 3, eff. July 1, 2003; Laws 2004, c. 549, § 1, eff. July 1, 2004; Laws 2012, c. 259, § 18, eff. Nov. 1, 2012.

§21-1289.13A. Improper transportation of firearms.

IMPROPER TRANSPORTATION OF FIREARMS

A. Notwithstanding the provisions of Section 1272 or 1289.13 of this title, any person stopped pursuant to a moving traffic violation who is transporting a loaded pistol in the motor vehicle without a valid handgun license authorized by the Oklahoma Self-Defense Act or valid license from another state, whether the loaded firearm is concealed or unconcealed in the vehicle, shall be issued a traffic citation in the amount of Seventy Dollars ($70.00), plus court costs for transporting a firearm improperly. In addition to the traffic citation provided in this section, the person may also be arrested for any other violation of law.

B. When the arresting officer determines that a valid handgun license exists, pursuant to the Oklahoma Self-Defense Act or any provision of law from another state, for any person in the stopped vehicle, any firearms permitted to be carried pursuant to that license shall not be confiscated, unless:

1. The person is arrested for violating another provision of law other than a violation of subsection A of this section; provided, however, if the person is never charged with an offense pursuant to this paragraph or if the charges are dismissed or the person is acquitted, the weapon shall be returned to the person; or

2. The officer has probable cause to believe the weapon is:

   a. contraband, or

   b. a firearm used in the commission of a crime other than a violation of subsection A of this section.

C. Nothing in this section shall be construed to require confiscation of any firearm.
Added by Laws 2003, c. 465, § 4, eff. July 1, 2003. Amended by Laws 2004, c. 549, § 2, eff. July 1, 2004; Laws 2012, c. 259, § 19, eff. Nov. 1, 2012.

§21-1289.14. Repealed by Laws 1992, c. 284, § 58, eff. Jan. 1, 1993.

§21-1289.15. Penalty for Firearms Act of 1971.

PENALTY FOR FIREARMS ACT OF 1971

Any person adjudged guilty of violating any provision of Section 1289.9, 1289.10, 1289.11, 1289.12 or 1289.13 of this title shall, upon conviction, be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), or

imprisonment in the county jail for not less than ten (10) days nor more than six (6) months, or by both such fine and imprisonment.
Added by Laws 1971, c. 159, § 15, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 52, eff. Sept. 1, 1995.

§21-1289.16. Felony pointing firearms.

FELONY POINTING FIREARMS

It shall be unlawful for any person to willfully or without lawful cause point a shotgun, rifle or pistol, or any deadly weapon, whether loaded or not, at any person or persons for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation or for purposes of whimsy, humor or prank, or in anger or otherwise, but not to include the pointing of shotguns, rifles or pistols by law enforcement authorities in the performance of their duties, members of the state military forces in the performance of their duties, members of the federal military reserve and active military components in the performance of their duties, or any federal government law enforcement officer in the performance of any duty, or in the performance of a play on stage, rodeo, television or on film, or in defense of any person, one's home or property. Any person convicted of a violation of the provisions of this section shall be punished as provided in Section 1289.17 of this title.

Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the Oklahoma Self-Defense Act shall have the license revoked and shall be subject to an administrative fine of One Thousand Dollars ($1,000.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.
Added by Laws 1971, c. 159, § 16, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 53, eff. Sept. 1, 1995; Laws 2012, c. 259, § 20, eff. Nov. 1, 2012.

§21-1289.17. Penalties for 1289.16.

PENALTIES FOR 1289.16

Any violation of Section 1289.16 of this title shall constitute a felony, for which a person convicted thereof shall be sentenced to imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years.
Added by Laws 1971, c. 159, § 17, emerg. eff. May 24, 1971. Amended by Laws 1995, c. 272, § 54, eff. Sept. 1, 1995; Laws 1997, c. 133, § 330, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 223, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 330 from July 1, 1998, to July 1, 1999.

§21-1289.17A. Felony discharging firearms.

FELONY DISCHARGING FIREARMS

It shall be unlawful for any person to willfully or intentionally discharge any firearm or other deadly weapon at or into any dwelling, or at or into any building used for public or business purposes. Any violation of the provisions of this section shall be a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years nor more than twenty (20) years. The provisions of this section shall not apply to any law enforcement officer in the performance of any lawful duty.

Added by Laws 1997, c. 324, § 2, eff. July 1, 1997. Amended by Laws 1999, 1st Ex.Sess., c. 5, § 224, eff. July 1, 1999.

§21-1289.18. Definitions.

DEFINITIONS

A. "Sawed-off shotgun" shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion.

B. "Sawed-off rifle" shall mean any rifle having a barrel or barrels of less than sixteen (16) inches in length or any weapon made from a rifle (whether by alteration, modification, or otherwise) if such a weapon as modified has an overall length of less than twenty-six (26) inches in length, including the stock portion.

C. Every person who has in his possession or under his immediate control a sawed-off shotgun or a sawed-off rifle, whether concealed or not, shall upon conviction be guilty of a felony for the possession of such device, and shall be punishable by a fine not to exceed One Thousand Dollars ($1,000.00), or imprisonment in the State Penitentiary for a period not to exceed two (2) years, or both such fine and imprisonment.

D. It is a defense to prosecution under this section, if the approved application form that authorized the making or transfer of the particular firearm to the defendant, which indicates the registration of the firearm to said defendant pursuant to the National Firearm's Act, is introduced.

Added by Laws 1981, c. 155, § 2. Amended by Laws 1986, c. 240, § 3, eff. Nov. 1, 1986; Laws 1997, c. 133, § 331, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 225, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 331 from July 1, 1998, to July 1, 1999.

§21-1289.19. Restricted bullet and body armor defined.

As used in Sections 1289.20 through 1289.22 of this title and Section 2 of this act:

1. "Restricted bullet" means a round or elongated missile with a core of less than sixty percent (60%) lead and having a fluorocarbon coating, which is designed to travel at a high velocity and is capable of penetrating body armor; and

2. "Body armor" means a vest or shirt of ten (10) plies or more of bullet resistant material as defined by the Office of Development, Testing and Dissemination, a division of the United States Department of Justice.

Added by Laws 1982, c. 193, § 1, emerg. eff. April 22, 1982. Amended by Laws 1992, c. 216, § 1, eff. Sept. 1, 1992.

§21-1289.20. Manufacture of restricted bullets.

MANUFACTURE OF RESTRICTED BULLETS

A. Except for the purpose of public safety or national security, it shall be unlawful to manufacture, cause to be manufactured, import, advertise for sale or sell within this state any restricted bullet as defined in Section 1289.19 of this title.

B. Any person convicted of violating subsection A of this section shall be guilty of a felony and shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment.

Added by Laws 1982, c. 193, § 2, emerg. eff. April 22, 1982. Amended by Laws 1997, c. 133, § 332, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 226, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 332 from July 1, 1998, to July 1, 1999.

§21-1289.21. Possession or use of restricted bullets.

POSSESSION OR USE OF RESTRICTED BULLETS

A. It shall be unlawful for any person to possess, carry upon his person, use or attempt to use against another person any restricted bullet as defined in Section 1289.19 of this title.

B. Any person convicted of violating subsection A of this section shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary for not less than two (2) years nor more than ten (10) years. The sentence so imposed shall not be suspended.

Added by Laws 1982, c. 193, § 3, emerg. eff. April 22, 1982. Amended by Laws 1997, c. 133, § 333, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 227, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 333 from July 1, 1998, to July 1, 1999.

§21-1289.22. Exemptions.

The prohibition of possessing or using a restricted bullet shall not apply to law enforcement agencies when such bullet is used for testing, training or demonstration.

Added by Laws 1982, c. 193, § 4, emerg. eff. April 22, 1982.

§21-1289.23. Concealed firearm for off-duty police officer.

CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

A. Notwithstanding any provision of law to the contrary, a full-time duly appointed peace officer who is certified by the Council on Law Enforcement Education and Training (CLEET), pursuant to the provisions of Section 3311 of Title 70 of the Oklahoma Statutes, is hereby authorized to carry a weapon approved by the employing agency anywhere in the state of Oklahoma, both while on active duty and during periods when the officer is not on active duty as provided by the provisions of subsection B of this section.

B. When a full-time duly appointed officer carries an approved weapon, the officer shall be wearing the law enforcement uniform prescribed by the employing agency or plainclothes. When not wearing the prescribed law enforcement uniform, the officer shall be required:

1. To have the official peace officers badge, Commission Card and CLEET Certification Card on his or her person at all times when carrying a weapon approved by the employing agency; and

2. To keep the approved weapon concealed or unconcealed at all times, except when the weapon is used within the guidelines established by the employing agency.

C. Nothing in this section shall be construed to alter or amend the provisions of Section 1272.1 of this title or expand the duties, authority or jurisdiction of any peace officer.

D. A reserve peace officer who has satisfactorily completed a basic police course of not less than one hundred twenty (120) hours of accredited instruction for reserve police officers and reserve deputies from the Council on Law Enforcement Education and Training or a course of study approved by CLEET may carry an approved weapon when such officer is off duty as provided by subsection E of this section, provided:

1. The officer has been granted written authorization signed by the director of the employing agency; and

2. The employing agency shall maintain a current list of any officers authorized to carry an approved weapon while the officers are off duty, and shall provide a copy of such list to the Council on Law Enforcement Education and Training. Any change to the list shall be made in writing and mailed to the Council on Law Enforcement Education and Training within five (5) days.

E. When an off-duty reserve peace officer carries an approved weapon, the officer shall be wearing the law enforcement uniform

prescribed by the employing agency or when not wearing the prescribed law enforcement uniform, the officer shall be required:

1. To have his or her official peace officer's badge, Commission Card, CLEET Certification Card; and

2. To keep the approved weapon concealed or unconcealed at all times, except when the weapon is used within the guidelines established by the employing agency.

F. Nothing in subsection D of this section shall be construed to alter or amend the provisions of Section 1750.2 of Title 59 of the Oklahoma Statutes or expand the duties, jurisdiction or authority of any reserve peace officer.

G. Nothing in this section shall be construed to limit or restrict any peace officer or reserve peace officer from carrying a handgun, concealed or unconcealed, as allowed by the Oklahoma Self-Defense Act after issuance of a valid license. An off-duty, full-time peace officer or reserve peace officer shall be deemed to have elected to carry a handgun under the authority of the Oklahoma Self-Defense Act when the officer:

1. Has been issued a valid handgun license and is carrying a handgun not authorized by the employing agency; or

2. Is carrying a handgun in a manner or in a place not specifically authorized for off-duty carry by the employing agency.

H. Any off-duty peace officer who carries any weapon in violation of the provisions of this section shall be deemed to be in violation of Section 1272 of this title and may be prosecuted as provided by law for a violation of that section.

I. On or after November 1, 2004, a reserve or full-time commissioned peace officer may apply to carry a weapon pursuant to the Oklahoma Self-Defense Act as follows:

1. The officer shall apply in writing to the Council on Law Enforcement Education and Training (CLEET) stating that the officer desires to have a handgun license pursuant to the Oklahoma Self-Defense Act and certifying that he or she has no preclusions to having such handgun license. The officer shall submit with the application:

   a. an official letter from his or her employing agency confirming the officer's employment and status as a full-time commissioned peace officer or an active reserve peace officer,
   b. a fee of Twenty-five Dollars ($25.00) for the handgun license, and
   c. two passport-size photographs of the peace officer applicant;

2. Upon receiving the required information, CLEET shall determine whether the peace officer is in good standing, has CLEET certification and training, and is otherwise eligible for a handgun license. Upon verification of the officer's eligibility, CLEET

shall send the information to the Oklahoma State Bureau of Investigation (OSBI) and OSBI shall issue a handgun license in the same or similar form as other handgun licenses. All other requirements in Section 1290.12 of this title concerning application for a handgun license shall be waived for active duty peace officers except as provided in this subsection including, but not limited to, training, fingerprints and criminal history records checks unless the officer does not have fingerprints on file or a criminal history records background check conducted prior to employment as a peace officer. The OSBI shall not be required to conduct any further investigation into the eligibility of the peace officer applicant and shall not deny a handgun license except when preclusions are found to exist;

3. The term of the handgun license for an active duty reserve or full-time commissioned peace officer pursuant to this section shall be as provided in Section 1290.5 of this title, renewable in the same manner provided in this subsection for an original application by a peace officer. The handgun license shall be valid when the peace officer is in possession of a valid driver license and law enforcement commission card;

4. If the commission card of a law enforcement officer is terminated, revoked or suspended, the handgun license shall be immediately returned to CLEET. When a peace officer in possession of a handgun license pursuant to this subsection changes employment, the person must notify CLEET within ninety (90) days and send a new letter verifying employment and status as a full-time commissioned or reserve peace officer;

5. There shall be no refund of any fee for any unexpired term of any handgun license that is suspended, revoked or voluntarily returned to CLEET, or that is denied, suspended or revoked by the OSBI;

6. CLEET may promulgate any rules, forms or procedures necessary to implement the provisions of this section; and

7. Nothing in this subsection shall be construed to change or amend the application process, eligibility, effective date or fees of any handgun license pending issuance on November 1, 2004, or previously issued to any peace officer prior to November 1, 2004.

Added by Laws 1983, c. 297, § 1, emerg. eff. June 23, 1983. Amended by Laws 1987, c. 224, § 8, eff. Nov. 1, 1987; Laws 1989, c. 256, § 1, emerg. eff. May 19, 1989; Laws 1994, c. 307, § 1, eff. Sept. 1, 1994; Laws 1995, c. 272, § 55, eff. Sept. 1, 1995; Laws 1996, c. 191, § 8, emerg. eff. May 16, 1996; Laws 2000, c. 382, § 3, eff. July 1, 2000; Laws 2004, c. 538, § 1, eff. Nov. 1, 2004; Laws 2012, c. 259, § 21, eff. Nov. 1, 2012; Laws 2013, c. 366, § 1, eff. Nov. 1, 2013; Laws 2015, c. 144, § 1, eff. Nov. 1, 2015; Laws 2016, c. 210, § 5, emerg. eff. April 26, 2016.

NOTE: Laws 2015, c. 216, § 1 repealed by Laws 2016, c. 210, § 6,

emerg. eff. April 26, 2016.

§21-1289.24. Firearm regulation - State preemption.

FIREARM REGULATION – STATE PREEMPTION

A. 1. The State Legislature hereby occupies and preempts the entire field of legislation in this state touching in any way firearms, knives, components, ammunition, and supplies to the complete exclusion of any order, ordinance, or regulation by any municipality or other political subdivision of this state. Any existing or future orders, ordinances, or regulations in this field, except as provided for in paragraph 2 of this subsection and subsection C of this section, are null and void.

2. A municipality may adopt any ordinance:

a. relating to the discharge of firearms within the jurisdiction of the municipality, and

b. allowing the municipality to issue a traffic citation for transporting a firearm improperly as provided for in Section 1289.13A of this title, provided however, that penalties contained for violation of any ordinance enacted pursuant to the provisions of this subparagraph shall not exceed the penalties established in the Oklahoma Self-Defense Act.

3. As provided in the preemption provisions of this section, the otherwise lawful open carrying of a handgun under the provisions of the Oklahoma Self-Defense Act shall not be punishable by any municipality or other political subdivision of this state as disorderly conduct, disturbing the peace or similar offense against public order.

4. A public or private school may create a policy regulating the possession of knives on school property or in any school bus or vehicle used by the school for purposes of transportation.

B. No municipality or other political subdivision of this state shall adopt any order, ordinance, or regulation concerning in any way the sale, purchase, purchase delay, transfer, ownership, use, keeping, possession, carrying, bearing, transportation, licensing, permit, registration, taxation other than sales and compensating use taxes, or other controls on firearms, knives, components, ammunition, and supplies.

C. Except as hereinafter provided, this section shall not prohibit any order, ordinance, or regulation by any municipality concerning the confiscation of property used in violation of the ordinances of the municipality as provided for in Section 28-121 of Title 11 of the Oklahoma Statutes. Provided, however, no municipal ordinance relating to transporting a firearm or knife improperly may include a provision for confiscation of property.

D. When a person's rights pursuant to the protection of the preemption provisions of this section have been violated, the person

shall have the right to bring a civil action against the persons, municipality, and political subdivision jointly and severally for injunctive relief or monetary damages or both.
Added by Laws 1985, c. 28, § 2, eff. Nov. 1, 1985. Amended by Laws 1985, c. 223, § 1, eff. Nov. 1, 1985; Laws 1995, c. 272, § 56, eff. Sept. 1, 1995; Laws 1996, c. 191, § 9, emerg. eff. May 16, 1996; Laws 2003, c. 465, § 5, eff. July 1, 2003; Laws 2004, c. 220, § 1, eff. Nov. 1, 2004; Laws 2012, c. 259, § 22, eff. Nov. 1, 2012; Laws 2015, c. 241, § 1, eff. Nov. 1, 2015.

§21-1289.24a. Lawsuits against gun manufacturers.

1. The State Legislature declares that the lawful design, marketing, manufacturing, or sale of firearms or ammunition to the public is not unreasonably dangerous activity and does not constitute a nuisance.

2. The authority to bring suit and right to recover against any firearms or ammunition manufacturer, trade association, or dealer by or on behalf of any governmental unit created by or pursuant to an act of the Legislature or the Constitution, or any department, agency, or authority thereof, for damages, abatement, or injunctive relief resulting from or relating to the lawful design, manufacturing, marketing, or sale of firearms or ammunition to the public shall be reserved exclusively to the state. This paragraph shall not prohibit a political subdivision or local government authority from bringing an action against a firearms or ammunition manufacturer or dealer for breach of contract or warranty as to firearms or ammunition purchased by the political subdivision or local government authority. This bill shall not be construed to prohibit an individual from bringing a cause of action based upon an existing recognized theory of law.
Added by Laws 1999, c. 415, § 7, eff. July 1, 1999.

§21-1289.25. Physical or deadly force against intruder.

PHYSICAL OR DEADLY FORCE AGAINST INTRUDER

A. The Legislature hereby recognizes that the citizens of the State of Oklahoma have a right to expect absolute safety within their own homes or places of business.

B. A person or an owner, manager or employee of a business is presumed to have held a reasonable fear of imminent peril of death or great bodily harm to himself or herself or another when using defensive force that is intended or likely to cause death or great bodily harm to another if:

1. The person against whom the defensive force was used was in the process of unlawfully and forcefully entering, or had unlawfully and forcibly entered, a dwelling, residence, occupied vehicle, or a place of business, or if that person had removed or was attempting to remove another against the will of that person from the dwelling,

residence, occupied vehicle, or place of business; and

2. The person who uses defensive force knew or had reason to believe that an unlawful and forcible entry or unlawful and forcible act was occurring or had occurred.

C. The presumption set forth in subsection B of this section does not apply if:

1. The person against whom the defensive force is used has the right to be in or is a lawful resident of the dwelling, residence, or vehicle, such as an owner, lessee, or titleholder, and there is not a protective order from domestic violence in effect or a written pretrial supervision order of no contact against that person;

2. The person or persons sought to be removed are children or grandchildren, or are otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used; or

3. The person who uses defensive force is engaged in an unlawful activity or is using the dwelling, residence, occupied vehicle, or place of business to further an unlawful activity.

D. A person who is not engaged in an unlawful activity and who is attacked in any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force, if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to himself or herself or another or to prevent the commission of a forcible felony.

E. A person who unlawfully and by force enters or attempts to enter the dwelling, residence, occupied vehicle of another person, or a place of business is presumed to be doing so with the intent to commit an unlawful act involving force or violence.

F. A person who uses force, as permitted pursuant to the provisions of subsections B and D of this section, is justified in using such force and is immune from criminal prosecution and civil action for the use of such force. As used in this subsection, the term "criminal prosecution" includes charging or prosecuting the defendant.

G. A law enforcement agency may use standard procedures for investigating the use of force, but the law enforcement agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful.

H. The court shall award reasonable attorney fees, court costs, compensation for loss of income, and all expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant is immune from prosecution as provided in subsection F of this section.

I. The provisions of this section and the provisions of the Oklahoma Self-Defense Act shall not be construed to require any person using a pistol pursuant to the provisions of this section to

be licensed in any manner.

J. As used in this section:

1. "Dwelling" means a building or conveyance of any kind, including any attached porch, whether the building or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people;

2. "Residence" means a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest; and

3. "Vehicle" means a conveyance of any kind, whether or not motorized, which is designed to transport people or property.

Added by Laws 1987, c. 54, § 2, eff. Nov. 1, 1987. Amended by Laws 1995, c. 272, § 57, eff. Sept. 1, 1995; Laws 2006, c. 145, § 2, eff. Nov. 1, 2006; Laws 2011, c. 106, § 1, eff. Nov. 1, 2011.

§21-1289.26. Use of body armor.

USE OF BODY ARMOR

Any person who commits or attempts to commit a felony while wearing body armor as defined in Section 1289.19 of this title, in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a felony for wearing such body armor, which shall be a separate offense from the felony committed or attempted, and shall be punishable by imprisonment in the State Penitentiary for a period of not more than ten (10) years for the first offense, and for a period of not more than twenty (20) years for any second or subsequent offense.

Added by Laws 1992, c. 216, § 2, eff. Sept. 1, 1992. Amended by Laws 1997, c. 133, § 334, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 228, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 334 from July 1, 1998, to July 1, 1999.

§21-1289.27. Prohibiting firearm inquiry by employer.

PROHIBITING FIREARM INQUIRY BY EMPLOYER

A. It shall be unlawful for any private employer doing business in this state to ask any applicant for employment information about whether the applicant owns or possesses a firearm. Any private employer who violates the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00).

B. All public employers and public officials within this state shall be prohibited from asking any applicant for employment information about whether the applicant owns or possesses a firearm. Any public employer or public official who violates the provisions of this subsection shall be deemed to be acting outside the scope of their employment and shall be barred from seeking statutory immunity from any exemption or provision of The Governmental Tort Claims Act.

C. As used in this section:

1. "Private employer" means any individual, partnership, firm, association, corporation or nonprofit organization that employs or offers to employ one or more persons in this state;

2. "Public employer" means the State of Oklahoma or any political subdivision thereof, including any department, agency, board, commission, institution, authority, public trust, municipality, county, district or instrumentalities thereof; and

3. "Public official" means any elected or appointed official in the executive, legislative or judicial branch of a political subdivision of the state.

Added by Laws 2009, c. 242, § 1, emerg. eff. May 22, 2009.

§21-1289.28. Definitions - Illegal transfer of a firearm.

A. For purposes of this section:

1. "Licensed dealer" means a person who is licensed pursuant to 18 U.S.C., Section 923 and pursuant to any laws of this state and engages in the business of dealing in firearms;

2. "Private seller" means a person who sells or offers for sale any firearm, as defined by the laws of this state, or ammunition;

3. "Ammunition" means any cartridge, shell, or projectile designed for use in a firearm; and

4. "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.

B. Any person, who knowingly solicits, persuades, encourages or entices a licensed dealer or private seller of firearms or ammunition to transfer a firearm or ammunition under circumstances which the person knows would violate the laws of this state or the United States is guilty of a felony.

C. Any person who provides to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a transfer of a firearm or ammunition is guilty of a felony.

D. Any person who willfully procures another to engage in conduct prohibited by this section shall be held accountable as a principal.

E. This section does not apply to a law enforcement officer acting in his or her official capacity or to a person acting at the direction of such law enforcement officer.

F. A violation of this section is punishable by a fine not to exceed Five Thousand Dollars ($5,000.00), a term of imprisonment in the custody of the Department of Corrections not to exceed five (5) years, or by both fine and imprisonment.

Added by Laws 2011, c. 30, § 1, eff. Nov. 1, 2011.

§21-1289.29. United States Attorney or Assistant United States Attorney - Carrying of firearm.

Any United States Attorney or Assistant United States Attorney may carry a firearm on his or her person anywhere in the State of Oklahoma if the person has successfully completed a handgun qualification course for court officials developed by the Council on Law Enforcement Education and Training. The Council on Law Enforcement Education and Training may provide for an identification card to be issued to the United States Attorney or Assistant United States Attorney and may provide application forms. If the person issued an identification card is no longer eligible, that person shall immediately return the identification card to the Council on Law Enforcement Education and Training.

Added by Laws 2011, c. 77, § 1, eff. Nov. 1, 2011. Amended by Laws 2014, c. 368, § 3, eff. Nov. 1, 2014.

NOTE: Editorially renumbered from § 1289.28 of this title to avoid duplication in numbering.

§21-1289.30. Requests for certification for the transfer or making of a firearm – Court review of certification decisions.

A. When certification by a chief law enforcement officer is required by federal law or regulation for the transfer or making of a firearm, the chief law enforcement officer shall, within fifteen (15) days of receipt of a request for certification, provide such certification if the applicant is not prohibited by law from receiving the firearm or the applicant is not the subject of a proceeding that could result in the applicant being prohibited by law from receiving the firearm. If the applicant is prohibited by law from receiving the firearm or the applicant is the subject of a proceeding that could result in such prohibition, the chief law enforcement officer shall provide written notification to the applicant that certification has been denied and state the reasons for such findings.

B. An applicant whose request for certification is denied may appeal the decision of the chief law enforcement officer to the district court that is located in the county in which the applicant resides. The court shall review the decision of the chief law enforcement officer to deny the certification de novo. If the court finds that the applicant is not prohibited by law from receiving the firearm or the applicant is not the subject of a proceeding that could result in such prohibition, the court shall order the chief law enforcement officer to issue the certification and shall award court costs and reasonable attorney fees to the applicant.

C. For purposes of this section:

1. "Certification" means the participation and assent of the chief law enforcement officer necessary under federal law for the approval of the application to transfer or make a firearm;

2. "Chief law enforcement officer" means any official that the Bureau of Alcohol, Tobacco, Firearms and Explosives, or any successor agency, identifies by regulation or otherwise as eligible to provide any required certification for applications to transfer or make a firearm; and

3. "Firearm" shall have the same meaning as provided for in the National Firearms Act, subsection a of Section 5845 of Title 26 of the United States Code.

Added by Laws 2014, c. 237, § 1, eff. Nov. 1, 2014.
NOTE: Vetoed by Governor on April 29, 2014. Governor's veto was overridden on May 8, 2014.

§21-1290.1. Short title.

SHORT TITLE

Sections 1 through 25 of this act shall be known and may be cited as the "Oklahoma Self-Defense Act".

Added by Laws 1995, c. 272, § 1, eff. Sept. 1, 1995.

§21-1290.2. Definitions.

DEFINITIONS

A. As used in the Oklahoma Self-Defense Act:

1. "Concealed handgun" means a loaded or unloaded pistol, the presence of which is not openly discernible to the ordinary observation of a reasonable person;

2. "Unconcealed handgun" means a loaded or unloaded pistol carried upon the person in a belt holster or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case designed for carrying firearms that is wholly or partially visible; and

3. "Pistol" means any derringer, revolver or semiautomatic firearm which:

a. has an overall length of less than sixteen (16) inches,
b. is capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury,
c. is designed to be held and fired by the use of a single hand, and
d. uses either gunpowder, gas or any means of rocket propulsion to discharge the projectile.

B. The definition of pistol for purposes of the Oklahoma Self-Defense Act shall not apply to homemade or imitation pistols, flare guns, underwater fishing guns or blank pistols.

Added by Laws 1995, c. 272, § 2, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 23, eff. Nov. 1, 2012; Laws 2013, c. 366, § 2, eff. Nov. 1, 2013.

§21-1290.3. Authority to issue license.

AUTHORITY TO ISSUE LICENSE

The Oklahoma State Bureau of Investigation is hereby authorized to license an eligible person to carry a concealed or unconcealed handgun as provided by the provisions of the Oklahoma Self-Defense Act. The authority of the Bureau shall be limited to the provisions specifically provided in the Oklahoma Self-Defense Act. The Bureau shall promulgate rules, forms and procedures necessary to implement the provisions of the Oklahoma Self-Defense Act.
Added by Laws 1995, c. 272, § 3, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 24, eff. Nov. 1, 2012.

§21-1290.4. Unlawful carry.

UNLAWFUL CARRY

As provided by Section 1272 of this title, it is unlawful for any person to carry a concealed or unconcealed handgun in this state, except as hereby authorized by the provisions of the Oklahoma Self-Defense Act or as may otherwise be provided by law.
Added by Laws 1995, c. 272, § 4, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 25, eff. Nov. 1, 2012.

§21-1290.5. Term of license and renewal.

TERM OF LICENSE AND RENEWAL

A. A handgun license when issued shall authorize the person to whom the license is issued to carry a loaded or unloaded handgun, concealed or unconcealed, as authorized by the provisions of the Oklahoma Self-Defense Act, and any future modifications thereto. The license shall be valid in this state for a period of five (5) or ten (10) years, unless subsequently surrendered, suspended or revoked as provided by law. The person shall have no authority to continue to carry a concealed or unconcealed handgun in this state pursuant to the Oklahoma Self-Defense Act when a license is expired or when a license has been voluntarily surrendered or suspended or revoked for any reason.

B. A license may be renewed any time within ninety (90) days prior to the expiration date as provided in this subsection. The Bureau shall send a renewal application to each eligible licensee with a return address requested. There shall be a ninety-day grace period on license renewals beginning on the date of expiration, thereafter the license is considered expired. However, any applicant shall have three (3) years from the expiration of the license to comply with the renewal requirements of this section.

1. To renew a handgun license, the licensee must first obtain a renewal form from the Oklahoma State Bureau of Investigation.

2. The applicant must complete the renewal form, attach two current passport size photographs of the applicant, and submit a renewal fee in the amount of Eighty-five Dollars ($85.00) to the Bureau. The renewal fee may be paid with a nationally recognized

credit card as provided in subparagraph b of paragraph 4 of subsection A of Section 1290.12 of this title, by electronic funds transfer, or by a cashier's check or money order made payable to the Oklahoma State Bureau of Investigation.

3. Upon receipt of the renewal application, photographs and fee, the Bureau will conduct a criminal history records name search, an investigation of medical records or other records or information deemed by the Bureau to be relevant to the renewal application. If the applicant appears not to have any prohibition to renewing the handgun license, the Bureau shall issue the renewed license for a period of five (5) or ten (10) years.

C. Beginning November 1, 2007, any person making application for a handgun license or any licensee seeking to renew a handgun license shall have the option to request that said license be valid for a period of ten (10) years. The fee for any handgun license issued for a period of ten (10) years shall be double the amount of the fee provided for in paragraph 4 of subsection A of Section 1290.12 of this title. The renewal fee for a handgun license issued for a period of ten (10) years shall be double the amount of the fee provided for in paragraph 2 of subsection B of this section.
Added by Laws 1995, c. 272, § 5, eff. Sept. 1, 1995. Amended by Laws 1999, c. 415, § 1, eff. July 1, 1999; Laws 2001, c. 396, § 4, eff. July 1, 2001; Laws 2003, c. 122, § 1, eff. Nov. 1, 2003; Laws 2007, c. 92, § 1, eff. Nov. 1, 2007; Laws 2008, c. 3, § 16, emerg. eff. Feb. 28, 2008; Laws 2009, c. 225, § 1, eff. Nov. 1, 2009; Laws 2012, c. 259, § 26, eff. Nov. 1, 2012; Laws 2014, c. 11, § 1, eff. Nov. 1, 2014; Laws 2014, c. 122, § 1, eff. Nov. 1, 2014.
NOTE: Laws 2007, c. 128, § 3 repealed by Laws 2008, c. 3, § 17, emerg. eff. Feb. 28, 2008.

§21-1290.6. Prohibited ammunition.

PROHIBITED AMMUNITION

Any concealed or unconcealed handgun when carried in a manner authorized by the provisions of the Oklahoma Self-Defense Act and when loaded with any ammunition which is either a restricted bullet as defined by Section 1289.19 of this title or is larger than .45 caliber or is otherwise prohibited by law shall be deemed a prohibited weapon for purposes of the Oklahoma Self-Defense Act. Any person violating the provisions of this section shall be punished for a criminal offense as provided by Section 1272 of this title or any other applicable provision of law. In addition to any criminal prosecution for a violation of the provisions of this section, the licensee shall be subject to an administrative fine of Five Hundred Dollars ($500.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.
Added by Laws 1995, c. 272, § 6, eff. Sept. 1, 1995. Amended by

Laws 2012, c. 259, § 27, eff. Nov. 1, 2012.

§21-1290.7. Construing authority of license.

CONSTRUING AUTHORITY OF LICENSE

The authority to carry a concealed or unconcealed handgun pursuant to a valid handgun license as authorized by the provisions of the Oklahoma Self-Defense Act shall not be construed to authorize any person to:

1. Carry or possess any weapon other than an authorized pistol as defined by the provisions of Section 1290.2 of this title;

2. Carry or possess any pistol in any manner or in any place otherwise prohibited by law;

3. Carry or possess any prohibited ammunition or any illegal, imitation or homemade pistol;

4. Carry or possess any pistol when the person is prohibited by state or federal law from carrying or possessing any firearm; or

5. Point, discharge or use the pistol in any manner not otherwise authorized by law.

Added by Laws 1995, c. 272, § 7, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 28, eff. Nov. 1, 2012; Laws 2013, c. 366, § 3, eff. Nov. 1, 2013.

§21-1290.8. Possession of license required - Notification to police of gun.

POSSESSION OF LICENSE REQUIRED
NOTIFICATION TO POLICE OF GUN

A. Except as otherwise prohibited by law, an eligible person shall have authority to carry a concealed or unconcealed handgun in this state when the person has been issued a handgun license from the Oklahoma State Bureau of Investigation pursuant to the provisions of the Oklahoma Self-Defense Act, provided the person is in compliance with the provisions of the Oklahoma Self-Defense Act, and the license has not expired or been subsequently suspended or revoked. A person in possession of a valid handgun license and in compliance with the provisions of the Oklahoma Self-Defense Act shall be authorized to carry such concealed or unconcealed handgun while bow hunting or fishing.

B. The person shall be required to have possession of his or her valid handgun license and a valid Oklahoma driver license or an Oklahoma State photo identification at all times when in possession of an authorized pistol. The person shall display the handgun license on demand of a law enforcement officer; provided, however, that in the absence of reasonable and articulable suspicion of other criminal activity, an individual carrying an unconcealed or concealed handgun shall not be disarmed or physically restrained unless the individual fails to display a valid handgun license in response to that demand. Any violation of the provisions of this

subsection may be punishable as a criminal offense as authorized by Section 1272 of this title or pursuant to any other applicable provision of law. Any second or subsequent violation of the provisions of this subsection shall be grounds for the Bureau to suspend the handgun license for a period of six (6) months, in addition to any other penalty imposed.

Upon the arrest of any person for a violation of the provisions of this subsection, the person may show proof to the court that a valid handgun license and the other required identification has been issued to such person and the person may state any reason why the handgun license or the other required identification was not carried by the person as required by the Oklahoma Self-Defense Act. The court shall dismiss an alleged violation of Section 1272 of this title upon payment of court costs, if proof of a valid handgun license and other required identification is shown to the court within ten (10) days of the arrest of the person. The court shall report a dismissal of a charge to the Bureau for consideration of administrative proceedings against the licensee.

C. It shall be unlawful for any person to fail or refuse to identify the fact that the person is in actual possession of a concealed or unconcealed handgun pursuant to the authority of the Oklahoma Self-Defense Act when the person comes into contact with any law enforcement officer of this state or its political subdivisions or a federal law enforcement officer during the course of any arrest, detainment, or routine traffic stop. Said identification to the law enforcement officer shall be made at the first opportunity. No person shall be required to identify himself or herself as a handgun licensee when no handgun is in the possession of the person or in any vehicle in which the person is driving or is a passenger. Any violation of the provisions of this subsection shall, upon conviction, be a misdemeanor punishable by a fine not exceeding One Hundred Dollars ($100.00).

D. Any law enforcement officer coming in contact with a person whose handgun license is suspended, revoked, or expired, or who is in possession of a handgun license which has not been lawfully issued to that person, shall confiscate the license and return it to the Oklahoma State Bureau of Investigation for appropriate administrative proceedings against the licensee when the license is no longer needed as evidence in any criminal proceeding.

E. Nothing in this section shall be construed to authorize a law enforcement officer to inspect any weapon properly concealed or unconcealed without probable cause that a crime has been committed. Added by Laws 1995, c. 272, § 8, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 10, emerg. eff. May 16, 1996; Laws 1998, c. 286, § 2, eff. July 1, 1998; Laws 2001, c. 396, § 5, eff. July 1, 2001; Laws 2003, c. 465, § 6, eff. July 1, 2003; Laws 2012, c. 259, § 29, eff. Nov. 1, 2012; Laws 2013, c. 366, § 4, eff. Nov. 1, 2013.

§21-1290.9. Eligibility.

ELIGIBILITY

The following requirements shall apply to any person making application to the Oklahoma State Bureau of Investigation for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. The person must:

1. Be a citizen of the United States;

2. Establish a residency in the State of Oklahoma. For purposes of the Oklahoma Self-Defense Act, the term "residency" shall apply to any person who either possesses a valid Oklahoma driver license or state photo identification card, and physically maintains a residence in this state or to any person, including the spouse of such person, who has permanent military orders within this state and possesses a valid driver license from another state where such person and spouse of such person claim residency;

3. Be at least twenty-one (21) years of age;

4. Complete a firearms safety and training course and demonstrate competence and qualifications with the type of pistol to be carried by the person as provided in Section 1290.14 of this title, and submit proof of training and qualification or an exemption for training and qualification as authorized by Section 1290.14 of this title;

5. Submit the required fee and complete the application process as provided in Section 1290.12 of this title; and

6. Comply in good faith with the provisions of the Oklahoma Self-Defense Act.

Added by Laws 1995, c. 272, § 9, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 11, emerg. eff. May 16, 1996; Laws 1998, c. 286, § 3, eff. July 1, 1998; Laws 2003, c. 465, § 7, eff. July 1, 2003; Laws 2012, c. 259, § 30, eff. Nov. 1, 2012; Laws 2014, c. 85, § 1, eff. Nov. 1, 2014.

§21-1290.10. Mandatory preclusions.

MANDATORY PRECLUSIONS

In addition to the requirements stated in Section 1290.9 of this title, the conditions stated in this section shall preclude a person from eligibility for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. The occurrence of any one of the following conditions shall deny the person the right to have a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. Prohibited conditions are:

1. Ineligible to possess a pistol due to any felony conviction or adjudication as a delinquent as provided by Section 1283 of this title, except as provided in subsection B of Section 1283 of this title;

2. Any felony conviction pursuant to any law of another state,

a felony conviction pursuant to any provision of the United States Code, or any conviction pursuant to the laws of any foreign country, provided such foreign conviction would constitute a felony offense in this state if the offense had been committed in this state, except as provided in subsection B of Section 1283 of this title;

3. Adjudication as a mentally incompetent person pursuant to the provisions of the Oklahoma Mental Health Law, or an adjudication of incompetency entered in another state pursuant to any provision of law of that state, unless the person has been granted relief from the disqualifying disability pursuant to Section 1290.27 of this title;

4. Any false or misleading statement on the application for a handgun license as provided by paragraph 5 of subsection A of Section 1290.12 of this title;

5. Conviction of any one of the following misdemeanor offenses in this state or in any other state:

a. any assault and battery which caused serious physical injury to the victim, or any second or subsequent assault and battery conviction,
b. any aggravated assault and battery,
c. any stalking pursuant to Section 1173 of this title, or a similar law of another state,
d. a violation relating to the Protection from Domestic Abuse Act or any violation of a victim protection order of another state,
e. any conviction relating to illegal drug use or possession, or
f. an act of domestic abuse as defined by Section 644 of this title or an act of domestic assault and battery or any comparable acts under the laws of another state.

The preclusive period for a misdemeanor conviction related to illegal drug use or possession shall be ten (10) years from the date of completion of a sentence. For purposes of this subsection, "date of completion of a sentence" shall mean the day an offender completes all incarceration, probation, and parole pertaining to such sentence;

6. An attempted suicide or other condition relating to or indicating mental instability or an unsound mind which occurred within the preceding ten-year period from the date of the application for a license to carry a concealed firearm or that occurs during the period of licensure;

7. Currently undergoing treatment for a mental illness, condition, or disorder. For purposes of this paragraph, "currently undergoing treatment for a mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs

judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life;

8. Significant character defects of the applicant as evidenced by a misdemeanor criminal record indicating habitual criminal activity;

9. Ineligible to possess a pistol due to any provision of law of this state or the United States Code, except as provided in subsection B of Section 1283 of this title;

10. Failure to pay an assessed fine or surrender the handgun license as required by a decision by the administrative hearing examiner pursuant to authority of the Oklahoma Self-Defense Act;

11. Being subject to an outstanding felony warrant issued in this state or another state or the United States; or

12. Adjudication as a delinquent as provided by Section 1283 of this title, except as provided in subsection B of Section 1283 of this title.

Added by Laws 1995, c. 272, § 10, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 12, emerg. eff. May 16, 1996; Laws 1997, c. 358, § 2, emerg. eff. June 9, 1997; Laws 2000, c. 382, § 4, eff. July 1, 2000; Laws 2001, c. 396, § 6, eff. July 1, 2001; Laws 2014, c. 259, § 1, eff. July 1, 2015; Laws 2015, c. 86, § 1, eff. Nov. 1, 2015.

§21-1290.11. Other preclusions.

OTHER PRECLUSIONS

A. The following conditions shall preclude a person from being eligible for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act for a period of time as prescribed in each of the following paragraphs:

1. An arrest for an alleged commission of a felony offense or a felony charge pending in this state, another state or pursuant to the United States Code. The preclusive period shall be until the final determination of the matter;

2. The person is subject to the provisions of a deferred sentence or deferred prosecution in this state or another state or pursuant to federal authority for the commission of a felony offense. The preclusive period shall be three (3) years and shall begin upon the final determination of the matter;

3. Any involuntary commitment for a mental illness, condition, or disorder pursuant to the provisions of Section 5-410 of Title 43A of the Oklahoma Statutes or any involuntary commitment in another state pursuant to any provisions of law of that state. The preclusive period shall be permanent as provided by Title 18 of the United States Code Section 922(g)(4) unless the person has been granted relief from the disqualifying disability pursuant to Section 3 of this act;

4. The person has previously undergone treatment for a mental

illness, condition, or disorder which required medication or supervision as defined by paragraph 7 of Section 1290.10 of this title. The preclusive period shall be three (3) years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person is either no longer disabled by any mental or psychiatric illness, condition, or disorder or that the person has been stabilized on medication for ten (10) years or more;

5. Inpatient treatment for substance abuse. The preclusive period shall be three (3) years from the last date of treatment or upon presentation of a certified statement from a licensed physician stating that the person has been free from substance use for twelve (12) months or more preceding the filing of an application for a handgun license;

6. Two or more convictions of public intoxication pursuant to Section 8 of Title 37 of the Oklahoma Statutes, or a similar law of another state. The preclusive period shall be three (3) years from the date of the completion of the last sentence;

7. Two or more misdemeanor convictions relating to intoxication or driving under the influence of an intoxicating substance or alcohol. The preclusive period shall be three (3) years from the date of the completion of the last sentence or shall require a certified statement from a licensed physician stating that the person is not in need of substance abuse treatment;

8. A court order for a final Victim Protection Order against the applicant, as authorized by the Protection from Domestic Abuse Act, or any court order granting a final victim protection order against the applicant from another state. The preclusive period shall be three (3) years from the date of the entry of the final court order, or sixty (60) days from the date an order was vacated, canceled or withdrawn;

9. An adjudicated delinquent or convicted felon residing in the residence of the applicant which may be a violation of Section 1283 of this title. The preclusive period shall be thirty (30) days from the date the person no longer resides in the same residence as the applicant; or

10. An arrest for an alleged commission of, a charge pending for, or the person is subject to the provisions of a deferred prosecution for any one or more of the following misdemeanor offenses in this state or another state:

a. any assault and battery which caused serious physical injury to the victim or any second or subsequent assault and battery,
b. any aggravated assault and battery,
c. any stalking pursuant to Section 1173 of this title, or a similar law of another state,
d. any violation of the Protection from Domestic Abuse

Act or any violation of a victim protection order of another state,

e. any violation relating to illegal drug use or possession, or

f. an act of domestic abuse as defined by Section 644 of this title or an act of domestic assault and battery or any comparable acts under the law of another state.

The preclusive period shall be until the final determination of the matter. The preclusive period for a person subject to the provisions of a deferred sentence for the offenses mentioned in this paragraph shall be three (3) years and shall begin upon the final determination of the matter.

B. Nothing in this section shall be construed to require a full investigation of the applicant by the Oklahoma State Bureau of Investigation.

Added by Laws 1995, c. 272, § 11, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 13, emerg. eff. May 16, 1996; Laws 1997, c. 358, § 3, emerg. eff. June 9, 1997; Laws 1999, c. 97, § 4, eff. Nov. 1, 1999; Laws 1999, c. 415, § 2, eff. July 1, 1999; Laws 2000, c. 382, § 5, eff. July 1, 2000; Laws 2001, c. 396, § 7, eff. July 1, 2001; Laws 2006, c. 62, § 3, emerg. eff. April 17, 2006; Laws 2012, c. 259, § 31, eff. Nov. 1, 2012; Laws 2013, c. 171, § 2, eff. Nov. 1, 2013; Laws 2014, c. 259, § 2, eff. July 1, 2015.

§21-1290.12. Procedure for application

PROCEDURE FOR APPLICATION

A. Except as provided in paragraph 11 of this subsection, the procedure for applying for a handgun license and processing the application shall be as follows:

1. An eligible person may request an application packet for a handgun license from the Oklahoma State Bureau of Investigation or the county sheriff's office either in person or by mail. The Bureau may provide application packets to each sheriff not exceeding two hundred packets per request. The Bureau shall provide the following information in the application packet:

a. an application form,

b. procedures to follow to process the application form, and

c. a copy of the Oklahoma Self-Defense Act with any modifications thereto;

2. The person shall be required to successfully complete a firearms safety and training course from a firearms instructor who is approved and registered in this state as provided in Section 1290.14 of this title or from an interactive online firearms safety and training course available electronically via the Internet which has been approved as to curriculum by the Council on Law Enforcement Education and Training, and the person shall be required to

demonstrate competency and qualification with a pistol authorized for concealed or unconcealed carry by the Oklahoma Self-Defense Act. The original certificate of successful completion of a firearms safety and training course and an original certificate of successful demonstration of competency and qualification to carry and handle a pistol shall be submitted with the application for a handgun license. No duplicate, copy, facsimile or other reproduction of the certificate of training, certificate of competency and qualification or exemption from training shall be acceptable as proof of training as required by the provisions of the Oklahoma Self-Defense Act. A person exempt from the training requirements as provided in Section 1290.15 of this title must show the required proof of such exemption to the firearms instructor to receive an exemption certificate. The original exemption certificate must be submitted with the application for a handgun license when the person claims an exemption from training and qualification;

3. The application form shall be completed and delivered by the applicant, in person, to the sheriff of the county wherein the applicant resides;

4. The person shall deliver to the sheriff at the time of delivery of the completed application form a fee of One Hundred Dollars ($100.00) for processing the application through the Oklahoma State Bureau of Investigation and processing the required fingerprints through the Federal Bureau of Investigation. The processing fee shall be in the form of:

a. a money order or a cashier's check made payable to the Oklahoma State Bureau of Investigation,

b. a nationally recognized credit card issued to the applicant. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by the issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by over one thousand merchants in the state. The Oklahoma State Bureau of Investigation shall determine which nationally recognized credit cards will be accepted by the Bureau, or

c. electronic funds transfer.

Any person paying application fees to the Oklahoma State Bureau of Investigation by means of a nationally recognized credit card or by means of an electronic funds transfer shall be required to complete and submit his or her application through the online application process of the Bureau.

The processing fee shall not be refundable in the event of a denial of a handgun license or any suspension or revocation

subsequent to the issuance of a license. Persons making application for a firearms instructor shall not be required to pay the application fee as provided in this section, but shall be required to pay the costs provided in paragraphs 6 and 8 of this subsection;

5. The completed application form shall be signed by the applicant in person before the sheriff. The signature shall be given voluntarily upon a sworn oath that the person knows the contents of the application and that the information contained in the application is true and correct. Any person making any false or misleading statement on an application for a handgun license shall, upon conviction, be guilty of perjury as defined by Section 491 of this title. Any conviction shall be punished as provided in Section 500 of this title. In addition to a criminal conviction, the person shall be denied the right to have a handgun license pursuant to the provisions of Section 1290.10 of this title and the Oklahoma State Bureau of Investigation shall revoke the handgun license, if issued;

6. Two passport-size photographs of the applicant shall be submitted with the completed application. The cost of the photographs shall be the responsibility of the applicant. The sheriff is authorized to take the photograph of the applicant for purposes of the Oklahoma Self-Defense Act and, if such photographs are taken by the sheriff, the cost of the photographs shall not exceed Ten Dollars ($10.00) for the two photos. All money received by the sheriff from photographing applicants pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

7. The sheriff shall witness the signature of the applicant and review or take the photographs of the applicant and shall verify that the person making application for a handgun license is the same person in the photographs submitted and the same person who signed the application form. Proof of a valid Oklahoma driver license with a photograph of the applicant or an Oklahoma state photo identification for the applicant shall be required to be presented by the applicant to the sheriff for verification of the person's identity;

8. Upon verification of the identity of the applicant, the sheriff shall take two complete sets of fingerprints of the applicant. Both sets of fingerprints shall be submitted by the sheriff with the completed application, certificate of training or an exemption certificate, photographs and processing fee to the Oklahoma State Bureau of Investigation within fourteen (14) days of taking the fingerprints. The cost of the fingerprints shall be paid by the applicant and shall not exceed Twenty-five Dollars ($25.00) for the two sets. All fees collected by the sheriff from taking fingerprints pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

9. The sheriff shall submit to the Oklahoma State Bureau of Investigation within the fourteen-day period, together with the completed application, including the certificate of training, certificate of competency and qualification or exemption certificate, photographs, processing fee and legible fingerprints meeting the Oklahoma State Bureau of Investigation's Automated Fingerprint Identification System (AFIS) submission standards, and a report of information deemed pertinent to an investigation of the applicant for a handgun license. The sheriff shall make a preliminary investigation of pertinent information about the applicant and the court clerk shall assist the sheriff in locating pertinent information in court records for this purpose. If no pertinent information is found to exist either for or against the applicant, the sheriff shall so indicate in the report;

10. The Oklahoma State Bureau of Investigation, upon receipt of the application and required information from the sheriff, shall forward one full set of fingerprints of the applicant to the Federal Bureau of Investigation for a national criminal history records search. The cost of processing the fingerprints nationally shall be paid from the processing fee collected by the Oklahoma State Bureau of Investigation;

11. Notwithstanding the provisions of the Oklahoma Self-Defense Act, or any other provisions of law, any person who has been granted a permanent victim protective order by the court, as provided for in the Protection from Domestic Abuse Act, may be issued a temporary handgun license for a period not to exceed six (6) months. A temporary handgun license may be issued if the person has successfully passed the required weapons course, completed the application process for the handgun license, passed the preliminary investigation of the person by the sheriff and court clerk, and provided the sheriff proof of a certified permanent victim protective order and a valid Oklahoma state photo identification card or driver license. The sheriff shall issue a temporary handgun license on a form approved by the Oklahoma State Bureau of Investigation, at no cost. Any person who has been issued a temporary license shall carry the temporary handgun license and a valid Oklahoma state photo identification on his or her person at all times, and shall be subject to all the requirements of the Oklahoma Self-Defense Act when carrying a handgun. The person may proceed with the handgun licensing process. In the event the victim protective order is no longer enforceable, the temporary handgun license shall cease to be valid;

12. The Oklahoma State Bureau of Investigation shall make a reasonable effort to investigate the information submitted by the applicant and the sheriff, to ascertain whether or not the issuance of a handgun license would be in violation of the provisions of the Oklahoma Self-Defense Act. The investigation by the Bureau of an

applicant shall include, but shall not be limited to: a statewide criminal history records search, a national criminal history records search, a Federal Bureau of Investigation fingerprint search, and if applicable, an investigation of medical records or other records or information deemed by the Bureau to be relevant to the application.

a. In the course of the investigation by the Bureau, it shall present the name of the applicant along with any known aliases, the address of the applicant and the social security number of the applicant to the Department of Mental Health and Substance Abuse Services. The Department of Mental Health and Substance Abuse Services shall respond within ten (10) days of receiving such information to the Bureau as follows:
   (1) with a "Yes" answer, if the records of the Department indicate that the person was involuntarily committed to a mental institution in Oklahoma,
   (2) with a "No" answer, if there are no records indicating the name of the person as a person involuntarily committed to a mental institution in Oklahoma, or
   (3) with an "Inconclusive" answer if the records of the Department suggest the applicant may be a formerly committed person. In the case of an inconclusive answer, the Bureau shall ask the applicant whether he or she was involuntarily committed. If the applicant states under penalty of perjury that he or she has not been involuntarily committed, the Bureau shall continue processing the application for a license.

b. In the course of the investigation by the Bureau, it shall check the name of any applicant who is twenty-eight (28) years of age or younger along with any known aliases, the address of the applicant and the social security number of the applicant against the records in the Juvenile Online Tracking System (JOLTS) of the Office of Juvenile Affairs. The Office of Juvenile Affairs shall provide the Bureau direct access to check the applicant against the records available on JOLTS:
   (1) if the Bureau finds a record on the JOLTS that indicates the person was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years the Bureau shall deny the license,
   (2) if the Bureau finds no record on the JOLTS

indicating the named person was adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years, or

(3) if the records suggest the applicant may have been adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult but such record is inconclusive, the Bureau shall ask the applicant whether he or she was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years. If the applicant states under penalty of perjury that he or she was not adjudicated a delinquent within ten (10) years, the Bureau shall continue processing the application for a license; and

13. If the background check set forth in paragraph 12 of this subsection reveals no records pertaining to the applicant, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within sixty (60) days of the date of receipt of the applicant's completed application and the required information from the sheriff. In all other cases, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within ninety (90) days of the date of the receipt of the applicant's completed application and the required information from the sheriff. The Bureau shall approve an applicant who appears to be in full compliance with the provisions of the Oklahoma Self-Defense Act, if completion of the federal fingerprint search is the only reason for delay of the issuance of the handgun license to that applicant. Upon receipt of the federal fingerprint search information, if the Bureau receives information which precludes the person from having a handgun license, the Bureau shall revoke the handgun license previously issued to the applicant. The Bureau shall deny a license when the applicant fails to properly complete the application form or application process or is determined not to be eligible as specified by the provisions of Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall approve an application in all other cases. If an application is denied, the Bureau shall notify the applicant in writing of its decision. The notification shall state the grounds for the denial and inform the applicant of the right to an appeal as may be provided by the provisions of the Administrative Procedures Act. All notices of denial shall be mailed by first-class mail to the address of the applicant listed in the application. Within sixty (60) calendar days from the date of mailing a denial of application to an applicant, the applicant shall notify the Bureau in writing of the intent to appeal the decision of denial or the right of the

applicant to appeal shall be deemed waived. Any administrative hearing on a denial which may be provided shall be conducted by a hearing examiner appointed by the Bureau. The decision of the hearing examiner shall be a final decision appealable to a district court in accordance with the Administrative Procedures Act. When an application is approved, the Bureau shall issue the license and shall mail the license by first-class mail to the address of the applicant listed in the application.

B. Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to require or authorize the registration, documentation or providing of serial numbers with regard to any firearm. For purposes of the Oklahoma Self-Defense Act, the sheriff may designate a person to receive, fingerprint, photograph or otherwise process applications for handgun licenses. Added by Laws 1995, c. 272, § 12, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 14, emerg. eff. May 16, 1996; Laws 1998, c. 286, § 4, eff. July 1, 1998; Laws 1999, c. 415, § 3, eff. July 1, 1999; Laws 2000, c. 382, § 6, eff. July 1, 2000; Laws 2001, c. 396, § 8, eff. July 1, 2001; Laws 2004, c. 549, § 3, eff. July 1, 2004; Laws 2010, c. 162, § 1, eff. Nov. 1, 2010; Laws 2012, c. 259, § 32, eff. Nov. 1, 2012; Laws 2013, c. 366, § 5, eff. Nov. 1, 2013; Laws 2014, c. 11, § 2, eff. Nov. 1, 2014; Laws 2015, c. 72, § 1, eff. Nov. 1, 2015; Laws 2016, c. 210, § 7, emerg. eff. April 26, 2016; Laws 2016, c. 256, § 2, eff. Nov. 1, 2016.
NOTE: Laws 2016, c. 72, § 1 repealed by Laws 2016, c. 210, § 8, emerg. eff. April 26, 2016.

§21-1290.12v1. Procedure for application.

PROCEDURE FOR APPLICATION

A. Except as provided in paragraph 11 of this subsection, the procedure for applying for a handgun license and processing the application shall be as follows:

1. An eligible person may request an application packet for a handgun license from the Oklahoma State Bureau of Investigation or the county sheriff's office either in person or by mail. The Bureau may provide application packets to each sheriff not exceeding two hundred packets per request. The Bureau shall provide the following information in the application packet:

a. an application form,
b. procedures to follow to process the application form, and
c. a copy of the Oklahoma Self-Defense Act with any modifications thereto;

2. The person shall be required to successfully complete a firearms safety and training course from a firearms instructor who is approved and registered in this state as provided in Section 1290.14 of this title, and the person shall be required to

demonstrate competency and qualification with a pistol authorized for concealed or unconcealed carry by the Oklahoma Self-Defense Act. The original certificate of training shall be submitted with the application for a handgun license. No duplicate, copy, facsimile or other reproduction of the certificate of training or exemption from training shall be acceptable as proof of training as required by the provisions of the Oklahoma Self-Defense Act. A person exempt from the training requirements as provided in Section 1290.15 of this title must show the required proof of such exemption to the firearms instructor to receive an exemption certificate. The original exemption certificate must be submitted with the application for a handgun license when the person claims an exemption from training and qualification;

3. The application form shall be completed and delivered by the applicant, in person, to the sheriff of the county wherein the applicant resides;

4. The person shall deliver to the sheriff at the time of delivery of the completed application form a fee of One Hundred Dollars ($100.00) for processing the application through the Oklahoma State Bureau of Investigation and processing the required fingerprints through the Federal Bureau of Investigation. The processing fee shall be in the form of:

a. a money order or a cashier's check made payable to the Oklahoma State Bureau of Investigation,

b. by a nationally recognized credit card issued to the applicant. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by the issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by over one thousand merchants in the state. The Oklahoma State Bureau of Investigation shall determine which nationally recognized credit cards will be accepted by the Bureau, or

c. by electronic funds transfer.

Any person paying application fees to the Oklahoma State Bureau of Investigation by means of a nationally recognized credit card or by means of an electronic funds transfer shall be required to complete and submit his or her application through the online application process of the Bureau.

The processing fee shall not be refundable in the event of a denial of a handgun license or any suspension or revocation subsequent to the issuance of a license. Persons making application for a firearms instructor shall not be required to pay the application fee as provided in this section, but shall be required

to pay the costs provided in paragraphs 6 and 8 of this subsection;

5. The completed application form shall be signed by the applicant in person before the sheriff. The signature shall be given voluntarily upon a sworn oath that the person knows the contents of the application and that the information contained in the application is true and correct. Any person making any false or misleading statement on an application for a handgun license shall, upon conviction, be guilty of perjury as defined by Section 491 of this title. Any conviction shall be punished as provided in Section 500 of this title. In addition to a criminal conviction, the person shall be denied the right to have a handgun license pursuant to the provisions of Section 1290.10 of this title and the Oklahoma State Bureau of Investigation shall revoke the handgun license, if issued;

6. Two passport size photographs of the applicant shall be submitted with the completed application. The cost of the photographs shall be the responsibility of the applicant. The sheriff is authorized to take the photograph of the applicant for purposes of the Oklahoma Self-Defense Act and, if such photographs are taken by the sheriff the cost of the photographs shall not exceed Ten Dollars ($10.00) for the two photos. All money received by the sheriff from photographing applicants pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

7. The sheriff shall witness the signature of the applicant and review or take the photographs of the applicant and shall verify that the person making application for a handgun license is the same person in the photographs submitted and the same person who signed the application form. Proof of a valid Oklahoma driver license with a photograph of the applicant or an Oklahoma State photo identification for the applicant shall be required to be presented by the applicant to the sheriff for verification of the person's identity;

8. Upon verification of the identity of the applicant, the sheriff shall take two complete sets of fingerprints of the applicant. Both sets of fingerprints shall be submitted by the sheriff with the completed application, certificate of training or an exemption certificate, photographs and processing fee to the Oklahoma State Bureau of Investigation within fourteen (14) days of taking the fingerprints. The cost of the fingerprints shall be paid by the applicant and shall not exceed Twenty-five Dollars ($25.00) for the two sets. All fees collected by the sheriff from taking fingerprints pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

9. The sheriff shall submit to the Oklahoma State Bureau of Investigation within the fourteen-day period, together with the completed application, including the certificate of training or

exemption certificate, photographs, processing fee and legible fingerprints meeting the Oklahoma State Bureau of Investigation's Automated Fingerprint Identification System (AFIS) submission standards, and a report of information deemed pertinent to an investigation of the applicant for a handgun license. The sheriff shall make a preliminary investigation of pertinent information about the applicant and the court clerk shall assist the sheriff in locating pertinent information in court records for this purpose. If no pertinent information is found to exist either for or against the applicant, the sheriff shall so indicate in the report;

10. The Oklahoma State Bureau of Investigation, upon receipt of the application and required information from the sheriff, shall forward one full set of fingerprints of the applicant to the Federal Bureau of Investigation for a national criminal history records search. The cost of processing the fingerprints nationally shall be paid from the processing fee collected by the Oklahoma State Bureau of Investigation;

11. Notwithstanding the provisions of the Oklahoma Self-Defense Act, or any other provisions of law, any person who has been granted a permanent victim's protective order by the court, as provided for in the Protection from Domestic Abuse Act, may be issued a temporary handgun license for a period not to exceed six (6) months. A temporary handgun license may be issued if the person has successfully passed the required weapons course, completed the application process for the handgun license, passed the preliminary investigation of the person by the sheriff and court clerk, and provided the sheriff proof of a certified permanent victim protection order and a valid Oklahoma state photo identification card or driver license. The sheriff shall issue a temporary handgun license on a form approved by the Oklahoma State Bureau of Investigation, at no cost. Any person who has been issued a temporary license shall carry the temporary handgun license and a valid Oklahoma state photo identification on his or her person at all times, and shall be subject to all the requirements of the Oklahoma Self-Defense Act when carrying a handgun. The person may proceed with the handgun licensing process. In the event the victim's protection order is no longer enforceable, the temporary handgun license shall cease to be valid;

12. The Oklahoma State Bureau of Investigation shall make a reasonable effort to investigate the information submitted by the applicant and the sheriff, to ascertain whether or not the issuance of a handgun license would be in violation of the provisions of the Oklahoma Self-Defense Act. The investigation by the Bureau of an applicant shall include, but shall not be limited to: a statewide criminal history records search, a national criminal history records search, a Federal Bureau of Investigation fingerprint search, and if applicable, an investigation of medical records or other records or

information deemed by the Bureau to be relevant to the application.

a. In the course of the investigation by the Bureau, it shall present the name of the applicant along with any known aliases, the address of the applicant and the social security number of the applicant to the Department of Mental Health and Substance Abuse Services. The Department of Mental Health and Substance Abuse Services shall respond within ten (10) days of receiving such information to the Bureau as follows:
   (1) with a "Yes" answer, if the records of the Department indicate that the person was involuntarily committed to a mental institution in Oklahoma,
   (2) with a "No" answer, if there are no records indicating the name of the person as a person involuntarily committed to a mental institution in Oklahoma, or
   (3) with an "Inconclusive" answer if the records of the Department suggest the applicant may be a formerly committed person. In the case of an inconclusive answer, the Bureau shall ask the applicant whether he or she was involuntarily committed. If the applicant states under penalty of perjury that he or she has not been involuntarily committed, the Bureau shall continue processing the application for a license.

b. In the course of the investigation by the Bureau, it shall check the name of any applicant who is twenty-eight (28) years of age or younger along with any known aliases, the address of the applicant and the social security number of the applicant against the records in the Juvenile Online Tracking System (JOLTS) of the Office of Juvenile Affairs. The Office of Juvenile Affairs shall provide the Bureau direct access to check the applicant against the records available on JOLTS.
   (1) If the Bureau finds a record on the JOLTS that indicates the person was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years the Bureau shall deny the license,
   (2) If the Bureau finds no record on the JOLTS indicating the named person was adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years, or

(3) If the records suggest the applicant may have been adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult but such record is inconclusive, the Bureau shall ask the applicant whether he or she was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years. If the applicant states under penalty of perjury that he or she was not adjudicated a delinquent within ten (10) years, the Bureau shall continue processing the application for a license; and

13. If the background check set forth in paragraph 12 of this subsection reveals no records pertaining to the applicant, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within sixty (60) days of the date of receipt of the applicant's completed application and the required information from the sheriff. In all other cases, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within ninety (90) days of the date of the receipt of the applicant's completed application and the required information from the sheriff. The Bureau shall approve an applicant who appears to be in full compliance with the provisions of the Oklahoma Self-Defense Act, if completion of the federal fingerprint search is the only reason for delay of the issuance of the handgun license to that applicant. Upon receipt of the federal fingerprint search information, if the Bureau receives information which precludes the person from having a handgun license, the Bureau shall revoke the handgun license previously issued to the applicant. The Bureau shall deny a license when the applicant fails to properly complete the application form or application process or is determined not to be eligible as specified by the provisions of Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall approve an application in all other cases. If an application is denied, the Bureau shall notify the applicant in writing of its decision. The notification shall state the grounds for the denial and inform the applicant of the right to an appeal as may be provided by the provisions of the Administrative Procedures Act. All notices of denial shall be mailed by first-class mail to the address of the applicant listed in the application. Within sixty (60) calendar days from the date of mailing a denial of application to an applicant, the applicant shall notify the Bureau in writing of the intent to appeal the decision of denial or the right of the applicant to appeal shall be deemed waived. Any administrative hearing on a denial which may be provided shall be conducted by a hearing examiner appointed by the Bureau. The decision of the hearing examiner shall be a final decision appealable to a district

court in accordance with the Administrative Procedures Act. When an application is approved, the Bureau shall issue the license and shall mail the license by first-class mail to the address of the applicant listed in the application.

B. Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to require or authorize the registration, documentation or providing of serial numbers with regard to any firearm. For purposes of the Oklahoma Self-Defense Act, the sheriff may designate a person to receive, fingerprint, photograph or otherwise process applications for handgun licenses. Added by Laws 1995, c. 272, § 12, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 14, emerg. eff. May 16, 1996; Laws 1998, c. 286, § 4, eff. July 1, 1998; Laws 1999, c. 415, § 3, eff. July 1, 1999; Laws 2000, c. 382, § 6, eff. July 1, 2000; Laws 2001, c. 396, § 8, eff. July 1, 2001; Laws 2004, c. 549, § 3, eff. July 1, 2004; Laws 2010, c. 162, § 1, eff. Nov. 1, 2010; Laws 2012, c. 259, § 32, eff. Nov. 1, 2012; Laws 2013, c. 366, § 5, eff. Nov. 1, 2013; Laws 2014, c. 11, § 2, eff. Nov. 1, 2014; Laws 2015, c. 72, § 1, eff. Nov. 1, 2015.

§21-1290.12v2. Procedure for application.

PROCEDURE FOR APPLICATION

A. Except as provided in paragraph 11 of this subsection, the procedure for applying for a handgun license and processing the application shall be as follows:

1. An eligible person may request an application packet for a handgun license from the Oklahoma State Bureau of Investigation or the county sheriff's office either in person or by mail. The Bureau may provide application packets to each sheriff not exceeding two hundred packets per request. The Bureau shall provide the following information in the application packet:

a. an application form,
b. procedures to follow to process the application form, and
c. a copy of the Oklahoma Self-Defense Act with any modifications thereto;

2. The person shall be required to successfully complete a firearms safety and training course from a firearms instructor who is approved and registered in this state as provided in Section 1290.14 of this title or from an interactive online firearms safety and training course available electronically via the Internet approved and certified by the Council on Law Enforcement Education and Training, and the person shall be required to demonstrate competency and qualification with a pistol authorized for concealed or unconcealed carry by the Oklahoma Self-Defense Act. The original certificate of successful completion of a firearms safety and training course and an original certificate of successful

demonstration of competency and qualification to carry and handle a pistol shall be submitted with the application for a handgun license. No duplicate, copy, facsimile or other reproduction of the certificate of training, certificate of competency and qualification or exemption from training shall be acceptable as proof of training as required by the provisions of the Oklahoma Self-Defense Act. A person exempt from the training requirements as provided in Section 1290.15 of this title must show the required proof of such exemption to the firearms instructor to receive an exemption certificate. The original exemption certificate must be submitted with the application for a handgun license when the person claims an exemption from training and qualification;

3. The application form shall be completed and delivered by the applicant, in person, to the sheriff of the county wherein the applicant resides;

4. The person shall deliver to the sheriff at the time of delivery of the completed application form a fee of One Hundred Dollars ($100.00) for processing the application through the Oklahoma State Bureau of Investigation and processing the required fingerprints through the Federal Bureau of Investigation. The processing fee shall be in the form of:

a. a money order or a cashier's check made payable to the Oklahoma State Bureau of Investigation,

b. by a nationally recognized credit card issued to the applicant. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by the issuer for the use of the cardholder in obtaining goods, services, or anything else of value on credit which is accepted by over one thousand merchants in the state. The Oklahoma State Bureau of Investigation shall determine which nationally recognized credit cards will be accepted by the Bureau, or

c. by electronic funds transfer.

The processing fee shall not be refundable in the event of a denial of a handgun license or any suspension or revocation subsequent to the issuance of a license. Persons making application for a firearms instructor shall not be required to pay the application fee as provided in this section, but shall be required to pay the costs provided in paragraphs 6 and 8 of this subsection;

5. The completed application form shall be signed by the applicant in person before the sheriff. The signature shall be given voluntarily upon a sworn oath that the person knows the contents of the application and that the information contained in the application is true and correct. Any person making any false or

misleading statement on an application for a handgun license shall, upon conviction, be guilty of perjury as defined by Section 491 of this title. Any conviction shall be punished as provided in Section 500 of this title. In addition to a criminal conviction, the person shall be denied the right to have a handgun license pursuant to the provisions of Section 1290.10 of this title and the Oklahoma State Bureau of Investigation shall revoke the handgun license, if issued;

6. Two passport-size photographs of the applicant shall be submitted with the completed application. The cost of the photographs shall be the responsibility of the applicant. The sheriff is authorized to take the photograph of the applicant for purposes of the Oklahoma Self-Defense Act and, if such photographs are taken by the sheriff, the cost of the photographs shall not exceed Ten Dollars ($10.00) for the two photos. All money received by the sheriff from photographing applicants pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

7. The sheriff shall witness the signature of the applicant and review or take the photographs of the applicant and shall verify that the person making application for a handgun license is the same person in the photographs submitted and the same person who signed the application form. Proof of a valid Oklahoma driver license with a photograph of the applicant or an Oklahoma state photo identification for the applicant shall be required to be presented by the applicant to the sheriff for verification of the person's identity;

8. Upon verification of the identity of the applicant, the sheriff shall take two complete sets of fingerprints of the applicant. Both sets of fingerprints shall be submitted by the sheriff with the completed application, certificate of training or an exemption certificate, photographs and processing fee to the Oklahoma State Bureau of Investigation within fourteen (14) days of taking the fingerprints. The cost of the fingerprints shall be paid by the applicant and shall not exceed Twenty-five Dollars ($25.00) for the two sets. All fees collected by the sheriff from taking fingerprints pursuant to the provisions of this paragraph shall be retained by the sheriff and deposited into the Sheriff's Service Fee Account;

9. The sheriff shall submit to the Oklahoma State Bureau of Investigation within the fourteen-day period, together with the completed application, including the certificate of training, certificate of competency and qualification or exemption certificate, photographs, processing fee and legible fingerprints meeting the Oklahoma State Bureau of Investigation's Automated Fingerprint Identification System (AFIS) submission standards, and a report of information deemed pertinent to an investigation of the applicant for a handgun license. The sheriff shall make a

preliminary investigation of pertinent information about the applicant and the court clerk shall assist the sheriff in locating pertinent information in court records for this purpose. If no pertinent information is found to exist either for or against the applicant, the sheriff shall so indicate in the report;

10. The Oklahoma State Bureau of Investigation, upon receipt of the application and required information from the sheriff, shall forward one full set of fingerprints of the applicant to the Federal Bureau of Investigation for a national criminal history records search. The cost of processing the fingerprints nationally shall be paid from the processing fee collected by the Oklahoma State Bureau of Investigation;

11. Notwithstanding the provisions of the Oklahoma Self-Defense Act, or any other provisions of law, any person who has been granted a permanent victim's protective order by the court, as provided for in the Protection from Domestic Abuse Act, may be issued a temporary handgun license for a period not to exceed six (6) months. A temporary handgun license may be issued if the person has successfully passed the required weapons course, completed the application process for the handgun license, passed the preliminary investigation of the person by the sheriff and court clerk, and provided the sheriff proof of a certified permanent victim protection order and a valid Oklahoma state photo identification card or driver license. The sheriff shall issue a temporary handgun license on a form approved by the Oklahoma State Bureau of Investigation, at no cost. Any person who has been issued a temporary license shall carry the temporary handgun license and a valid Oklahoma state photo identification on his or her person at all times, and shall be subject to all the requirements of the Oklahoma Self-Defense Act when carrying a handgun. The person may proceed with the handgun licensing process. In the event the victim's protection order is no longer enforceable, the temporary handgun license shall cease to be valid;

12. The Oklahoma State Bureau of Investigation shall make a reasonable effort to investigate the information submitted by the applicant and the sheriff, to ascertain whether or not the issuance of a handgun license would be in violation of the provisions of the Oklahoma Self-Defense Act. The investigation by the Bureau of an applicant shall include, but shall not be limited to: a statewide criminal history records search, a national criminal history records search, a Federal Bureau of Investigation fingerprint search, and if applicable, an investigation of medical records or other records or information deemed by the Bureau to be relevant to the application.

a. In the course of the investigation by the Bureau, it shall present the name of the applicant along with any known aliases, the address of the applicant and the social security number of the applicant to the

Department of Mental Health and Substance Abuse Services. The Department of Mental Health and Substance Abuse Services shall respond within ten (10) days of receiving such information to the Bureau as follows:

(1) with a "Yes" answer, if the records of the Department indicate that the person was involuntarily committed to a mental institution in Oklahoma,

(2) with a "No" answer, if there are no records indicating the name of the person as a person involuntarily committed to a mental institution in Oklahoma, or

(3) with an "Inconclusive" answer if the records of the Department suggest the applicant may be a formerly committed person. In the case of an inconclusive answer, the Bureau shall ask the applicant whether he or she was involuntarily committed. If the applicant states under penalty of perjury that he or she has not been involuntarily committed, the Bureau shall continue processing the application for a license.

b. In the course of the investigation by the Bureau, it shall check the name of any applicant who is twenty-eight (28) years of age or younger along with any known aliases, the address of the applicant and the social security number of the applicant against the records in the Juvenile Online Tracking System (JOLTS) of the Office of Juvenile Affairs. The Office of Juvenile Affairs shall provide the Bureau direct access to check the applicant against the records available on JOLTS.

(1) If the Bureau finds a record on the JOLTS that indicates the person was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years the Bureau shall deny the license,

(2) If the Bureau finds no record on the JOLTS indicating the named person was adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years, or

(3) If the records suggest the applicant may have been adjudicated delinquent for an offense that would constitute a felony offense if committed by an adult but such record is inconclusive, the Bureau shall ask the applicant whether he or she

was adjudicated a delinquent for an offense that would constitute a felony offense if committed by an adult within the last ten (10) years. If the applicant states under penalty of perjury that he or she was not adjudicated a delinquent within ten (10) years, the Bureau shall continue processing the application for a license; and

13. If the background check set forth in paragraph 12 of this subsection reveals no records pertaining to the applicant, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within sixty (60) days of the date of receipt of the applicant's completed application and the required information from the sheriff. In all other cases, the Oklahoma State Bureau of Investigation shall either issue a handgun license or deny the application within ninety (90) days of the date of the receipt of the applicant's completed application and the required information from the sheriff. The Bureau shall approve an applicant who appears to be in full compliance with the provisions of the Oklahoma Self-Defense Act, if completion of the federal fingerprint search is the only reason for delay of the issuance of the handgun license to that applicant. Upon receipt of the federal fingerprint search information, if the Bureau receives information which precludes the person from having a handgun license, the Bureau shall revoke the handgun license previously issued to the applicant. The Bureau shall deny a license when the applicant fails to properly complete the application form or application process or is determined not to be eligible as specified by the provisions of Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall approve an application in all other cases. If an application is denied, the Bureau shall notify the applicant in writing of its decision. The notification shall state the grounds for the denial and inform the applicant of the right to an appeal as may be provided by the provisions of the Administrative Procedures Act. All notices of denial shall be mailed by first-class mail to the address of the applicant listed in the application. Within sixty (60) calendar days from the date of mailing a denial of application to an applicant, the applicant shall notify the Bureau in writing of the intent to appeal the decision of denial or the right of the applicant to appeal shall be deemed waived. Any administrative hearing on a denial which may be provided shall be conducted by a hearing examiner appointed by the Bureau. The decision of the hearing examiner shall be a final decision appealable to a district court in accordance with the Administrative Procedures Act. When an application is approved, the Bureau shall issue the license and shall mail the license by first-class mail to the address of the applicant listed in the application.

B. Nothing contained in any provision of the Oklahoma Self-

Defense Act shall be construed to require or authorize the registration, documentation or providing of serial numbers with regard to any firearm. For purposes of the Oklahoma Self-Defense Act, the sheriff may designate a person to receive, fingerprint, photograph or otherwise process applications for handgun licenses. Added by Laws 1995, c. 272, § 12, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 14, emerg. eff. May 16, 1996; Laws 1998, c. 286, § 4, eff. July 1, 1998; Laws 1999, c. 415, § 3, eff. July 1, 1999; Laws 2000, c. 382, § 6, eff. July 1, 2000; Laws 2001, c. 396, § 8, eff. July 1, 2001; Laws 2004, c. 549, § 3, eff. July 1, 2004; Laws 2010, c. 162, § 1, eff. Nov. 1, 2010; Laws 2012, c. 259, § 32, eff. Nov. 1, 2012; Laws 2013, c. 366, § 5, eff. Nov. 1, 2013; Laws 2014, c. 11, § 2, eff. Nov. 1, 2014; Laws 2015, c. 207, § 1, emerg. eff. May 1, 2015.

§21-1290.13. Automatic listing of licenses.

AUTOMATIC LISTING OF LICENSES

The Oklahoma State Bureau of Investigation shall maintain an automated listing of all persons issued a handgun license in this state pursuant to the provisions of the Oklahoma Self-Defense Act and all subsequent suspended or revoked licenses. Information from the automated listing shall only be available to a law enforcement officer or law enforcement agency upon request for law enforcement purposes. The Bureau shall also maintain for each applicant the original application or a copy of the original application form and any subsequent renewal application forms together with the photographs, fingerprints and other pertinent information on the applicant which shall be confidential, except to law enforcement officers or law enforcement agencies in the performance of their duties. The Bureau may release a copy of fingerprints of a deceased applicant maintained by the Bureau due to an application for a handgun license pursuant to the Oklahoma Self-Defense Act. Provided, however, the Bureau may release a copy of fingerprints of a deceased applicant only to an immediate family member upon written request. Such request shall be accompanied by a payment of Fifteen Dollars ($15.00), which shall be deposited into the OSBI Revolving Fund. For purposes of this section, "immediate family member" shall mean the spouse, a child by birth or adoption, a stepchild, a parent by birth or adoption, a stepparent, a grandparent, a grandchild, a sibling, a stepsibling or the spouse of any immediate family member. To facilitate the Bureau's administration of the Oklahoma Self-Defense Act, all licensees shall maintain a current mailing address where the licensee may receive certified mail. The licensee shall within thirty (30) days of a change of name or address inform the Bureau of such change.

Added by Laws 1995, c. 272, § 13, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 15, emerg. eff. May 16, 1996; Laws 2001, c.

396, § 9, eff. July 1, 2001; Laws 2012, c. 259, § 33, eff. Nov. 1, 2012; Laws 2014, c. 161, § 1, eff. Nov. 1, 2014.

§21-1290.14. Safety and training course.

SAFETY AND TRAINING COURSE

A. Each applicant for a license to carry a concealed or unconcealed handgun pursuant to the Oklahoma Self-Defense Act must successfully complete a firearms safety and training course in this state conducted by a registered and approved firearms instructor as provided by the provisions of this section or from an interactive online firearms safety and training course available electronically via the Internet approved and certified by the Council on Law Enforcement Education and Training. The applicant must further demonstrate competence and qualification with an authorized pistol of the type or types that the applicant desires to carry as a concealed or unconcealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act, except certain persons may be exempt from such training requirement as provided by the provisions of Section 1290.15 of this title.

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for approving firearms instructors and interactive online firearms safety and training courses available electronically via the Internet for purposes of training and qualifying individuals for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act. Prior to submitting an application for CLEET approval as a firearms instructor, applicants shall attend a firearms instructor school, meeting the following minimum requirements:

1. Firearms instructor training conducted by one of the following entities:
   a. Council on Law Enforcement Education and Training,
   b. National Rifle Association,
   c. Oklahoma Rifle Association,
   d. federal law enforcement agencies, or
   e. other professionally recognized organizations;
2. The course shall be at least sixteen (16) hours in length;
3. Upon completion of the course, the applicant shall be qualified to provide instruction on revolvers, semiautomatic pistols, or both; and
4. Receive a course completion certificate.

All firearms instructors shall be required to meet the eligibility requirements for a handgun license as provided in Sections 1290.9, 1290.10, and 1290.11 of this title and the application shall be processed as provided for applicants in Section 1290.12 of this title, including the state and national criminal history records search and fingerprint search. A firearms instructor shall be required to pay a fee of One Hundred Dollars

($100.00) to the Council on Law Enforcement Education and Training (CLEET) each time the person makes application for CLEET approval as a firearms instructor pursuant to the provisions of the Oklahoma Self-Defense Act. The fee shall be retained by CLEET and shall be deposited into the Firearms Instructors Revolving Fund. CLEET shall promulgate the rules, forms and procedures necessary to implement the approval of firearms instructors as authorized by the provisions of this subsection. CLEET shall periodically review each approved instructor during a training and qualification course to assure compliance with the rules and course contents. Any violation of the rules may result in the revocation or suspension of CLEET and Oklahoma State Bureau of Investigation approval. Unless the approval has been revoked or suspended, a firearms instructor's CLEET approval shall be for a term of five (5) years. Beginning on July 1, 2003, any firearms instructor who has been issued a four-year CLEET approval shall not be eligible for the five-year approval until the expiration of the approval previously issued. CLEET shall be responsible for notifying all approved firearms instructors of statutory and policy changes related to the Oklahoma Self-Defense Act. A firearms instructor shall not be required to submit his or her fingerprints for a fingerprint search when renewing a firearms instructor's CLEET approval.

C. 1. All firearms instructors approved by CLEET to train and qualify individuals for a handgun license shall be required to apply for registration with the Oklahoma State Bureau of Investigation after receiving CLEET approval. All firearms instructors teaching the approved course for a handgun license must display their registration certificate during each training and qualification course. Each approved firearms instructor shall complete a registration form provided by the Bureau and shall have the option to pay a registration fee of either One Hundred Dollars ($100.00) for a five-year registration certificate or Two Hundred Dollars ($200.00) for a ten-year registration certificate to the Bureau at the time of each application for registration, except as provided in paragraph 2 of this subsection. Registration certificates issued by the Bureau shall be valid for a period of five (5) years or ten (10) years from the date of issuance. The Bureau shall issue a five-year or ten-year handgun license to an approved firearms instructor at the time of issuance of a registration certificate and no additional fee shall be required or charged. The Bureau shall maintain a current listing of all registered firearms instructors in this state. Nothing in this paragraph shall be construed to eliminate the requirement for registration and training with CLEET as provided in subsection B of this section. Failure to register or be trained as required shall result in a revocation or suspension of the instructor certificate by the Bureau.

2. On or after July 1, 2003, the registered instructors listed

in subparagraphs a and b of this paragraph shall not be required to renew the firearms instructor registration certificate with the Oklahoma State Bureau of Investigation at the expiration of the registration term, provided the instructor is not subject to any suspension or revocation of the firearms instructor certificate. The firearms instructor registration with the Oklahoma State Bureau of Investigation shall automatically renew together with the handgun license authorized in paragraph 1 of this subsection for an additional five-year term and no additional cost or fee may be charged for the following individuals:

a. an active duty law enforcement officer of this state or any of its political subdivisions or of the federal government who has a valid CLEET approval as a firearms instructor pursuant to the Oklahoma Self-Defense Act, and

b. a retired law enforcement officer authorized to carry a firearm pursuant to Section 1289.8 of this title who has a valid CLEET approval as a firearms instructor pursuant to the Oklahoma Self-Defense Act.

D. The Oklahoma State Bureau of Investigation shall approve registration for a firearms instructor applicant who is in full compliance with CLEET rules regarding firearms instructors and the provisions of subsection B of this section, if completion of the federal fingerprint search is the only reason for delay of registration of that firearms instructor applicant. Upon receipt of the federal fingerprint search information, if the Bureau receives information which precludes the person from having a handgun license, the Bureau shall revoke both the registration and the handgun license previously issued to the firearms instructor.

E. The required firearms safety and training course and the actual demonstration of competency and qualification required of the applicant shall be designed and conducted in such a manner that the course can be reasonably completed by the applicant within an eight-hour period. CLEET shall establish the course content and promulgate rules, procedures and forms necessary to implement the provisions of this subsection. For the training and qualification course, an applicant may be charged a fee which shall be determined by the instructor or entity that is conducting the course. The maximum class size shall be determined by the instructor conducting the course; provided, however, practice shooting sessions shall not have more than ten participating students at one time. CLEET may establish criteria for assistant instructors and any other requirements deemed necessary to conduct a safe and effective training and qualification course. The course content shall include a safety inspection of the firearm to be used by the applicant in the training course; instruction on pistol handling, safety and storage; dynamics of ammunition and firing; methods or positions for

firing a pistol; information about the criminal provisions of the Oklahoma law relating to firearms; the requirements of the Oklahoma Self-Defense Act as it relates to the applicant; self-defense and the use of appropriate force; a practice shooting session; and a familiarization course. The firearms instructor shall refuse to train or qualify any person when the pistol to be used or carried by the person is either deemed unsafe or unfit for firing or is a weapon not authorized by the Oklahoma Self-Defense Act. The course shall provide an opportunity for the applicant to qualify himself or herself on either a derringer, a revolver, a semiautomatic pistol or any combination of a derringer, a revolver and a semiautomatic pistol, provided no pistol shall be capable of firing larger than .45 caliber ammunition. Any applicant who successfully trains and qualifies himself or herself with a semiautomatic pistol may be approved by the firearms instructor on the training certificate for a semiautomatic pistol, a revolver and a derringer upon request of the applicant. Any person who qualifies on a derringer or revolver shall not be eligible for a semiautomatic rating until the person has demonstrated competence and qualifications on a semiautomatic pistol. Upon successful completion of the training and qualification course, a certificate of training and a certificate of competency and qualification shall be issued to each applicant who successfully completes the course. The certificate of training and certificate of competency and qualification shall comply with the forms established by CLEET and shall be submitted with an application for a handgun license pursuant to the provisions of paragraph 2 of subsection A of Section 1290.12 of this title. The certificate of training and certificate of competency and qualification issued to an applicant shall be valid for a period of three (3) years.

F. There is hereby created a revolving fund for the Council on Law Enforcement Education and Training (CLEET), to be designated the "Firearms Instructors Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds received for approval of firearms instructors for purposes of the Oklahoma Self-Defense Act. All funds received shall be deposited to the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Council on Law Enforcement Education and Training, for implementation of the training and qualification course contents, approval of firearms instructors and any other CLEET requirement pursuant to the provisions of the Oklahoma Self-Defense Act or as may otherwise be deemed appropriate by CLEET. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

G. Firearms instructors shall keep on file for a period of not less than three (3) years a roster of each training class, the safety test score of each individual, the caliber and type of weapon each individual used when qualifying and whether or not each individual successfully completed the training course. Firearms instructors shall be authorized to destroy all training documents and records upon expiration of the three-year time period.
Added by Laws 1995, c. 272, § 14, eff. Sept. 1, 1995. Amended by Laws 1996, c. 1, § 1, emerg. eff. Feb. 22, 1996; Laws 1996, c. 191, § 16, emerg. eff. May 16, 1996; Laws 1998, c. 286, § 5, eff. July 1, 1998; Laws 2000, c. 382, § 1, eff. July 1, 2000; Laws 2003, c. 465, § 8, eff. July 1, 2003; Laws 2004, c. 549, § 4, eff. July 1, 2004; Laws 2005, c. 455, § 1, eff. Nov. 1, 2005; Laws 2012, c. 259, § 34, eff. Nov. 1, 2012; Laws 2013, c. 15, § 16, emerg. eff. April 8, 2013; Laws 2013, c. 86, § 1, eff. Nov. 1, 2013; Laws 2014, c. 4, § 3, emerg. eff. April 2, 2014; Laws 2014, c. 123, § 1, eff. Nov. 1, 2014; Laws 2015, c. 207, § 2, emerg. eff. May 1, 2015.
NOTE: Laws 2012, c. 304, § 91 repealed by Laws 2013, c. 15, § 17, emerg. eff. April 8, 2013. Laws 2013, c. 139, § 1 repealed by Laws 2014, c. 4, § 4, emerg. eff. April 2, 2014.

§21-1290.15. Persons exempt from training course.

PERSONS EXEMPT FROM TRAINING COURSE

A. The following individuals may be exempt from all or part of the required training and qualification course established pursuant to the provisions of Section 1290.14 of this title:

1. A firearms instructor registered with the Oklahoma State Bureau of Investigation for purposes of the Oklahoma Self-Defense Act;

2. An active duty law enforcement officer of this state or any of its political subdivisions or of the federal government;

3. A retired law enforcement officer authorized by this state pursuant to Section 1289.8 of this title to carry a firearm;

4. A CLEET-certified armed security officer, armed guard, correctional officer, or any other person having a CLEET certification to carry a firearm in the course of their employment;

5. A person on active military duty, National Guard duty or regular military reserve duty who is a legal resident of this state and who is trained and qualified in the use of handguns;

6. A person honorably discharged from active military duty, National Guard duty or military reserves within twenty (20) years preceding the date of the application for a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, who is a legal resident of this state, and who has been trained and qualified in the use of handguns;

7. A person retired as a peace officer in good standing from a law enforcement agency located in another state, who is a legal

resident of this state, and who has received training equivalent to the training required for CLEET certification in this state; and

8. Any person who is otherwise deemed qualified for a training exemption by CLEET.

Provided, however, persons applying for an exemption pursuant to paragraph 3, 4, 5, 6 or 7 of this subsection may be required to successfully complete the classroom portion of the training course. The fee for the classroom portion of the training course shall be determined by the instructor or entity that is conducting the course.

B. The Council on Law Enforcement Education and Training (CLEET) shall establish criteria for providing proof of an exemption. Before any person shall be considered exempt from all or part of the required training and qualification pursuant to the provisions of the Oklahoma Self-Defense Act, the person shall present the required proof of exemption to a registered firearms instructor. Each person determined to be exempt from training or qualification as provided in this subsection shall receive an exemption certificate from the registered firearms instructor. The rules promulgated by CLEET to implement the provisions of this section and Section 1290.14 of this title may require that a fee not to exceed Five Dollars ($5.00) be charged for processing an exemption certificate. The original exemption certificate must be submitted with an application for a handgun license as provided in paragraph 2 of Section 1290.12 of this title. No person who is determined to be exempt from training or qualification may carry a concealed or unconcealed firearm pursuant to the authority of the Oklahoma Self-Defense Act until issued a valid handgun license.

C. Nothing contained in any provision of the Oklahoma Self-Defense Act shall be construed to alter, amend, or modify the authority of any active duty law enforcement officer, or any person certified by the Council on Law Enforcement Education and Training to carry a pistol during the course of their employment, to carry any pistol in any manner authorized by law or authorized by the employing agency.

Added by Laws 1995, c. 272, § 15, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 17, emerg. eff. May 16, 1996; Laws 1999, c. 415, § 4, eff. July 1, 1999; Laws 2012, c. 259, § 35, eff. Nov. 1, 2012; Laws 2013, c. 86, § 2, eff. Nov. 1, 2013.

§21-1290.16. Statistical report.

STATISTICAL REPORT

By January 15, 1997, and by January 15 of each year thereafter, the Bureau shall submit a statistical report for the preceding calendar year to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, including, but not limited to, data on the numbers of handgun licenses approved and issued and the numbers of licenses suspended, revoked or denied

in the following categories: age, sex, race, county and any other category deemed relevant by the Bureau.
Added by Laws 1995, c. 272, § 16, eff. Sept. 1, 1995.

§21-1290.17. Suspension and revocation of license.

SUSPENSION AND REVOCATION OF LICENSE

A. The Oklahoma State Bureau of Investigation shall have authority pursuant to the provisions of the Oklahoma Self-Defense Act and any other provision of law to suspend or revoke any handgun license issued pursuant to the provisions of the Oklahoma Self-Defense Act. A person whose license has been suspended or revoked or against whom a fine has been assessed shall be entitled to an appeal through a hearing in accordance with the Administrative Procedures Act. Any administrative hearing on suspensions, revocations or fines shall be conducted by a hearing examiner appointed by the Bureau. The hearing examiner's decision shall be a final decision appealable to a district court in accordance with the Administrative Procedures Act. After a handgun license has been issued, the discovery of or the occurrence of any condition which directly affects a person's eligibility for a handgun license as provided by the provisions of Section 1290.9 or 1290.10 of this title shall require a revocation of the license by the Bureau. The discovery of or the occurrence of any condition pursuant to Section 1290.11 of this title, after a license has been issued, shall cause a suspension of the handgun license for a period of time as prescribed for the condition. Any provision of law that requires a revocation of a handgun license upon a conviction shall cause the Bureau to suspend the handgun license upon the discovery of the arrest of the person for such offense until a determination of the criminal case at which time the Bureau shall proceed with the appropriate administrative action. A licensee may voluntarily surrender a license to the Oklahoma State Bureau of Investigation at any time. Such surrender of a handgun license will render the license invalid. Nothing in this section may be interpreted to prevent a subsequent new application for a license. The licensee shall be informed and acknowledge in writing as follows:

1. The licensee understands that the voluntary surrender of the license will not be deemed a suspension or revocation by the Bureau;

2. A voluntary surrender of a license will not be reviewable by a hearing examiner or subject to judicial review under the Administrative Procedures Act; and

3. By surrendering the license, the licensee shall forfeit all fees paid to date.

B. Any handgun license which is subsequently suspended or revoked shall be immediately returned to the Oklahoma State Bureau of Investigation upon notification. Any person refusing or failing to return a license after notification of its suspension or

revocation shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not exceeding Five Hundred Dollars ($500.00), by imprisonment in the county jail for not exceeding six (6) months, or by both such fine and imprisonment. In addition, the person shall be subject to an administrative fine of Five Hundred Dollars ($500.00), upon a hearing and determination by the Bureau that the person is in violation of the provisions of this subsection.

C. Any law enforcement officer of this state shall confiscate a handgun license in the possession of any person and return it to the Oklahoma State Bureau of Investigation for appropriate administrative proceedings against the licensee when the license is no longer needed as evidence in any criminal proceeding, as follows:

1. Upon the arrest of the person for any felony offense;

2. Upon the arrest of the person for any misdemeanor offense enumerated as a preclusion to a handgun license;

3. For any violation of the provisions of the Oklahoma Self-Defense Act;

4. When the officer has been called to assist or is investigating any situation which would be a preclusion to having a handgun license; or

5. As provided in subsection D of Section 1290.8 of this title.

D. Any administrative fine assessed in accordance with the provisions of the Oklahoma Self-Defense Act shall be paid in full within thirty (30) days of assessment. The Oklahoma State Bureau of Investigation shall, without a hearing, suspend the handgun license of any person who fails to pay in full any administrative fine assessed against the person in accordance with the provisions of this subsection. The suspension of any handgun license shall be automatic and shall begin thirty (30) days from the date of the assessment of the administrative fine. The suspension shall be removed and the handgun license returned to its prior standing upon payment of the administrative fine being paid in full to the Bureau.

E. Whenever a handgun license has been suspended in accordance with the provisions of this act or the administrative rules of the Bureau promulgated for purposes of this act, the license shall remain under suspension and shall not be reinstated until:

1. The person whose license has been suspended applies for reinstatement in accordance with the administrative rules of the Bureau. The Bureau shall not charge any fee in conjunction with an application for a license reinstatement. The person whose license has been suspended must demonstrate that the condition or preclusion which was the basis for the suspension has lapsed and is no longer in effect; and

2. Any and all administrative fines assessed against the person have been paid in full.

In the event a handgun license expires during the term of the suspension, the person shall be required to apply for renewal of the

license in accordance with Section 1290.5 of this title.
Added by Laws 1995, c. 272, § 17, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 18, emerg. eff. May 16, 1996; Laws 1997, c. 358, § 4, emerg. eff. June 9, 1997; Laws 1998, c. 286, § 6, eff. July 1, 1998; Laws 1999, c. 415, § 5, eff. July 1, 1999; Laws 2012, c. 259, § 36, eff. Nov. 1, 2012.

§21-1290.18. Application form contents.

APPLICATION FORM CONTENTS

The application shall be completed upon the sworn oath of the applicant as provided in paragraph 5 of Section 1290.12 of this title. The application form shall be provided by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. Applicant's full legal name;
2. Applicant's birth name, alias names or nicknames;
3. Maiden name, if applicable;
4. County of residence;
5. Length of residency at the current address;
6. Previous addresses for the preceding three (3) years;
7. Place of birth;
8. Date of birth;
9. Declaration of citizenship and date United States citizenship was acquired, if applicable;
10. Race;
11. Weight;
12. Height;
13. Sex;
14. Color of eyes;
15. Current driver license number;
16. Military service number, if applicable;
17. Law enforcement identification numbers, if applicable;
18. Current occupation;
19. Authorized type or types of pistol for which the applicant qualified as stated on the certificate of training or exemption of training which shall be stated as either derringer, revolver, semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol and the maximum ammunition capacity of the firearm shall be .45 caliber;
20. An acknowledgment that the applicant desires a handgun license as a means of lawful self-defense and self-protection and for no other intent or purpose;
21. A statement that the applicant has never been convicted of any felony offense in this state, another state or pursuant to any federal offense;
22. A statement that the applicant has none of the conditions which would preclude the issuing of a handgun license pursuant to

any of the provisions of Sections 1290.10 and 1290.11 of this title and that the applicant further meets all of the eligibility criteria required by Section 1290.9 of this title;

23. An authorization for the Oklahoma State Bureau of Investigation to investigate the applicant and any or all records relating to the applicant for purposes of approving or denying a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act;

24. An acknowledgment that the applicant has been furnished a copy of the Oklahoma Self-Defense Act and is knowledgeable about its provisions;

25. A statement that the applicant is the identical person who completed the firearms training course for which the original training certificate is submitted as part of the application or a statement that the applicant is the identical person who is exempt from firearms training for which the original exemption certificate is submitted as part of the application, whichever is applicable to the applicant;

26. A conspicuous warning that the application is executed upon the sworn oath of the applicant and that any false or misleading answer to any question or the submission of any false information or documentation by the applicant is punishable by criminal penalty as provided in paragraph 5 of Section 1290.12 of this title;

27. A signed verification that the contents of the application are known to the applicant and are true and correct;

28. Two separate places for the original signature of the applicant;

29. A place for attachment of a passport size photograph of the applicant; and

30. A place for the signature and verification of the identity of the applicant by the sheriff or the sheriff's designee.

Information provided by the person on an application for a handgun license shall be confidential except to law enforcement officers or law enforcement agencies.

Added by Laws 1995, c. 272, § 18, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 37, eff. Nov. 1, 2012; Laws 2015, c. 200, § 1, eff. Nov. 1, 2015.

§21-1290.19. License form.

LICENSE FORM

The handgun license shall be on a form prescribed by the Oklahoma State Bureau of Investigation and shall contain the following information in addition to any other information deemed relevant by the Bureau:

1. The full name of the person;
2. Current address;
3. County of residence;

4. Date of birth;
5. Weight;
6. Height;
7. Sex;
8. Race;
9. Color of eyes;
10. Handgun license identification number;
11. Expiration date of the handgun license; and
12. Authorized pistol to be either: (D) derringer, (R) revolver, (S) semiautomatic pistol, or some combination of derringer, revolver and semiautomatic pistol as may be authorized by the Oklahoma Self-Defense Act for which the person demonstrated qualification pursuant to the certificate of training or an exemption certificate.

Added by Laws 1995, c. 272, § 19, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 38, eff. Nov. 1, 2012.

§21-1290.20. Penalty for refusal to submit or falsification.

PENALTY FOR REFUSAL TO SUBMIT OR FALSIFICATION

It shall be unlawful for any sheriff or designee to fail or refuse to accept an application for a handgun license as authorized by the provisions of the Oklahoma Self-Defense Act or to fail or refuse to process or submit the completed application to the Oklahoma State Bureau of Investigation within the time prescribed by paragraph 8 of Section 1290.12 of this title, or to falsify or knowingly allow any person to falsify any information, documentation, fingerprint or photograph submitted with a handgun application. Any violation shall, upon conviction, be a misdemeanor. There is a presumption that the sheriff has acted in good faith to comply with the provisions of the Oklahoma Self-Defense Act and any alleged violation of the provisions of this section shall require proof beyond a reasonable doubt.

Added by Laws 1995, c. 272, § 20, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 39, eff. Nov. 1, 2012.

§21-1290.21. Replacement license.

REPLACEMENT LICENSE

A. In the event a handgun license becomes missing, lost, stolen or destroyed, the license shall be invalid, and the person to whom the license was issued shall notify the Oklahoma State Bureau of Investigation within thirty (30) days of the discovery of the fact that the license is not in the possession of the licensee. The person may obtain a substitute license upon furnishing a notarized statement to the Bureau that the license is missing, lost, stolen or destroyed and paying a fifteen-dollar replacement fee. During any period when a license is missing, lost, stolen or destroyed, the person shall have no authority to carry a concealed or unconcealed

handgun pursuant to the provisions of the Oklahoma Self-Defense Act. The Bureau shall, upon receipt of the notarized statement and fee from the licensee, issue a substitute license with the same expiration date within ten (10) days of the receipt of the notarized statement and fee.

B. Any person who knowingly or intentionally carries a concealed or unconcealed handgun pursuant to a handgun license authorized and issued pursuant to the provisions of the Oklahoma Self-Defense Act which is stolen shall, upon conviction, be guilty of a felony punishable by a fine of Five Thousand Dollars ($5,000.00).

C. Any person having a valid handgun license pursuant to the Oklahoma Self-Defense Act may carry any make or model of an authorized pistol listed on the license, provided the type of pistol shall not be other than the type or types listed on the license. A person may complete additional firearms training for an additional type of pistol during any license period and upon successful completion of the training may request the additional type of pistol be included on the license. The person shall submit to the Bureau a fifteen-dollar replacement fee, the original certificate of training and qualification for the additional type of firearm, and a statement requesting the license be updated to include the additional type of pistol. The Bureau shall issue an updated license with the same expiration date within ten (10) days of the receipt of the request. The person shall have no authority to carry any additional type of pistol pursuant to the provisions of the Oklahoma Self-Defense Act until the updated license has been received by the licensee. The original license shall be destroyed upon receipt of an updated handgun license.

D. A person may request during any license period an update for a change of address or change of name by submitting to the Bureau a fifteen-dollar replacement fee, and a notarized statement that the address or name of the licensee has changed. The Bureau shall issue an updated license with the same expiration date within ten (10) days of receipt of the request. The original license shall be destroyed upon the receipt of the updated handgun license.

Added by Laws 1995, c. 272, § 21, eff. Sept. 1, 1995. Amended by Laws 1997, c. 133, § 335, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 229, eff. July 1, 1999; Laws 2012, c. 259, § 40, eff. Nov. 1, 2012; Laws 2013, c. 366, § 6, eff. Nov. 1, 2013.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 335 from July 1, 1998, to July 1, 1999.

§21-1290.22. Business owner's rights.

BUSINESS OWNER'S RIGHTS

A. Except as provided in subsections B, C and D of this section, nothing contained in any provision of the Oklahoma Self-

Defense Act shall be construed to limit, restrict or prohibit in any manner the existing rights of any person, property owner, tenant, employer, place of worship or business entity to control the possession of weapons on any property owned or controlled by the person or business entity.

B. No person, property owner, tenant, employer, holder of an event permit, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person, except a convicted felon, from transporting and storing firearms in a locked vehicle on any property set aside for any vehicle.

C. A property owner, tenant, employer, place of worship or business entity may prohibit any person from carrying a concealed or unconcealed firearm on the property. If the building or property is open to the public, the property owner, tenant, employer, place of worship or business entity shall post signs on or about the property stating such prohibition.

D. No person, property owner, tenant, employer, holder of an event permit, place of worship or business entity shall be permitted to establish any policy or rule that has the effect of prohibiting any person from carrying a concealed or unconcealed firearm on property within the specific exclusion provided for in paragraph 4 of subsection B of Section 1277 of this title; provided that carrying a concealed or unconcealed firearm may be prohibited in the following places:

1. The portion of a public property structure or building during an event authorized by the city, town, county, state or federal governmental authority owning or controlling such building or structure;

2. Any public property sports field, including any adjacent seating or adjacent area set aside for viewing a sporting event, where an elementary or secondary school, collegiate, or professional sporting event or an International Olympic Committee or organization or any committee subordinate to the International Olympic Committee event is being held;

3. The fairgrounds during the Oklahoma State Fair or the Tulsa State Fair; and

4. The portion of a public property structure or building that is leased or under contract to a business or not-for-profit entity or group for offices.

E. The carrying of a concealed or unconcealed firearm by a person who has been issued a handgun license on property that has signs prohibiting the carrying of firearms shall not be deemed a criminal act but may subject the person to being denied entrance onto the property or removed from the property. If the person refuses to leave the property and a peace officer is summoned, the person may be issued a citation for an amount not to exceed Two

Hundred Fifty Dollars ($250.00).

F. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does or does not prohibit any individual except a convicted felon from carrying a loaded or unloaded, concealed or unconcealed weapon on property that the person, property owner, tenant, employer, holder of an event permit, place of worship or business entity owns, or has legal control of, is immune from any liability arising from that decision. Except for acts of gross negligence or willful or wanton misconduct, an employer who does or does not prohibit their employees from carrying a concealed or unconcealed weapon is immune from any liability arising from that decision. A person, property owner, tenant, employer, holder of an event permit, place of worship or business entity that does not prohibit persons from carrying a concealed or unconcealed weapon pursuant to subsection D of this section shall be immune from any liability arising from the carrying of a concealed or unconcealed weapon on the property. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

G. It shall not be considered part of an employee's job description or within the employee's scope of employment if an employee is allowed to carry or discharge a weapon pursuant to this section.

H. Nothing in subsections F and G shall prevent an employer, employee or person who has suffered loss resulting from the discharge of a weapon to seek redress or damages of the person who discharged the weapon or used the weapon outside the provisions of the Oklahoma Self-Defense Act.

Added by Laws 1995, c. 272, § 22, eff. Sept. 1, 1995. Amended by Laws 1996, c. 191, § 19, emerg. eff. May 16, 1996; Laws 2004, c. 39, § 2, eff. Nov. 1, 2004; Laws 2013, c. 366, § 7, eff. Nov. 1, 2013; Laws 2016, c. 18, § 2, eff. Nov. 1, 2016.

§21-1290.23. Deposit of fees by OSBI.

DEPOSIT OF FEES BY OSBI

All money submitted by the sheriffs to the Oklahoma State Bureau of Investigation as processing fees for applications submitted for handgun licenses shall be deposited in the Oklahoma State Bureau of Investigation Revolving Fund and shall be expended for purposes of implementing the provisions of the Oklahoma Self-Defense act or as otherwise provided by law.

Added by Laws 1995, c. 272, § 23, eff. Sept. 1, 1995. Amended by Laws 2012, c. 259, § 41, eff. Nov. 1, 2012.

§21-1290.24. Immunity.

IMMUNITY

A. The state or any political subdivision of the state as

defined in Section 152 of Title 51 of the Oklahoma Statutes, and its officers, agents and employees shall be immune from liability resulting or arising from:

1. Failure to prevent the licensing of an individual for whom the receipt of the license is unlawful pursuant to the provisions of the Oklahoma Self-Defense Act or any other provision of law of this state;

2. Any action or misconduct with a pistol committed by a person to whom a license to carry a concealed or unconcealed handgun has been issued pursuant to the provisions of the Oklahoma Self-Defense Act or by any person who obtains a pistol from a licensee;

3. Any injury to any person during a handgun training course conducted by a firearms instructor certified by the Council on Law Enforcement Education and Training to conduct training under the Oklahoma Self-Defense Act, or injury from any misfire or malfunction of any handgun on a training course firing range supervised by a certified firearms instructor under the provisions of the Oklahoma Self-Defense Act, or any injury resulting from carrying a concealed or unconcealed handgun pursuant to a handgun license; and

4. Any action or finding pursuant to a hearing conducted in accordance with the Administrative Procedures Act as required in the Oklahoma Self-Defense Act.

B. Firearms instructors certified by the Council on Law Enforcement Education and Training to conduct training for the Oklahoma Self-Defense Act shall be immune from liability to third persons resulting or arising from any claim based on an act or omission of a trainee.

C. The provisions of this subsection shall not apply to claims pursuant to the Administrative Workers' Compensation Act.

Added by Laws 1995, c. 272, § 24, eff. Sept. 1, 1995. Amended by Laws 1999, c. 415, § 6, eff. July 1, 1999; Laws 2000, c. 382, § 7, eff. July 1, 2000; Laws 2012, c. 259, § 42, eff. Nov. 1, 2012; Laws 2016, c. 18, § 3, eff. Nov. 1, 2016.

§21-1290.25. Legislative intent.

LEGISLATIVE INTENT

The Legislature finds as a matter of public policy and fact that it is necessary to provide statewide uniform standards for issuing licenses to carry concealed or unconcealed handguns for lawful self-defense and self-protection, and further finds it necessary to occupy the field of regulation of the bearing of concealed or unconcealed handguns to ensure that no honest, law-abiding citizen who qualifies pursuant to the provisions of the Oklahoma Self-Defense Act is subjectively or arbitrarily denied his or her rights. The Legislature does not delegate to the Oklahoma State Bureau of Investigation any authority to regulate or restrict the issuing of handgun licenses except as provided by the provisions of this act.

Subjective or arbitrary actions or rules which encumber the issuing process by placing burdens on the applicant beyond those requirements detailed in the provisions of the Oklahoma Self-Defense Act or which create restrictions beyond those specified in this act are deemed to be in conflict with the intent of this act and are hereby prohibited. The Oklahoma Self-Defense Act shall be liberally construed to carry out the constitutional right to bear arms for self-defense and self-protection. The provisions of the Oklahoma Self-Defense Act are cumulative to existing rights to bear arms and nothing in the Oklahoma Self-Defense Act shall impair or diminish those rights.

However, the conditions that mandate the administrative actions of license denial, suspension, revocation or an administrative fine are intended to protect the health, safety and public welfare of the citizens of this state. The restricting conditions specified in the Oklahoma Self-Defense Act generally involve the criminal history, mental state, alcohol or substance abuse of the applicant or licensee, a hazard of domestic violence, a danger to police officers, or the ability of the Oklahoma State Bureau of Investigation to properly administer the Oklahoma Self-Defense Act. The restricting conditions that establish a risk of injury or harm to the public are tailored to reduce the risks to the benefit of the citizens of this state.

Added by Laws 1995, c. 272, § 25, eff. Sept. 1, 1995. Amended by Laws 2000, c. 382, § 8, eff. July 1, 2000; Laws 2012, c. 259, § 43, eff. Nov. 1, 2012.

§21-1290.26. Reciprocal agreement authority.

RECIPROCAL AGREEMENT AUTHORITY

The State of Oklahoma hereby recognizes any valid concealed or unconcealed carry weapons permit or license issued by another state, or if the state is a nonpermitting carry state, this state shall reciprocate under the permitting law of that state.

A. Any person entering this state in possession of a firearm authorized for concealed or unconcealed carry upon the authority and license of another state is authorized to continue to carry a concealed or unconcealed firearm and license in this state; provided the license from the other state remains valid. The firearm must either be carried unconcealed or concealed from detection and view, and upon coming in contact with any peace officer of this state, the person must disclose the fact that he or she is in possession of a concealed or unconcealed firearm pursuant to a valid concealed or unconcealed carry weapons permit or license issued in another state.

B. Any person entering this state in possession of a firearm authorized for concealed carry upon the authority of a state that is a nonpermitted carry state and the person is in compliance with the Oklahoma Self-Defense Act, the person is authorized to carry a

concealed firearm in this state. The firearm must be carried fully concealed from detection and view, and upon coming in contact with any peace officer of this state, the person must disclose the fact that he or she is in possession of a concealed firearm pursuant to the nonpermitting laws of the state in which he or she is a legal resident. The person shall present proper identification by a valid photo ID as proof that he or she is a legal resident in such a non-permitting state. The Department of Public Safety shall keep a current list of non-permitting states for law enforcement officers to confirm that a state is nonpermitting.

C. Any person who is twenty-one (21) years of age or older having a valid firearm license from another state may apply for a handgun license in this state immediately upon establishing a residence in this state.

Added by Laws 1996, c. 191, § 20, emerg. eff. May 16, 1996. Amended by Laws 1998, c. 286, § 7, eff. July 1, 1998; Laws 2003, c. 465, § 9, eff. July 1, 2003; Laws 2012, c. 195, § 1, eff. Nov. 1, 2012; Laws 2013, c. 15, § 18, emerg. eff. April 8, 2013.

NOTE: Laws 2012, c. 259, § 44 repealed by Laws 2013, c. 15, § 19, emerg. eff. April 8, 2013.

§21-1290.27. Notice to Federal Bureau of Investigation and Oklahoma State Bureau of Investigation - Petition to remove disability - Hearing - Scope of relief.

A. When a court adjudicates a person mentally incompetent or orders the involuntary commitment of a person due to a mental illness, condition or disorder under the laws of this state by which a person becomes subject to the provisions of Section 922(d)(4) and (g)(4) of Title 18 of the United States Code, the clerk of the court shall forward a certified copy of the order or adjudication to the Federal Bureau of Investigation or its successor agency for the sole purpose of inclusion in the National Instant Criminal Background Check System database and to the Oklahoma State Bureau of Investigation. The clerk of the court shall also notify the person of the prohibitions contained within the provisions of Section 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3 of Section 1290.10 or paragraph 3 of subsection A of Section 1290.11 of Title 21 of the Oklahoma Statutes.

B. When a court adjudicates a person mentally incompetent or orders the involuntary commitment of a person due to a mental illness, condition or disorder under the laws of this state by which a person becomes subject to the provisions of Section 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3 of Section 1290.10 or paragraph 3 of subsection A of Section 1290.11 of Title 21 of the Oklahoma Statutes, or when a person is otherwise disqualified from eligibility for a handgun license under paragraph 6 or 7 of Section 1290.10 of Title 21 of the Oklahoma Statutes or

paragraph 4 of subsection A of Section 1290.11 of Title 21 of the Oklahoma Statutes, the person may petition the court in which the adjudication or commitment proceedings occurred or the district court of the county in which the person currently resides to remove the disability.

C. On filing of the petition, the court shall set a hearing. Not less than thirty (30) days prior to a hearing on the matter, a copy of the petition for relief shall be served upon the district attorney for that county. The court shall receive and consider evidence in a closed hearing.

D. The court shall receive evidence on and consider the following before granting or denying the petition:

1. Psychological or psychiatric evidence from the petitioner and in support of the petition;

2. The circumstances that resulted in the firearm disabilities;

3. The petitioner's criminal history records provided by the state, if any;

4. The petitioner's mental health records;

5. The reputation of the petitioner based on character witness statements, testimony or other character evidence;

6. Whether the petitioner is a danger to self or others;

7. Changes in the condition or circumstances of the petitioner since the original adjudication of mental incompetency or involuntary commitment for a mental illness, condition or disorder relevant to the relief sought; and

8. Any other evidence deemed admissible by the court.

E. The court shall grant the relief requested if the petitioner proves by clear and convincing evidence that:

1. The petitioner is not likely to act in a manner that is dangerous to the public safety; and

2. Granting the relief requested is not contrary to the public interest.

F. At the conclusion of the hearing, the court shall issue findings of fact and conclusions of law. A record shall be kept of the proceedings, but shall remain confidential and be disclosed only to a court or the parties. No records of the proceedings pursuant to this subsection shall be open to public inspection except by order of the court or to a person's attorney of record. The petitioner may appeal a denial of the requested relief, and review on appeal shall be de novo.

G. If the court grants the petition for relief, the original adjudication of mental incompetency or order of involuntary commitment due to a mental illness, condition or disorder of the petitioner is deemed not to have occurred for purposes of applying Section 922(d)(4) and (g)(4) of Title 18 of the United States Code, paragraph 3, 6 or 7 of Section 1290.10, or paragraph 3 or 4 of subsection A of Section 1290.11 of Title 21 of the Oklahoma Statutes.

H. The clerk of the court shall promptly forward to the Federal Bureau of Investigation or its successor agency for the sole purpose of inclusion in the National Instant Criminal Background Check System database and the Department of Mental Health and Substance Abuse Services and the Oklahoma State Bureau of Investigation, a certified copy of the order granting relief under this section. The Department of Mental Health and Substance Abuse Services and the Oklahoma State Bureau of Investigation shall as soon thereafter as is practicable, but in no case later than ten (10) business days, update, correct, modify, or remove the record of the person in any databases that these agencies use or refer to for the purposes of handgun licensing, or make available to the National Instant Criminal Background Check System and notify the United States Attorney that the basis for such record being made available no longer applies.
Added by Laws 2014, c. 259, § 3, eff. July 1, 2015.

§21-1301. Masks and hoods - Unlawful wearing of - Exceptions.

It shall be unlawful for any person in this state to wear a mask, hood or covering, which conceals the identity of the wearer during the commission of a crime or for the purpose of coercion, intimidation or harassment; provided, the provisions of Section 1301 et seq. of this title shall not apply to the pranks of children on Halloween, to those going to, or from, or participating in masquerade parties, to those participating in any public parade or exhibition of an educational, religious or historical character, to those participating in any meeting of any organization within any building or enclosure wholly within and under the control of said organization, and to those participating in the parades or exhibitions of minstrel troupes, circuses or other amusements or dramatic shows. Any person, or persons, violating the provisions of this section, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a period of not exceeding one (1) year, or by both such fine and imprisonment.
Added by Laws 1923-24, c. 2, p. 2, § 1. Amended by Laws 2007, c. 344, § 1, eff. July 1, 2007.

§21-1302. Trespass - Masked person demanding admission to premises.

Any person, masked or in disguise, who shall enter upon the premises of another or demand admission into the house or enclosure of another with intent to inflict bodily injury, or injury to property shall be deemed guilty of assault with intent to commit a felony and such entrance or demand for admission shall be prima facie evidence of such intent, and upon conviction thereof, such person shall be guilty of a felony and shall be punished by a fine

of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.
Added by Laws 1923-24, c. 2, p. 2, § 2. Amended by Laws 1997, c. 133, § 336, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 230, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 336 from July 1, 1998, to July 1, 1999.

§21-1303. Assaults while masked or disguised.

Any person, while masked or in disguise, who shall assault another with a dangerous weapon, or other instrument of punishment, shall be deemed guilty of a felony, and upon conviction thereof shall be punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), and by imprisonment in the State Penitentiary for a term of not less than five (5) years nor more than twenty (20) years.
Added by Laws 1923-24, c. 2, p. 2, § 3. Amended by Laws 1997, c. 133, § 337, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 231, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 337 from July 1, 1998, to July 1, 1999.

§21-1304. Letters - Mailing threatening or intimidating letters.

Any person who shall send, deliver, mail or otherwise transmit to any person, or persons, in this state any letter, document or other written or printed matter, anonymous or otherwise, designed to threaten or intimidate such person or persons, or designed to put him or them in fear of life, bodily harm or the destruction of his or their property, shall be deemed guilty of committing a felony, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), and by imprisonment in the county jail or State Penitentiary for a period of not less than ninety (90) days nor more than one (1) year.
Added by Laws 1923-24, c. 2, p. 3, § 4. Amended by Laws 1997, c. 133, § 338, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 232, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 338 from July 1, 1998, to July 1, 1999.

§21-1305. County Attorney - Sheriff - Duties under act.

It is hereby made the duty of the district attorney and sheriff and peace officers of each county of this state to diligently prosecute any violations of this act; and failure or neglect to diligently prosecute any violations of this act shall be a cause for removal from office, and shall disqualify such officer from holding

any office of profit or trust within the State of Oklahoma, and it shall be the duty of the Attorney General to file information and complaint against any peace officer, district attorney or sheriff who shall fail or neglect to diligently prosecute all violations of this act.
Laws 1923-24, c. 2, p. 3, § 5.

§21-1306. Organizations - Oaths.

No society, association or corporation which, as a part of its constitution, bylaws, ritual or regulations, requires its members to take an oath or obligation in conflict with or repugnant to the provisions of the Constitution of the State of Oklahoma, or the Constitution of the United States, or requires its members to hold their allegiance to some other government, power, person or influence, shall be organized or permitted to exist or function within the State of Oklahoma, and no person who belongs to any such society, association or corporation, and who owes allegiance to any government, king, potentate, power or person other than the Government of the United States, shall be inducted into or hold a public office within the State of Oklahoma. Any society, association, corporation or individual, violating any of the provisions of this section shall be subject to a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00).
Laws 1923-24, c. 2, p. 3, § 6.

§21-1311. Riot defined.

Any use of force or violence, or any threat to use force or violence if accompained by immediate power of execution, by three or more persons acting together and without authority of law, is riot.
R.L.1910, § 2558.

§21-1312. Punishment for riot.

Every person guilty of participating in any riot is punishable as follows:

1. If any murder, maiming, robbery, rape or arson was committed in the course of such riot, such person is punishable in the same manner as a principal in such crime;

2. If the purpose of the riotous assembly was to resist the execution of any statute of this state or of the United States, or to obstruct any public officer of this state or of the United States, in the performance of any legal duty, or in serving or executing any legal process, such person shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years and not less than two (2) years;

3. If such person carried at the time of such riot any species of firearms, or other deadly or dangerous weapon, or was disguised,

such person shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years and not less than two (2) years;

4. If such person directed, advised, encouraged or solicited other persons, who participated in the riot to acts of force or violence, such person shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding twenty (20) years and not less than two (2) years;

5. In all other cases such person is punishable as for a misdemeanor.

R.L. 1910, § 2559. Amended by Laws 1997, c. 133, § 339, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 233, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 339 from July 1, 1998, to July 1, 1999.

§21-1313. Rout defined.

Whenever three or more persons, acting together, make any attempt to do any act toward the commission of an act which would be riot if actually committed, such assembly is a rout.
R.L.1910, § 2560.

§21-1314. Unlawful assembly defined.

Wherever three or more persons assemble with intent or with means and preparations to do an unlawful act which would be riot if actually committed, but do not act toward the commission thereof, or whenever such persons assemble without authority of law, and in such a manner as is adapted to disturb the public peace, or excite public alarm, such assembly is an unlawful assembly.
R.L.1910, § 2561.

§21-1315. Punishment for rout or unlawful assembly.

Every person who participates in any rout or unlawful assembly is guilty of a misdemeanor.
R.L.1910, § 2562.

§21-1316. Warning to disperse, remaining after.

Every person remaining present at the place of any riot, rout or unlawful assembly after the same has been lawfully warned to disperse, except public officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.
R.L.1910, § 2563.

§21-1317. Presence after unlawful purpose becomes known.

Where three or more persons assemble for a lawful purpose and afterwards proceed to commit an act that would amount to riot if it had been the original purpose of the meeting, every person who does not retire when the change of purpose is made known, except public

officers and persons assisting them in attempting to disperse the same, is guilty of a misdemeanor.
R.L.1910, § 2564.

§21-1318. One refusing to aid in arrest deemed rioter.
Every person present at any riot, and lawfully commanded to aid the magistrate or officers in arresting any rioter, who neglects or refuses to obey such command, is deemed one of the rioters, and punishable accordingly.
R.L.1910, § 2565.

§21-1319. Combination to resist process.
Every person who resists, or enters into a combination with any other person to resist the execution of any legal process, under circumstances not amounting to a riot, is punishable by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.
R.L.1910, § 2566.

§21-1320.1. Riot.
For the purposes of this Act, "riot" means that crime defined in 21 Oklahoma Statutes, Section 1311.
Laws 1969, c. 89, § 1, emerg. eff. March 25, 1969.

§21-1320.2. Incitement to riot.
It shall be unlawful and shall constitute incitement to riot for a person or persons, intending to cause, aid, or abet the institution or maintenance of a riot, to do an act or engage in conduct that urges other persons to commit acts of unlawful force or violence, or the unlawful burning or destroying of property, or the unlawful interference with a police officer, peace officer, fireman or a member of the Oklahoma National Guard or any unit of the armed services officially assigned to riot duty in the lawful performance of his duty.
Laws 1969, c. 89, § 2, emerg. eff. March 25, 1969.

§21-1320.3. Unlawful assembly.
It shall be unlawful and shall constitute an unlawful assembly for a person to assemble or act in concert with four (4) or more persons for the purpose of engaging in conduct constituting the crime of riot, or to remain at the scene of a riot after being instructed to disperse by law authorities.
Laws 1969, c. 89, § 3, emerg. eff. March 25, 1969.

§21-1320.4. Penalty for riot or incitement to riot.
Any person guilty of the crime, as set forth in Section 1320.2 of this title, shall be deemed guilty of a felony, punishable by not

more than ten (10) years in prison, or a fine of not more than Ten Thousand Dollars ($10,000.00), or both.
Added by Laws 1969, c. 89, § 4, emerg. eff. March 25, 1969. Amended by Laws 1997, c. 133, § 340, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 234, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 340 from July 1, 1998, to July 1, 1999.

§21-1320.5. Penalty for unlawful assembly.

Any person guilty of the crime, as set forth in Section 1320.3 of this title, shall be deemed guilty of a felony, punishable by not more than five (5) years in prison, or a fine of not more than Five Thousand Dollars ($5,000.00), or both.
Added by Laws 1969, c. 89, § 5, emerg. eff. March 25, 1969. Amended by Laws 1997, c. 133, § 341, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 235, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 341 from July 1, 1998, to July 1, 1999.

§21-1320.6. Labor disputes.

The provisions of this act shall not apply to employer-employee disputes in any manner or to employees engaged in a labor dispute.
Laws 1969, c. 89, § 6, emerg. eff. March 25, 1969.

§21-1320.7. Insurance policies.

The provisions of this act shall not, in any way, be construed to have any bearing on any insurance policy now in effect, or those to be issued in the future.
Laws 1969, c. 89, § 7, emerg. eff. March 25, 1969.

§21-1320.8. Severability.

The provisions of this act are severable and if any part or provisions hereof shall be held void the decision of the court so holding shall not affect or impair any of the remaining parts or provisions of this act.
Added by Laws 1969, c. 89, § 8, emerg. eff. March 25, 1969.

§21-1320.9. Act as cumulative.

This act shall not supersede any other act or acts, but shall be cumulative thereto.
Laws 1969, c. 89, § 9, emerg. eff. March 25, 1969.

§21-1320.10. Teaching, demonstrating or training in the use of firearms, explosives or incendiary devices in furtherance of riot or civil disorder.

No person, except those specifically authorized by the state or federal government, shall:

1. Teach or demonstrate to any group of persons the use, application or making of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person knowing or intending that such firearm, explosive or incendiary device or application of physical force will be employed for use in, or in furtherance of, a riot or civil disorder; or

2. Assemble with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person, intending to employ such firearm, explosive or incendiary device or application of physical force for use in, or in furtherance of, a riot or civil disorder. Any violation of this section shall be a felony.

Added by Laws 1982, c. 103, § 1, eff. Jan. 1, 1983. Amended by Laws 1997, c. 133, § 342, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 342 from July 1, 1998, to July 1, 1999.

§21-1321.1. Citation.

This act shall be known and referred to as the Oklahoma Riot Control and Prevention Act.

Laws 1968, c. 125, § 1, emerg. eff. April 4, 1968.

§21-1321.2. Definitions.

As used in this Act:

"State of emergency" means an emergency proclaimed as such by the Governor pursuant to Section 3 of the act.

"Governor" means the Governor of this state or, in case of his removal, death, resignation or inability to discharge the powers and duties of his office, then the person who may exercise the powers of Governor pursuant to the Constitution and laws of this state relating to succession in office.

Laws 1968, c. 125, § 2, emerg. eff. April 4, 1968.

§21-1321.3. Proclamation of state of emergency - Notice - Termination.

(a) The Governor, after finding that a public disorder, disaster or riot exists within this state or any part thereof which affects life, health, property or the public peace, may proclaim a state of emergency in the area affected.

(b) The proclamation of a state of emergency and other proclamations issued pursuant to this act shall be in writing and shall be signed by the Governor. They shall then be filed with the Secretary of State.

(c) The Governor shall give as much public notice as practical through the news media of the issuance of proclamations pursuant to this act.

(d) The state of emergency shall cease to exist upon the issuance of a proclamation of the Governor declaring its termination; provided that the Governor must terminate said proclamation when order has been restored in the area affected. Laws 1968, c. 125, § 3, emerg. eff. April 4, 1968.

§21-1321.4. Acts which may be proclaimed prohibited - Actions at law or in equity.

A. The Governor during the existence of a state of emergency, by proclamation, may, in the area described by the proclamation, which proclamation shall not cover any part or portion of the state not affected by public disorder, disaster, or riot at the time the proclamation is issued, prohibit:

1. Any person being on the public streets, or in the public parks or at any other public place during the hours declared by the Governor to be a period of curfew;

2. A designated number of persons, as designated by the Governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

3. The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

4. The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

5. The sale, purchase or dispensing of alcoholic beverages;

6. The sale, purchase or dispensing of other commodities or goods, as the Governor reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

7. The use of certain streets, highways or public ways by the public; and

8. Such other activities as the Governor reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

B. Notwithstanding this section or any other law of this state, neither the Governor nor any official of a municipal or state entity shall prohibit or suspend the sale, ownership, possession, transportation, carrying, transfer and storage of firearms, ammunition and ammunition accessories during a declared state of emergency, that are otherwise legal under state law.

C. In imposing the restrictions provided for by the Oklahoma Riot Control and Prevention Act, the Governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state the Governor from time to time deems necessary.

D. Any individual aggrieved by a violation of subsection B of this section may seek relief in an action at law or in equity for redress against any person who subjects such individual or causes such individual to be subjected to an action prohibited by subsection B of this section. In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of subsection B of this section may bring an action for the return of such firearm or ammunition in the district court of the county in which that individual resides or in which such firearm or ammunition is located. In any action or proceeding to enforce the provisions of this section, the court shall award the prevailing plaintiff costs and reasonable attorney fees.
Added by Laws 1968, c. 125, § 4, emerg. eff. April 4, 1968. Amended by Laws 2006, c. 70, § 1, emerg. eff. April 20, 2006; Laws 2012, c. 271, § 1, eff. Nov. 1, 2012.

§21-1321.5. Law governing.
(a) Whenever the restrictions imposed pursuant to this act are more restrictive than are required by any other statute, local ordinance or regulations, the provisions of the restrictions imposed pursuant to this act shall govern.
(b) Whenever the restrictions of any other statute, local ordinance or regulations are more restrictive than the restrictions imposed pursuant to this act, the provisions of such statute, local ordinance or regulations shall govern.
Laws 1968, c. 125, § 5, emerg. eff. April 4, 1968.

§21-1321.6. General penalty.
Except wherein specific penalties are prescribed in this act, whoever violates any provision of this act or any provision of a proclamation issued pursuant to this act shall be deemed guilty of a misdemeanor.
Laws 1968, c. 125, § 6, emerg. eff. April 4, 1968.

§21-1321.7. Offenses and penalties.
A. During a state of emergency, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall be guilty of a felony.
B. Any person guilty of violating this section shall, upon conviction thereof, be imprisoned for not less than two (2) years, nor more than ten (10) years.
C. Any person sixteen (16) years of age or over who violates the provisions of this section shall be prosecuted as an adult.
D. A person is guilty of an offense under this section committed by another person when:
1. Acting with the state of mind that is sufficient for

commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense; or

2. Intending to promote or facilitate the commission of the offense he:

a. solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it,

b. aids, counsels, or agrees or attempts to aid the other person in planning or committing it, or

c. having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.

E. In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:

1. The other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or

2. The other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.

Added by Laws 1968, c. 125, § 7, emerg. eff. April 4, 1968. Amended by Laws 1997, c. 133, § 343, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 236, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 343 from July 1, 1998, to July 1, 1999.

§21-1321.8. Provisions applicable during state of emergency.

The following provisions shall apply during a state of emergency.

A. A person is guilty of riot when he participates with two or more persons in a course of disorderly conduct:

1. With intent to commit or facilitate the commission of a felony or misdemeanor;

2. With intent to prevent or coerce official action; or

3. When the accused or any other participant to the knowledge of the accused uses or plans to use a firearm or other deadly weapon.

B. Any person upon any public way within the described area who is directed by the authorities to leave the public way but refuses to do so shall be guilty of a misdemeanor.

C. Any person who violates the provisions of this section, except subsection B of this section, shall be guilty of a felony, and upon conviction thereof shall be imprisoned for not less than two (2) years nor more than ten (10) years.

D. Any person sixteen (16) years of age or over who violates the provisions of this section shall be prosecuted as an adult.

E. A person is guilty of an offense under this section committed by another person when:

1. Acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense;

2. Intending to promote or facilitate the commission of the offense he:

a. solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it,

b. aids, counsels, or agrees or attempts to aid the other person in planning or committing it, or

c. having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so; or

3. The person's conduct is expressly declared by a statute of this state to establish the person's complicity.

F. In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:

1. The other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or

2. The other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.

G. "Disorderly conduct" as used in this section means a course of conduct by a person who:

1. Causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:

a. engaging in fighting or in violent, tumultuous, or threatening behavior,

b. making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present,

c. dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority, or

d. creating a hazardous or physically offensive condition which serves no legitimate purpose; or

2. Engages with at least one other person in a course of

disorderly conduct as defined in paragraph 1 of this subsection which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse, made by a peace officer to the participants.
Added by Laws 1968, c. 125, § 8, emerg. eff. April 4, 1968. Amended by Laws 1997, c. 133, § 344, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 237, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 344 from July 1, 1998, to July 1, 1999.

§21-1321.9. Municipal ordinances.
Cities and towns are hereby authorized to enact ordinances in general conformity with the provisions of this act.
Laws 1968, c. 125, § 9, emerg. eff. April 4, 1968.

§21-1321.10. Provisions cumulative.
The provisions of this act shall be cumulative to and shall not operate to repeal any other laws.
Laws 1968, c. 125, § 10, emerg. eff. April 4, 1968.

§21-1326. Legislative recognition.
The legislature of the State of Oklahoma recognizes that the boards of regents of all institutions of higher learning in the State of Oklahoma and the boards of education of all the school districts in Oklahoma have the present constitutional power to issue rules, regulations and directives as regards who will, or will not, and under what format and conditions, be allowed to make use of the facilities under their constitutional or statutory jurisdiction.
Laws 1968, c. 398, § 1, emerg. eff. May 17, 1968.

§21-1327. Advocating of unlawfulness, criminal syndicalism, sabotage, sedition or treason upon public school grounds prohibited - Penalties.
A. The Legislature recognizes that special circumstances exist as regards college campuses and public school facilities, including the fact that a large number of people are confined to a small area, and certain acts committed in such places would have a more detrimental effect as regards the health and safety of those involved than if the same act were committed at some other place, and, in keeping with these facts, any person on the campuses or school grounds of any public state-supported institutions of higher learning or public school facilities who, by word of mouth or writings, advocates, affirmatively suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily

injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution, or for profit; or who prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit; or who shall openly or at all attempt to justify by word of mouth or writing the commission or the attempt to commit sabotage, any act of physical violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act, with the intent to exemplify, spread or teach or affirmatively suggest criminal syndicalism, or who organizes, or helps to organize or becomes a member of or voluntarily assembles with any society or assemblage of persons which teaches, advocates, or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or for profit; shall be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term not less than two (2) years, nor more than ten (10) years, or by a fine of not less than Five Thousand Dollars ($5,000.00), nor more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment. Provided, that none of the provisions of this section shall be construed to modify or affect Section 166 of Title 40 of the Oklahoma Statutes.

B. Any person on the campuses or school grounds of any public state-supported institutions of higher learning or public school facilities above the age of eighteen (18) years who advocates revolution, teaches or justifies a program of sabotage, force and violation, sedition or treason against the government of the United States or of this state, or who directly or indirectly advocates or teaches by any means the overthrow of the government of the United States or of this state by force or any unlawful means shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary from ten (10) years to life. Added by Laws 1968, c. 398, § 2, emerg. eff. May 17, 1968. Amended by Laws 1997, c. 133, § 345, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 238, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 345 from July 1, 1998, to July 1, 1999.

§21-1328. Prosecutions.

Pursuant to the provisions of 74 Oklahoma Statutes, Section 18b, in event the district attorney within a district fails or refuses to prosecute, on a sworn complaint, against any person accused of violating the provisions of this act, then in that event, the State Attorney General, upon sworn complaint laid before him, is hereby empowered to prosecute a person or persons accused of committing acts covered by this act, if said acts were committed upon the grounds of the facilities hereinabove set out.
Laws 1968, c. 398, § 3, emerg. eff. May 17, 1968.

§21-1351. Forcible entry and detainer.

Every person guilty of using or procuring, encouraging or assisting another to use any force, or violence in entering upon or detaining any lands or other possessions of another except in the cases and manner allowed by law, is guilty of a misdemeanor.
R.L.1910, § 2574. d

§21-1352. Returning to possession after lawful removal.

Every person who has been removed from any lands by process of law, or who has removed from any lands pursuant to the lawful adjudication or direction of any court, tribunal or officer, and who afterward, without authority by law, returns to settle or reside upon such lands, is guilty of a misdemeanor.
R.L.1910, § 2575. de

§21-1353. Unlawful intrusion upon lands.

Every person who intrudes or squats upon any lot or piece of land within the bounds of any incorporated city or town without license or authority from the owner thereof, or who erects or occupies thereon any hut, hovel, shanty, or other structure whatever without such license or authority; and every person who places, erects or occupies within the bounds of any street or avenue of such city or town, any hut, hovel, shanty or other structure whatever, is guilty of a misdemeanor.
R.L.1910, § 2576. d

§21-1361. Disturbing lawful meeting.

Every person who without authority of law willfully disturbs or breaks up any assembly or meeting, not unlawful in its character, other than a religious meeting, public meeting of electors, or funeral, is guilty of a misdemeanor.
R.L.1910, § 2557.

§21-1362. Disturbance by loud or unusual noise or abusive, violent, obscene, profane or threatening language.

If any person shall willfully or maliciously disturb, either by day or night, the peace and quiet of any city of the first class, town, village, neighborhood, family or person by loud or unusual noise, or by abusive, violent, obscene or profane language, whether addressed to the party so disturbed or some other person, or by threatening to kill, do bodily harm or injury, destroy property, fight, or by quarreling or challenging to fight, or fighting, or shooting off any firearms, or brandishing the same, or by running any horse at unusual speed along any street, alley, highway or public road, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not to exceed One Hundred Dollars ($100.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment, at the discretion of the court or jury trying the same.
Laws 1910-11, c. 58, p. 135, § 1; Laws 1968, c. 83, § 1, emerg. eff. April 1, 1968.

§21-1363. Use of language calculated to arouse anger or cause breach of peace.

If any person shall make use of any profane, violent, abusive or insulting language toward or about another person, in the presence or hearing, which language, in its common acceptation, is calculated to arouse to anger the person about or to whom it is spoken or addressed, or to cause a breach of the peace or an assault, every such person shall be deemed guilty of a breach of the peace, and, upon conviction thereof, shall be punished by a fine in any sum not to exceed One Hundred Dollars ($100.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment, at the discretion of the court or jury trying the same.
Laws 1910-11, c. 58, p. 136, § 2.

§21-1364. Discharging firearm.

DISCHARGING FIREARM

Every person who willfully discharges any pistol, rifle, shotgun, airgun or other weapon, or throws any other missile in any public place, or in any place where there is any person to be endangered thereby, although no injury to any person shall ensue, is guilty of a misdemeanor. Any person convicted of a violation of the provisions of this section after having been issued a handgun license pursuant to the provisions of the Oklahoma Self-Defense Act shall have the license suspended for a period of six (6) months and shall be subject to an administrative fine of Fifty Dollars ($50.00), upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

R.L.1910, § 2577. Amended by Laws 1995, c. 272, § 58, eff. Sept. 1, 1995; Laws 2012, c. 259, § 45, eff. Nov. 1, 2012.

§21-1365. Trespassing on railway trains a misdemeanor.

Any person, other than a railway employee in the discharge of his duty, who, without authority from the conductor of the train, rides, or attempts to ride, on top of any car, coach, engine or tender, on any railroad in this state, or on the drawheads between the cars, or under cars or trussrods or trucks, or in any freight car, or on the platform of any baggage car, express car, or mail car, or any train in this state, shall be guilty of a misdemeanor.
R.L.1910, § 2578.

§21-1366. Offenders - Where tried.

Any person charged with a violation of the preceding section may be tried in any county in this state in which such violation may have occurred, or may be discovered.
R.L.1910, § 2579.

§21-1367. Privilege of witness.

No person shall be excused from giving evidence upon any investigation or prosecution for any of the offenses specified in this article, upon the grounds that such testimony or evidence might tend to convict him of a crime. But such answer or evidence shall not be received against him upon any criminal proceeding or prosecution, except in a prosecution against him for perjury committed in giving such testimony.
R.L.1910, § 2580.

§21-1368. Possession of explosives by convicted felons - Penalty.

A. Any person who has been convicted of a felony under the laws of this or any other state or the laws of the United States who, with an unlawful intent, is in possession of any explosives, upon conviction, shall be guilty of a felony and shall be punished by a fine of not to exceed Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for a term not to exceed ten (10) years, or by both such fine and imprisonment.

B. For purposes of this section, the term “explosive” shall have the same definition as the term “explosive” as defined by Chapter 8 of Title 63 of the Oklahoma Statutes.
Added by Laws 1959, p. 113, § 1, emerg. eff. May 19, 1959. Amended by Laws 1995, c. 344, § 29, eff. Nov. 1, 1995; Laws 1997, c. 133, § 346, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 239, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 346 from July 1, 1998, to July 1, 1999.

§21-1369. Repealed by Laws 1995, c. 344, § 38, eff. Nov. 1, 1995.

§21-1370. Renumbered as § 9.1 of Title 45 by Laws 1995, c. 344, § 35, eff. Nov. 1, 1995.

§21-1371. Penalty.

Any person violating Section 1370 of this title shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment. Each day of operation in violation of Section 1370 of this title shall constitute a separate offense.

Amended by Laws 1982, c. 127, § 2, operative Oct. 1, 1982; Laws 1982, c. 181, § 2, emerg. eff. April 20, 1982.

§21-1372. Injunctive relief.

In addition to the penalties provided in Section 1371 of this title for a violation of Section 1370 of this title, a cause of action shall exist in favor of any citizen, or in favor of the State of Oklahoma on the relation of the district attorney of any county wherein the offense is committed, to apply to the district court of such county for an injunction restraining such violation.

Amended by Laws 1982, c. 127, § 3, operative Oct. 1, 1982; Laws 1982, c. 181, § 3, emerg. eff. April 20, 1982.

§21-1375. Terms defined.

When used in this act the following words and phrases shall have the following meanings, except to the extent that any such word or phrase is qualified by its context:

1. "Chief administrative officer" shall mean the president, superintendent, principal or other person in charge of the management, administration or control of any university, college, elementary or secondary school or other private or public institution of learning subject to the Oklahoma Higher Education Code or the school laws of Oklahoma.

2. "Institution of learning" shall mean any university, college, elementary or secondary school or other private or public institution of learning subject to the Oklahoma Higher Education Code or the school laws of Oklahoma, and includes the area or property under the jurisdiction of such institution.

Laws 1971, c. 78, § 1, emerg. eff. April 16, 1971.

§21-1376. Orders to leave institutions of learning – Grounds – Penalty – Definition - Grievance and appeals procedures.

A. The chief administrative officer or anyone designated by the

chief administrative officer or the governing board of the institution of learning to maintain order at an institution of learning shall have the authority and power to direct any person to leave the institution of learning who is not a student, officer or employee thereof, and who:

1. Interferes with the peaceful conduct of activities at an institution of learning;

2. Commits an act which interferes with the peaceful conduct of activities at an institution of learning; or

3. Enters the institution of learning for the purpose of committing an act which may interfere with the peaceful conduct of activities at an institution of learning.

B. Any person to whom this section applies, who fails to leave the institution of learning as directed or returns within six (6) months thereafter, without first obtaining written permission from the chief administrative officer or anyone designated by the chief administrative officer or the governing board of the institution of learning, shall be guilty of a misdemeanor.

C. "Interferes with the peaceful conduct" includes actions that directly interfere with classes, study, student or faculty safety, housing or parking areas, or extracurricular activities; threatening or stalking any person; damaging or causing waste to any property belonging to another person or the institution of learning; or direct interference with administration, maintenance or security of property belonging to the institution of learning.

D. The governing board of each institution of learning shall establish a grievance or appeals procedure and an opportunity for hearing for persons who have been required to leave the institution pursuant to this section. Any person removed from the institution pursuant to this section shall be given written notice of the procedure for requesting a hearing and filing a grievance or appeal. Added by Laws 1971, c. 78, § 2, emerg. eff. April 16, 1971. Amended by Laws 2001, c. 222, § 1, emerg. eff. May 21, 2001.

§21-1377. Projecting object at public event.

It shall be unlawful for any person in attendance at an athletic or other public entertainment event to project in any manner an object which could cause bodily harm to another person.

Any person violating the provisions of this section shall be subject to ejection from the event by the officials supervising the event.

A violation of this section shall be a misdemeanor punishable by a fine not exceeding One Hundred Dollars ($100.00).

The provisions of this section shall not apply to the participants in the athletic or other public entertainment event. Added by Laws 1978, c. 154, § 1, eff. Oct. 1, 1978.

§21-1378. Attempting, conspiring or endeavoring to perform act of violence involving serious bodily harm or death – Threats – Devising plan, scheme or program of action to cause serious bodily harm or death.

A. Any person who shall attempt, conspire or endeavor to perform an act of violence involving or intended to involve serious bodily harm or death of another person shall be guilty of a felony, punishable upon conviction thereof by imprisonment for a period of not more than ten (10) years.

B. Any person who shall threaten to perform an act of violence involving or intended to involve serious bodily harm or death of another person shall be guilty of a misdemeanor, punishable upon conviction thereof by imprisonment in the county jail for a period of not more than six (6) months.

C. Any person who shall devise any plan, scheme or program of action to cause serious bodily harm or death of another person with intent to perform such malicious act of violence, whether alone or by conspiring with others, shall be guilty of a felony, punishable upon conviction thereof by imprisonment for a period of not more than ten (10) years.

Added by Laws 2001, c. 437, § 14, eff. July 1, 2001. Amended by Laws 2004, c. 271, § 1, emerg. eff. May 10, 2004.

§21-1379. Willful bypass of or going around security checkpoint – Notice – Aid or assistance - Penalty.

A. No person shall, without authorization, willfully bypass or go around a security checkpoint when entering any facility requiring persons to pass through a security checkpoint used for inspecting or screening persons or their belongings.

B. Every facility requiring persons to pass through a security checkpoint and submit to inspection or screening of their person or belongings shall post notice stating such requirement. All security checkpoints used for persons or their belongings shall be clearly identified as such, and notice shall be posted informing persons that they and their belongings are subject to search.

C. No person shall, without authorization, aid or assist any person or persons in bypassing a security checkpoint by opening, holding open, or propping open any secured door, portal, or entryway.

D. No person shall, without authorization, aid or assist any person or persons in bypassing or avoiding a security checkpoint by passing items or belongings, or receiving items or belongings through a secured door, entryway, window, loading dock, or any other avenue of entry.

E. All persons approaching a security checkpoint shall obey the lawful requests and orders of security staff present at the checkpoint.

F. Any person convicted of violating the provisions of this

section shall be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than one (1) year, by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.
Added by Laws 2004, c. 520, § 4, eff. Nov. 1, 2004. Amended by Laws 2007, c. 62, § 3, emerg. eff. April 30, 2007.

§21-1379.1. Obstruction of passages in or entrances or exits to state facilities - Exemption - Penalty.

A. It is unlawful for any person, acting alone or in concert with others, to obstruct, or to impede in any way, passage through or within any state-owned or -leased building, office or facility.

B. It is unlawful for any person, acting alone or in concert with others, to obstruct entrances and exits to any state-owned or -leased building, office or facility.

C. The provisions of subsections A and B of this section shall not apply to commissioned peace officers and security officers of the Department of Public Safety, security officers of the Oklahoma House of Representatives and the Oklahoma State Senate, the Office of Management and Enterprise Services, or contractors thereof in the performance of their duties.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.
Added by Laws 2007, c. 62, § 4, emerg. eff. April 30, 2007. Amended by Laws 2012, c. 304, § 92.

§21-1380. Oklahoma Funeral Picketing Act — Findings — Purposes — Definitions — Penalties — Damages.

A. This section shall be known and may be cited as the "Oklahoma Funeral Picketing Act".

1. The Legislature finds that:
   a. it is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives,
   b. the interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations,
   c. picketing of funerals causes emotional disturbance and distress to grieving families who participate in funerals, and
   d. full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than

the period from two (2) hours before the scheduled commencement of funeral services until two (2) hours after the actual completion of the funeral services.

B. The purposes of this section are to:

1. Protect the privacy of grieving families during the period from two (2) hours before the scheduled commencement of the funeral services until two (2) hours after the actual completion of the funeral services; and

2. Preserve the peaceful character of cemeteries, mortuaries and churches from two (2) hours before the scheduled commencement of funerals services until two (2) hours after the actual completion of the funeral services.

C. As used in this section:

1. "Funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead; and

2. "Picketing" means protest activities engaged in by a person or persons within one thousand (1,000) feet of the property line of a cemetery, mortuary, church or other place where any portion of a funeral service is held during the period from two (2) hours before the scheduled commencement of funeral services until two (2) hours after the actual completion of the funeral services.

D. It is unlawful for any person to engage in picketing within one thousand (1,000) feet of the property line of any cemetery, church, mortuary or other place where any portion of a funeral service is held during the period from two (2) hours before the scheduled commencement of funeral services until two (2) hours after the actual completion of the funeral services.

E. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail of not more than thirty (30) days, or by both such fine and imprisonment.

F. Notwithstanding the penalties provided in subsection E, any district court may enjoin conduct proscribed by this section and may in any such proceeding award damages, including punitive damages attorney fees or other appropriate relief against the persons found guilty of actions made unlawful by this section.

Added by Laws 2006, c. 4, § 1, emerg. eff. March 3, 2006. Amended by Laws 2006, c. 244, § 1, emerg. eff. June 6, 2006; Laws 2010, c. 451, § 2, eff. Nov. 1, 2010; Laws 2011, c. 74, § 1, eff. Nov. 1, 2011.

§21-1401. Arson in the first degree.

A. Any person who willfully and maliciously sets fire to or burns, or by the use of any explosive device, accelerant, ignition device, heat-producing device or substance, destroys in whole or in

part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any building or structure or contents thereof, inhabited or occupied by one or more persons, whether the property of that person or another, or who willfully and maliciously sets fire to or burns, or by the use of any explosive device, accelerant, ignition device, heat-producing device or substance causes a person to be burned, or aids, counsels or procures the burning of a person shall, upon conviction, be guilty of arson in the first degree, which is a felony, and shall be punished by a fine not to exceed Twenty-five Thousand Dollars ($25,000.00), or by imprisonment in the custody of the Department of Corrections for not more than thirty-five (35) years, or by both such fine and imprisonment.

B. Any person who, while manufacturing, attempting to manufacture or endeavoring to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes, destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any building or contents thereof, inhabited or occupied by one or more persons whether the property of that person or another, or who while manufacturing or attempting to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes causes a person to be burned, or aids, counsels or procures the burning of a person shall, upon conviction, be guilty of arson in the first degree, which is a felony, and shall be punished by a fine not to exceed Twenty-five Thousand Dollars ($25,000.00) and by imprisonment in the custody of the Department of Corrections for not more than thirty-five (35) years.

Added by Laws 1967, c. 115, § 1, emerg. eff. April 25, 1967. Amended by Laws 1979, c. 165, § 1, emerg. eff. May 15, 1979; Laws 1996, c. 145, § 1, eff. Nov. 1, 1996; Laws 1997, c. 133, § 347, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 240, eff. July 1, 1999; Laws 2001, c. 28, § 1, eff. Nov. 1, 2001; Laws 2013, c. 136, § 1, eff. Nov. 1, 2013.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 347 from July 1, 1998, to July 1, 1999.

§21-1402. Arson in the second degree.

Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance or while manufacturing or attempting to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any uninhabited or unoccupied building or structure or contents thereof, whether the property of himself or another,

shall be guilty of arson in the second degree, which is a felony, and upon conviction thereof shall be punished by a fine not to exceed Twenty Thousand Dollars ($20,000.00) or be confined in the State Penitentiary for not more than twenty-five (25) years or both.
Added by Laws 1967, c. 115, § 2, emerg. eff. April 25, 1967. Amended by Laws 1979, c. 165, § 2, emerg. eff. May 15, 1979; Laws 1997, c. 133, § 348, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 241, eff. July 1, 1999; Laws 2001, c. 28, § 2, eff. Nov. 1, 2001.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 348 from July 1, 1998, to July 1, 1999.

§21-1403. Arson in the third degree.

A. Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning of any property whatsoever, including automobiles, trucks, trailers, motorcycles, boats, standing farm crops, pasture lands, forest lands, or any other property not herein specifically named, such property being worth not less than Fifty Dollars ($50.00), whether the property of himself or another, shall be guilty of arson in the third degree, and upon conviction thereof shall be punished by a fine not to exceed Ten Thousand Dollars ($10,000.00) or be confined in the State Penitentiary for not more than fifteen (15) years.

B. Any person who willfully and maliciously, and with intent to injure or defraud the insurer, sets fire to or burns or by use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels, or procures the burning or destruction of any building, property, or other chattels, whether the property of himself or another, which shall at the time be insured against loss or damage by fire or explosion, shall be guilty of arson in the third degree, and upon conviction thereof shall be punished by a fine not to exceed Ten Thousand Dollars ($10,000.00) or be confined in the State Penitentiary for not more than fifteen (15) years or both.

C. Arson in the third degree is a felony.

Added by Laws 1967, c. 115, § 3, emerg. eff. April 25, 1967. Amended by Laws 1979, c. 165, § 3, emerg. eff. May 15, 1979; Laws 1997, c. 133, § 349, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 242, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 349 from July 1, 1998, to July 1, 1999.

§21-1404. Arson in the fourth degree.

A. Any person who willfully and maliciously attempts to set fire to or burn or attempts by use of any explosive device or

substance to destroy in whole or in part, or causes to be burned or destroyed, or attempts to counsel or procure the burning or destruction of any building or property mentioned in Sections 1401, 1402 or 1403 of this title shall be guilty of arson in the fourth degree, and upon conviction thereof shall be punished by a fine not to exceed Five Thousand Dollars ($5,000.00) or be confined in the State Penitentiary for not more than ten (10) years or both.

B. The placing or distributing of any flammable, explosive or combustible material or substance or any device in any building or property mentioned in Sections 1401, 1402 or 1403 of this title, in an arrangement or preparation with intent to eventually willfully and maliciously set fire to or burn or to procure the setting fire to or burning of same, shall for the purposes of this section constitute an attempt to burn such building or property, and shall be guilty of arson in the fourth degree, and upon conviction thereof shall be punished by a fine not to exceed Five Thousand Dollars ($5,000.00), or be confined in the State Penitentiary for not more than ten (10) years, or both.

C. Arson in the fourth degree is a felony.

Added by Laws 1967, c. 115, § 4, emerg. eff. April 25, 1967. Amended by Laws 1979, c. 165, § 4, emerg. eff. May 15, 1979; Laws 1997, c. 133, § 350, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 243, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 350 from July 1, 1998, to July 1, 1999.

§21-1405. Endangering or causing personal injury to human life during commission of arson.

Any person violating any of the provisions of Sections 1401, 1402, 1403 or 1404 of this title who during such violation endangers any human life, including all emergency service personnel, shall be guilty of a felony and upon conviction shall be punished by imprisonment in the State Penitentiary for not less than three (3) years nor more than ten (10) years, or by a fine not to exceed Ten Thousand Dollars ($10,000.00), or both. If personal injury results, the person shall be punished by imprisonment in the State Penitentiary for not less than seven (7) years.

Added by Laws 1996, c. 145, § 2, eff. Nov. 1, 1996. Amended by Laws 1997, c. 133, § 351, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 244, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 351 from July 1, 1998, to July 1, 1999.

§21-1406. Prohibition on working as firefighter.

A. Any person convicted of violating any of the provisions of Section 1401, 1402, 1403 or 1404 of Title 21 of the Oklahoma Statutes shall be prohibited from working or volunteering as a

firefighter in this state.

B. For the purposes of this section:

1. "Convicted" includes a plea of guilty or nolo contendere or the imposition of deferred adjudication; and

2. "Firefighter" includes any person serving with or without compensation as a firefighter as provided for in Titles 11, 18 and 19 of the Oklahoma Statutes.

Added by Laws 2012, c. 163, § 1, eff. Nov. 1, 2012.

§21-1411. Fraudulent bill of lading.

Any person being the master, owner or agent of any vessel, or officer or agent of any railroad, express or transportation company, or otherwise being or representing any carrier who delivers any bill of lading, receipt or other voucher, or by which it appears that any merchandise of any description has been shipped on board of any vessel, or delivered to any railroad, express or transportation company or other carrier, unless the same has been so shipped or delivered, and is at the time actually under the control of such carrier, or the master, owner or agent of such vessel, or some officer or agent of such company, to be forwarded as expressed in such bill of lading, receipt or voucher, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

R.L. 1910, § 2710. Amended by Laws 1997, c. 133, § 352, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 245, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 352 from July 1, 1998, to July 1, 1999.

§21-1412. Fraudulent warehouse receipts.

Any person carrying on the business of a warehouseman, wharfinger or other depositary of property, who issues any receipt, bill of lading or other voucher for any merchandise of any description which has not been actually received upon the premises of such person, and is not under his actual control at the time of issuing such instrument, whether such instrument is issued to a person as being the owner of such merchandise, or as security for any indebtedness, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

R.L. 1910, § 2711. Amended by Laws 1997, c. 133, § 353, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 246, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 353 from July 1, 1998, to July 1, 1999.

§21-1413. Correspondence between instrument and merchandise received.

No person can be convicted of any offense under the last two sections by reason that the contents of any barrel, box, case, cask or other vessel or package mentioned in the bill of lading, receipt or other voucher, did not correspond with the description given in such instrument of the merchandise received, if such description corresponded substantially with the marks, labels or brands upon the outside of such vessel or package, unless it appears that the accused knew that such marks, labels or brands were untrue.
R.L.1910, § 2712.

§21-1414. Duplicate receipts or vouchers.

Any person mentioned in Section 1411 or 1412 of this title, who issued any second or duplicate receipt or voucher of a kind specified in those two sections, at a time while any former receipt or voucher for the merchandise specified in the second receipt is outstanding and uncancelled, without writing across the face of the same the word "Duplicate," in a plain and legible manner, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.
R.L. 1910, § 2713. Amended by Laws 1997, c. 133, § 354, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 247, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 354 from July 1, 1998, to July 1, 1999.

§21-1415. Selling goods without consent of holder of bill of lading.

Any person mentioned in Section 1411 or 1412 of this title, who sells, hypothecates or pledges any merchandise for which any bill of lading, receipt or voucher has been issued by him without the consent in writing thereto of the person holding such bill, receipt or voucher, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.
R.L. 1910, § 2714. Amended by Laws 1997, c. 133, § 355, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 248, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 355 from July 1, 1998, to July 1, 1999.

§21-1416. Unlawful delivery of goods.

Any person mentioned in Section 1412 of this title, who delivers to another any merchandise for which any bill of lading, receipt or voucher has been issued, unless such receipt or voucher bore upon its face the words "Not negotiable," plainly written or stamped, or unless such receipt is surrendered to be canceled at the time of delivery or unless, in the case of partial delivery, a memorandum thereof is endorsed upon such receipt or voucher, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not

exceeding five (5) years or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.
R.L. 1910, § 2715. Amended by Laws 1997, c. 133, § 356, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 249, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 356 from July 1, 1998, to July 1, 1999.

§21-1417. When law does not apply.
The last two sections do not apply where property is demanded by virtue of process of law.
R.L.1910, § 2716.

§21-1431. Burglary in first degree.
Every person who breaks into and enters the dwelling house of another, in which there is at the time some human being, with intent to commit some crime therein, either:
1. By forcibly bursting or breaking the wall, or an outer door, window, or shutter of a window of such house or the lock or bolts of such door, or the fastening of such window or shutter; or
2. By breaking in any other manner, being armed with a dangerous weapon or being assisted or aided by one or more confederates then actually present; or
3. By unlocking an outer door by means of false keys or by picking the lock thereof, or by lifting a latch or opening a window, is guilty of burglary in the first degree.
R.L.1910, § 2611. Amended by Laws 1979, c. 43, § 1, eff. Oct. 1, 1979.

§21-1435. Burglary in second degree - Acts constituting.
Every person who breaks and enters any building or any part of any building, room, booth, tent, railroad car, automobile, truck, trailer, vessel or other structure or erection, in which any property is kept, or breaks into or forcibly opens, any coin operated or vending machine or device with intent to steal any property therein or to commit any felony, is guilty of burglary in the second degree.
R.L.1910, § 2615; Laws 1941, p. 87, § 1; Laws 1961, p. 232, § 1.

§21-1436. Burglary.
Burglary is a felony punishable by imprisonment in the State Penitentiary as follows:
1. Burglary in the first degree for any term not less than seven (7) years nor more than twenty (20) years; and
2. Burglary in the second degree not exceeding seven (7) years and not less than two (2) years.
R.L. 1910, § 2616. Amended by Laws 1997, c. 133, § 357, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 250, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 357 from July 1, 1998, to July 1, 1999.

§21-1437. Possession of burglar's implements.

Every person who, under circumstances not amounting to a felony has in his possession any dangerous offensive weapon or instrument whatever, or any pick-lock, crow, key, bit, jack, jimmy, nippers, pick, betty or other implement of burglary, with intent to break and enter any building or part of any building, booth, tent, railroad car, vessel or other structure or erection and to commit any felony therein, is guilty of a misdemeanor.
R.L.1910, § 2617.

§21-1438. Entering building or other structure with intent to commit felony, larceny or malicious mischief - Breaking and entering dwelling without permission.

A. Every person who, under circumstances not amounting to any burglary, enters any building or part of any building, booth, tent, warehouse, railroad car, vessel, or other structure or erection with intent to commit any felony, larceny, or malicious mischief, is guilty of a misdemeanor.

B. Every person who, without the intention to commit any crime therein, shall willfully and intentionally break and enter into any building, trailer, vessel or other premises used as a dwelling without the permission of the owner or occupant thereof, except in the cases and manner allowed by law, shall be guilty of a misdemeanor.
R.L.1910, § 2618; Laws 1991, c. 92, § 1, emerg. eff. April 23, 1991.

§21-1439. Dwelling and dwelling house defined.

A. The term "dwelling house" as used in Section 1431 et seq. of this title, includes every house or edifice, any part of which has usually been occupied by any person lodging therein at night, and any structure joined to and immediately connected with such a house or edifice.

B. The term "dwelling" as used in Section 1438 of this title includes every house, trailer, vessel, apartment or other premises, any part of which has usually been occupied by a person lodging therein at night and any structure joined to and immediately connected with such house, trailer or apartment.
R.L.1910, § 2619; Laws 1991, c. 92, § 2, emerg. eff. April 23, 1991.

§21-1440. Night time defined.

The words "night time" in this article include the period between sunset and sunrise.
R.L.1910, § 2620.

§21-1441. Burglary with explosives.

Any person who enters any building, railway car, vehicle, or structure and there opens or attempts to open any vault, safe, or receptacle used or kept for the secure keeping of money, securities, books of accounts, or other valuable property, papers or documents, without the consent of the owner, by the use of or aid of dynamite, nitroglycerine, gunpowder, or other explosives, or who enters any such building, railway car, vehicle, or structure in which is kept any vault, safe or other receptacle for the safe keeping of money or other valuable property, papers, books or documents, with intent and without the consent of the owner, to open or crack such vault, safe or receptacle by the aid or use of any explosive, upon conviction, shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) years nor more than fifty (50) years.

Added by Laws 1913, c. 7, p. 7, § 1. Amended by Laws 1997, c. 133, § 358, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 251, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 358 from July 1, 1998, to July 1, 1999.

§21-1442. Possession of certain tools by persons previously convicted of burglary.

Any person who has been previously convicted of the crime of burglary who has in his possession, custody or concealed about his person, or transports or causes to be transported, any combination of three (3) or more of the following tools: Sledge hammer, pry bar, punches, chisel, bolt cutters, with the intent to use or employ, or allow the same to be used or employed, in the commission of a crime, or knowing that the tools are to be used in the commission of a crime, shall be guilty of a felony.

Added by Laws 1959, p. 113, § 1. Amended by Laws 1997, c. 133, § 359, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 359 from July 1, 1998, to July 1, 1999.

§21-1451. See the following versions:

OS 21-1451v1 (HB 2751, Laws 2016, c. 221, § 1).

OS 21-1451v2 (State Question No. 780, Initiative Petition No. 404, § 10).

§21-1451v1. Embezzlement defined - Penalties.

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;

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

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

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

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

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

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

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

9. Where the property is possessed or controlled by virtue of a lease or rental agreement, and the property is willfully or intentionally not returned within ten (10) days after the expiration of the agreement.

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

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

1. If the value of the property embezzled is less than Five Hundred Dollars ($500.00), any person convicted shall be punished by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term not more than one (1) year, or by both such fine and imprisonment;

2. If the value of the property embezzled is Five Hundred Dollars ($500.00), or more but less than One Thousand Dollars ($1,000.00), any person convicted shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for not more than one (1) year or by imprisonment in the county jail for one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the discretion of the court, and shall be subject to a fine not exceeding Five Thousand Dollars ($5,000.00), and ordered to pay restitution to the victim as provided in Section

991f of Title 22 of the Oklahoma Statutes;

3. If the value of the property embezzled is One Thousand Dollars ($1,000.00) or more but less than Twenty-five Thousand Dollars ($25,000.00), any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, and a fine of not exceeding Five Thousand Dollars ($5,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes; or

4. If the value of the property embezzled is Twenty-five Thousand Dollars ($25,000.00) or more, any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, and a fine not exceeding Ten Thousand Dollars ($10,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the party's intent to commit a continuing crime.

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

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

R.L. 1910, § 2670. Amended by Laws 2002, c. 460, § 12, eff. Nov. 1,

2002; Laws 2004, c. 275, § 7, eff. July 1, 2004; Laws 2011, c. 280, § 1, eff. Nov. 1, 2011; Laws 2012, c. 235, § 1, eff. July 1, 2012; Laws 2016, c. 221, § 1, eff. Nov. 1, 2016.

§21-1451v2. Embezzlement defined - Penalties.

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;

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

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

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

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

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

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

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

9. Where the property is possessed or controlled by virtue of a lease or rental agreement, and the property is willfully or intentionally not returned within ten (10) days after the expiration of the agreement.

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

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

1. If the value of the property embezzled is less than One Thousand Dollars ($1,000.00), any person convicted shall be punished by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term not more than one (1)

year, or by both such fine and imprisonment;

2. If the value of the property embezzled is One Thousand Dollars ($1,000.00) or more but less than Twenty-five Thousand Dollars ($25,000.00), any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than five (5) years, and a fine of not exceeding Five Thousand Dollars ($5,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes; or

3. If the value of the property embezzled is Twenty-five Thousand Dollars ($25,000.00) or more, any person convicted shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not more than ten (10) years, and a fine not exceeding Ten Thousand Dollars ($10,000.00), and ordered to pay restitution to the victim as provided in Section 991f of Title 22 of the Oklahoma Statutes.

For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the party's intent to commit a continuing crime.

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

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

R.L. 1910, § 2670. Amended by Laws 2002, c. 460, § 12, eff. Nov. 1,

2002; Laws 2004, c. 275, § 7, eff. July 1, 2004; Laws 2011, c. 280, § 1, eff. Nov. 1, 2011; Laws 2012, c. 235, § 1, eff. July 1, 2012; State Question No. 780, Initiative Petition No. 404, § 10, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

§21-1452. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1453. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1454. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1455. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1456. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1457. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1458. Evidence of debt subject of embezzlement.

Any evidence of debt, negotiable by delivery only, and actually executed, is equally the subject of embezzlement whether it has been delivered or issued as a valid instrument or not.
R.L.1910, § 2677.

§21-1459. Property taken under claim of title.

Upon any prosecution for embezzlement it is a sufficient defense that the property was appropriated openly and avowedly, and under a claim of title preferred in good faith even though such claim is untenable. But this provision shall not excuse the retention of the property of another, to offset or pay demand held against him.
R.L.1910, § 2678.

§21-1460. Intent to restore no defense.

The fact that the accused intended to restore the property embezzled is no ground of defense, or of mitigation of punishment, if it has not been restored before an information has been laid before a magistrate, charging the commission of the offense.
R.L.1910, § 2679.

§21-1461. Mitigation of punishment.

Whenever it is made to appear that prior to any information laid before a magistrate charging the commission of embezzlement, the person accused voluntarily and actually restored or tendered restoration of the property alleged to have been embezzled, or any part thereof, such is not a ground of defense to the indictment, but it authorizes the court to mitigate punishment in its discretion.
R.L.1910, § 2680.

§21-1462. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1463. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1464. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1465. Property or goods under control of carrier or other person for purpose of interstate transportation – Abandonment without notice to owner.

A. No carrier or other person having property or goods under its control for the purpose of interstate transportation for hire shall abandon the property or goods contained therein without notice to the owner of the property or goods.

B. Any person convicted of violating the provisions of subsection A of this section may be guilty of a misdemeanor and punished by imprisonment in the county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.
Added by Laws 2004, c. 49, § 1, eff. Nov. 1, 2004.

§21-1740.1. Dimensional stone product – Stealing or removing.

A. It shall be unlawful for any person to enter upon any premises with intent to steal or remove without the consent of the owner, or with intent to aid or assist in stealing or removing any dimensional stone product. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine of not less than One Thousand Dollars ($1,000.00) but not more than Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

B. As used in this section, "dimensional stone product" means any natural rock material quarried for the purpose of obtaining blocks or slabs that meet specifications as to size and shape. Varieties of dimensional stone shall include, but not be limited to, granite, limestone, marble, sandstone or slate.
Added by Laws 2009, c. 54, § 1, eff. Nov. 1, 2009.

§21-1481. Extortion defined.

Extortion is the obtaining of property from another with his consent, induced by a wrongful use of force or fear, or under color of official right.
R.L.1910, § 2682.

§21-1482. Threats constituting extortion.

Fear such as will constitute extortion, may be induced by a threat, either:

1st. To do an unlawful injury to the person or property of the

individual threatened, or to any relative of his or member of his family; or,

2nd. To accuse him, or any relative of his or member of his family, of any crime; or,

3rd. To expose, or impute to him, or them, any deformity or disgrace; or,

4th. To expose any secret affecting him or them.

R.L.1910, § 2683.

§21-1483. Extortion or attempted extortion.

Every person who extorts or attempts to extort any money or other property from another, under circumstances not amounting to robbery, by means of force or any threat such as is mentioned in Section 1482 of this title, upon conviction, shall be guilty of a felony. A conviction for extortion is punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years. A conviction for attempted extortion is punishable by imprisonment in the State Penitentiary for a term not exceeding two (2) years.

R.L. 1910, § 2684. Amended by Laws 1991, c. 226, § 2, emerg. eff. May 23, 1991; Laws 1997, c. 133, § 362, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 254, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 362 from July 1, 1998, to July 1, 1999.

§21-1484. Extortion under color of official right.

Every person who commits any extortion under color of official right, in cases for which a different punishment is not prescribed by this code, or by some of the statutes, which it specifies as continuing in force, is guilty of a misdemeanor.

R.L.1910, § 2685.

§21-1485. Obtaining signature by extortion.

Every person, who by any extortionate means, obtains from another his signature to any paper or instrument, whereby, if such signature were freely given, any property would be transferred, or any debt, demand, charge or right of action created, is punishable in the same manner as if the actual delivery of such property or payment of the amount of such debt, demand, charge or right of action were obtained.

R.L.1910, § 2686.

§21-1486. Letters, threatening.

Every person who, with intent to extort any money or other property from another, sends to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat, such as is specified in the second section of this article, is punishable in the same manner as if such

money or property were actually obtained by means of such threat.
R.L.1910, § 2687.

§21-1487. Repealed by Laws 1991, c. 226, § 4, emerg. eff. May 23, 1991.

§21-1488. Blackmail.

Blackmail is verbally or by written or printed communication and with intent to extort or gain any thing of value from another or to compel another to do an act against his or her will:

1. Accusing or threatening to accuse any person of a crime or conduct which would tend to degrade and disgrace the person accused;

2. Exposing or threatening to expose any fact, report or information concerning any person which would in any way subject such person to the ridicule or contempt of society; or

3. Threatening to report a person as being illegally present in the United States, and is coupled with the threat that such accusation or exposure will be communicated to a third person or persons unless the person threatened or some other person pays or delivers to the accuser or some other person some thing of value or does some act against his or her will. Blackmail is a felony punishable by imprisonment in the State Penitentiary for not to exceed five (5) years or fine not to exceed Ten Thousand Dollars ($10,000.00) or by both such imprisonment and fine.

Added by Laws 1974, c. 142, § 1, emerg. eff. May 3, 1974. Amended by Laws 1997, c. 133, § 363, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 255, eff. July 1, 1999; Laws 2010, c. 409, § 4, eff. Nov. 1, 2010.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 363 from July 1, 1998, to July 1, 1999.

§21-1500. Real property loans - Securing by false instrument - Penalty.

(a) It shall be unlawful for any person willfully, knowingly, or fraudulently to make, issue, deliver, use or submit, or to participate in making, issuing, delivering, using or submitting any fictitious, false or fraudulent offer, agreement, contract or other instrument concerning any real property or improvements thereon for the purpose either of inducing or attempting to induce any lender, prospective lender or government agency to make any loan, advance or commitment or of securing any guaranty or insurance in connection therewith.

(b) Any person violating the provisions of this act shall be deemed to be guilty of a misdemeanor and upon conviction shall be fined not more than One Thousand Dollars ($1,000.00) or shall be imprisoned for not more than one (1) year, or both.

Laws 1968, c. 181, § 1, emerg. eff. April 15, 1968.

§21-1501. Securing credit fraudulently - Penalty.

Any person who shall:

1. Knowingly make or cause to be made, either directly or indirectly, or through any agency whatsoever, any false statement in writing, with intent that it shall be relied upon, respecting the financial condition, or means or ability to pay of such person, or any other person, firm or corporation, in whom the person is interested, or for whom the person is acting, for the purpose of procuring in any form whatsoever, either the delivery of personal property, the payment of cash, the making of a loan or credit, the extension of a credit, the discount of an account receivable, or the making, acceptance, discount, sale or endorsement of a bill of exchange or promissory note, for the benefit of either such person or any other person, firm or corporation;

2. With knowledge that a false statement in writing has been made, respecting the financial condition or means or ability to pay, of such person, or any other person, firm or corporation in which the person is interested, or for whom the person is acting, procures, upon the faith thereof, for the benefit of either such person, or any other person, firm or corporation, either or any of the things of benefit mentioned in paragraph 1 of this section;

3. With knowledge that a statement in writing has been made, respecting the financial condition or means or ability to pay of such person, or any other person, firm or corporation, in which the person is interested, or for whom the person is acting, represents on a later date in writing, that the statement theretofore made, if then again made on said day, would be then true, when in fact, the statement if then made would be false, and procures upon the faith thereof, for the benefit of either such person or any other person, firm or corporation, either or any of the things of benefit mentioned in paragraph 1 of this section; or

4. Knowingly with intent to defraud, make any false statement or report or willfully falsify the value of any land, property or security for the purpose of influencing in any way the action taken or decision made on any application, advance, discount, purchase, purchase agreement, repurchase agreement, commitment or loan, or any change or extension of any of the same, by renewal, deferment of action or otherwise, or the acceptance, release or substitution of security;

shall be, upon conviction, guilty of a misdemeanor punishable by imprisonment in the county jail for not more than six (6) months or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

Laws 1915, c. 180, § 1. Amended by Laws 2004, c. 298, § 2, emerg. eff. May 12, 2004.

§21-1502. Fraudulent advertising prohibited - Punishment.

Any person, firm, corporation or association who, with intent to sell or in anywise dispose of merchandise, securities, service or anything offered by such person, firm, corporation or association, directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, makes, publishes, disseminates, circulates or places before the public, or causes directly or indirectly to be made, published, disseminated, circulated or placed before the public in this state, in a newspaper or publication or in form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, securities, service or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is untrue, deceptive or misleading, shall be guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not less than Ten Dollars ($10.00) nor more than Fifty ($50.00) or by imprisonment in the county jail not exceeding twenty (20) days, or both such fine and imprisonment.

Laws 1919, c. 56, p. 91, § 1.

§21-1503. Value of less than One Thousand Dollars - Value of One Thousand Dollars or more.

Any person who shall obtain food, lodging, services or other accommodations at any hotel, inn, restaurant, boarding house, rooming house, motel or auto camp, with intent to defraud the owner or keeper thereof, if the value of such food, lodging, services or other accommodations is less than One Thousand Dollars ($1,000.00), shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding Five Hundred Dollars ($500.00), or be imprisoned in the county jail not exceeding three (3) months, or punished by both such fine and imprisonment, and if the value of such food, lodging, services or accommodations is valued at One Thousand Dollars ($1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not exceeding five (5) years. Any person who shall obtain shelter, lodging, or any other services at any apartment house, apartment, rental unit, rental house, or trailer camp, with intent to defraud the owner or keeper thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Hundred Dollars ($100.00), or be imprisoned in the county jail not exceeding three (3) months, or be punished by both fine and imprisonment. Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any

baggage or other property, or that he gave a check on which payment was refused, or that he left the hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit or rental house, trailer camp or auto camp, without payment or offering to pay for such food, lodging, services or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, or that he registered under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in this section; but this section shall not apply where there has been an agreement in writing for delay in payment.
Added by Laws 1915, c. 178, § 1. Amended by Laws 1963, c. 127, § 1, emerg. eff. June 3, 1963; Laws 1968, c. 205, § 1, emerg. eff. April 22, 1968; Laws 1993, c. 147, § 2, eff. Sept. 1, 1993; Laws 1997, c. 133, § 364, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 256, eff. July 1, 1999; Laws 2001, c. 437, § 6, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 11, adopted at General Election held on November 8, 2016, eff. July 1, 2017.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 364 from July 1, 1998, to July 1, 1999.

§21-1505. False increase of weight.

Every person who puts or conceals in any bag, bale, box, barrel or other package of goods usually sold by weight any other thing whatever for the purpose of increasing the weight of such package shall be punished by a fine of Twenty-five Dollars ($25.00) for each offense.
R.L.1910, § 2693.

§21-1506. Mock auction.

Any person who obtains any money or property from another, or obtains the signature of another to any written instrument, the false making of which would be forgery, by means of any false or fraudulent sale of property or pretended property by auction, or by any of the practices known as mock auctions, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding three (3) years or in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment; and, in addition, the person forfeits any license he may hold to act as an auctioneer, and is forever disqualified from receiving a license to act as auctioneer within this state.
R.L. 1910, § 2698. Amended by Laws 1997, c. 133, § 365, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 257, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 365 from July 1, 1998, to July 1, 1999.

§21-1507. Fraud by auctioneer.

Every person carrying on, or employed about the business of selling property or goods by auction, who sells any goods or property in a damaged condition which he offers as sound or in a good condition, is guilty of a misdemeanor.
R.L.1910, § 2699.

§21-1508. Fictitious copartnership.

Every person transacting business in the name of a person as a partner who is not interested in his firm, or transacting business under a firm name in which the designation "and company" or "& Co." is used without representing an actual partner except in the cases in which the continued use of a copartnership name is authorized by law, is guilty of a misdemeanor.
R.L.1910, § 2700. d

§21-1509. Animals, false pedigree of.

Every person who by any false pretense shall obtain from any club, association, society or company, for improving the breed of cattle, horses, sheep, swine, or other domestic animals, the registration of any animal in the herd register of any such club, association, society, or company, or a transfer of any such registration, and every person who shall knowingly give a false pedigree of any animal, shall be deemed guilty of a misdemeanor.
R.L.1910, § 2701.

§21-1510. Destroying evidence of ownership of wrecked property.

Every person who defaces or obliterates the marks upon wrecked property, or in any manner disguises the appearance thereof with intent to prevent the owner from discovering its identity, or who destroys or suppresses any invoice, bill of lading or other document tending to show the ownership, is guilty of a misdemeanor.
R.L. 1910, § 2702.

§21-1512. Misrepresentations in sale of nursery stock.

It shall be unlawful for any person, firm or corporation, acting either as principal or agent to sell to any person, firm or corporation any fruit tree or fruit trees, plants or shrubs representing same to be thrifty or of a certain kind, variety or description and thereafter to deliver to such purchaser in filling such order and in completing such sale any fruit trees, plants or shrubs of a different kind, variety or description than the kind, variety or description of such fruit trees, plants or shrubs so ordered and sold.
R.L.1910, § 2706. der

§21-1513. Penalty - Time for prosecution.

Any person, firm, or corporation, acting either as principal or

agent, violating any provisions of the preceding section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not less than twenty (20) days nor more than six (6) months, or by both fine and imprisonment: Provided, that prosecutions under said section may be commenced at any time within seven (7) years from the time of the delivery to the purchaser of the fruit trees, plants or shrubs therein mentioned.
R.L.1910, § 2707. d

§21-1514. Insignia, badge or pin calculated to deceive, wearing of - Name of society, order or organization calculated to deceive, using - Punishment.

Any person who shall wear the badge, pin, or insignia, or shall use the name of any society, order or organization of ten (10) years' standing or existence in this State, either in the identical form or in any such near resemblance thereto as might be calculated to deceive, or shall use the same to obtain aid or assistance within this state, unless entitled to use or wear the same under the constitution and bylaws, rules and regulations of such order or society, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not less than Twenty-five Dollars ($25.00), nor more than One Hundred Dollars ($100.00), and in addition thereto, may be imprisoned in the county jail for a period of time not exceeding thirty (30) days.
Laws 1939, p. 361, § 1.

§21-1515. Telecommunication services - Unlawful procurement - Penalty.

Any individual, corporation, or other person, who, with intent to defraud or to aid and abet another to defraud any individual, corporation, or other person, of the lawful charge, in whole or in part, for any telecommunications service, shall avoid or attempt to avoid or shall cause or assist another to avoid or attempt to avoid any such charge for such service:

(a) by charging such service to an existing account, or using such services from an existing account, telephone number or credit card number without the authority of the subscriber thereto or the legitimate holder thereof; or

(b) by charging such service to a nonexistent, false, fictitious, or counterfeit account, telephone number or credit card number or to a suspended, terminated, expired, cancelled or revoked telephone number or credit card number; or

(c) by use of a code, prearranged scheme, or other similar strategem or device whereby said person in effect sends or receives information; or

(d) by rearranging, tampering with or making connection with any facilities or equipment of a telephone or other communications company, whether physically, inductively, acoustically, or electrically, or by utilizing such service, having reason to believe that such rearrangement, connection, or tampering existed or occurred;

shall be guilty of a misdemeanor, and shall, upon conviction thereof, be imprisoned not exceeding one (1) year or fined not exceeding One Thousand Dollars ($1,000.00), or both, in the discretion of the court.

Laws 1965, c. 137, § 1, emerg. eff. May 24, 1965; Laws 1991, c. 10, § 1, eff. July 1, 1991.

§21-1516. Devices or plans to procure services - Making, possessing, etc., prohibited - Penalty.

Any individual, corporation or other person who:

(a) makes or possesses any instrument, apparatus, equipment, or device designed, adapted or which can be used

(1) to fraudulently avoid the lawful charge for any telecommunication service in violation of Section 1 of this act; or

(2) to conceal, or to assist another to conceal, from any supplier of telecommunication service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or

(b) sells, gives or otherwise transfers to another, or offers or advertises to sell, give or otherwise transfer, any instrument, apparatus, equipment, or device, described in (a) above, or plans or instructions for making or assembling the same; under circumstances evidencing an intent to use or employ such instrument, apparatus, equipment, or device, or to allow the same to be used or employed, for a purpose described in (a) (1) or (a) (2), above, or knowing or having reason to believe that the same is intended to be so used, or that the aforesaid plans or instructions are intended to be used for making or assembling such instrument, apparatus, equipment, or device; shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be imprisoned not exceeding one (1) year or fined not exceeding One Thousand Dollars ($1,000.00), or both, in the discretion of the court.

Laws 1965, c. 137, § 2, emerg. eff. May 24, 1965.

§21-1517. Amateur radio operators exempt.

Nothing herein shall apply to public service and emergency communications performed by holders of valid Federal Communications Commission radio amateur licenses without charge on the part of such licensees; provided that nothing herein shall excuse any person from compliance with lawful tariffs of any telecommunications company.

Laws 1965, c. 137, § 3, emerg. eff. May 24, 1965.

§21-1518. Misrepresentation of age by false document.

It shall be unlawful for any person, for the purpose of violating any Statutes of Oklahoma, to willfully and knowingly misrepresent his age by presenting a false document purporting to state his true age.
Laws 1965, c. 481, § 1, emerg. eff. July 14, 1965.

§21-1519. Penalties.

Any person violating the provisions of Section 1 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not to exceed One Hundred Dollars ($100.00), or shall be confined to the county jail for a period of not to exceed thirty (30) days, or by both such fine and confinement.
Laws 1965, c. 481, § 2, emerg. eff. July 14, 1965.

§21-1520. Provisions as cumulative.

The provisions of this act shall be cumulative to existing laws.
Laws 1965, c. 481, § 3, emerg. eff. July 14, 1965.

§21-1521. See the following versions:

OS 21-1521v1 (HB 2751, Laws 2016, c. 221, § 2).

OS 21-1521v2 (State Question No. 780, Initiative Petition No. 404, § 12).

§21-1521v1. Motor vehicle lease or rental - Payment by false or bogus check.

Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for the sum of Twenty Dollars ($20.00) or less shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment. If the value of the false, bogus or worthless check shall exceed the sum of Twenty Dollars ($20.00) but is less than One Thousand Dollars ($1,000.00), any person convicted pursuant to this section shall be guilty of a misdemeanor and shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes. If the value of the worthless check is One Thousand Dollars ($1,000.00) or more, any person convicted hereunder shall be deemed guilty of a

felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term not exceeding seven (7) years or by a fine not to exceed Five Hundred Dollars ($500.00), or both such fine and imprisonment.
Added by Laws 1970, c. 84, § 1, emerg. eff. March 27, 1970. Amended by Laws 1973, c. 36, § 1, emerg. eff. April 24, 1973; Laws 1993, c. 147, § 3, eff. Sept. 1, 1993; Laws 1997, c. 133, § 366, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 258, eff. July 1, 1999; Laws 2016, c. 221, § 2, eff. Nov. 1, 2016.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 366 from July 1, 1998, to July 1, 1999.

§21-1521v2. Motor vehicle lease or rental - Payment by false, bogus or worthless check.

Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for the sum of less than One Thousand Dollars ($1,000.00) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment. If the value of the worthless check is One Thousand Dollars ($1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not exceeding seven (7) years or by a fine not to exceed Five Hundred Dollars ($500.00), or both such fine and imprisonment.
Added by Laws 1970, c. 84, § 1, emerg. eff. March 27, 1970. Amended by Laws 1973, c. 36, § 1, emerg. eff. April 24, 1973; Laws 1993, c. 147, § 3, eff. Sept. 1, 1993; Laws 1997, c. 133, § 366, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 258, eff. July 1, 1999; State Question No. 780, Initiative Petition No. 404, § 12, adopted at General Election held on November 8, 2016, eff. July 1, 2017.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 366 from July 1, 1998, to July 1, 1999.

§21-1522. Publication of telephone credit card information for fraudulent purposes.

Any person who publishes or causes to be published the number or code of an existing, cancelled, revoked, expired or nonexistent telephone credit card, or the numbering or coding system which is employed in the issuance of telephone credit cards, with the intent that it be used to fraudulently avoid the payment of any lawful toll charge, is guilty of a misdemeanor.

As used in this section, "published" means the communication of information to any one or more persons, either orally, in person or

by telephone, radio or television, or in a writing of any kind, including without limitation a letter or memorandum, circular or handbill, newspaper or magazine article or book.
Laws 1973, c. 140, § 1, emerg. eff. May 10, 1973.

§21-1523. Penalties - Civil action for damages.

Any person convicted of violating a prohibition contained in this act shall be imprisoned for a term not exceeding one (1) year or fined not more than One Thousand Dollars ($1,000.00), or both. Such person also shall be liable for the amount of the damages, loss and expense, including attorney fees and expenses of investigation incurred by any transmission company by reason of or resulting from the unlawful publication, directly or indirectly, such damages to be recovered in a civil action.
Laws 1973, c. 140, § 2, emerg. eff. May 10, 1973.

§21-1524. Falsely holding out as notary or performing notarial act - Penalty.

A. No person in this state shall hold himself out as a notary public, attach his signature as a notary public, use a notary public seal, or perform any notarial act unless he is authorized pursuant to the provisions of Section 114 of Title 49 of the Oklahoma Statutes to perform such acts.

B. Any person convicted of knowingly and willfully violating any of the provisions of this section shall be guilty of a misdemeanor.
Added by Laws 1986, c. 21, § 1, eff. Nov. 1, 1986.

§21-1531. False personation - Marriage - Becoming bail or surety - Execution of instrument - Creating liability or benefit.

Any person who falsely personates another, and in such assumed character:

1. Marries or pretends to marry, or to sustain the marriage relation toward another, with or without the connivance of such other person; or

2. Becomes bail or surety for any party, in any proceeding whatever, before any court or officer authorized to take such bail or surety; or

3. Subscribes, verifies, publishes, acknowledges or proves, in the name of another person, any written instrument, with intent that the same may be delivered or used as true; or

4. Does any other act whereby, if it were done by the person falsely personated, he might in any event become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person;

shall be guilty of a felony punishable by imprisonment in the State

Penitentiary not exceeding ten (10) years.
R.L. 1910, § 2689. Amended by Laws 1997, c. 133, § 367, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 259, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 367 from July 1, 1998, to July 1, 1999.

§21-1532. Receiving money or property intended for individual personated.

Any person who falsely personates another, and in such assumed character receives any money or property, that knowing it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person who is not entitled thereto, shall be guilty of a felony punishable in the same manner and to the same extent as for larceny of the money or property so received.
R.L. 1910, § 2690. Amended by Laws 1997, c. 133, § 368, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 260, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 368 from July 1, 1998, to July 1, 1999.

§21-1533. Penalties - Definitions - Certain defenses excluded.

A. Except as provided in subsection B of this section, every person who falsely personates any public officer, civil or military, any firefighter, any law enforcement officer, any emergency medical technician or other emergency medical care provider, or any private individual having special authority by law to perform any act affecting the rights or interests of another, or who assumes, without authority, any uniform or badge by which such officers or persons are usually distinguished, and in such assumed character does any act whereby another person is injured, defrauded, harassed, vexed or annoyed, upon conviction, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

B. Every person who falsely personates any public officer or any law enforcement officer in connection with or relating to any sham legal process shall, upon conviction, be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or a fine not exceeding Five Thousand Dollars ($5,000.00), or both such fine and imprisonment.

C. Every person who falsely asserts authority of law not provided for by federal or state law in connection with any sham legal process shall, upon conviction, be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or a fine not exceeding Five Thousand Dollars ($5,000.00), or both such fine and

imprisonment.

D. Every person who, while acting falsely in asserting authority of law, attempts to intimidate or hinder a public official or law enforcement officer in the discharge of official duties by means of threats, harassment, physical abuse, or use of sham legal process shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or a fine not exceeding Five Thousand Dollars ($5,000.00), or both such fine and imprisonment.

E. Any person who, without authority under federal or state law, acts as a supreme court justice, a district court judge, an associate district judge, a special judge, a magistrate, a clerk of the court or deputy, a notary public, a juror or other official holding authority to determine a controversy or adjudicate the rights or interests of others, or signs a document in such capacity, shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or a fine not exceeding Five Thousand Dollars ($5,000.00), or both such fine and imprisonment.

F. Every person who uses any motor vehicle or motor-driven cycle usually distinguished as a law enforcement vehicle or equips any motor vehicle or motor-driven cycle with any spot lamps, audible sirens, or flashing lights, in violation of Section 12-217, 12-218 or 12-227 of Title 47 of the Oklahoma Statutes, or in any other manner uses any motor vehicle or motor-driven cycle:

1. Which, by markings that conform to or imitate the markings required or authorized in subsection B of Section 151 of Title 47 of the Oklahoma Statutes and used by the Oklahoma Highway Patrol Division of the Department of Public Safety, conveys to any person the impression or appearance that it is a vehicle of the Oklahoma Highway Patrol shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or both fine and imprisonment; provided, nothing in this paragraph shall be construed to prohibit the use of such a vehicle for exhibitions, club activities, parades, and other functions of public interest and which is not used on the public roads, streets, and highways for regular transportation; or

2. For the purpose of falsely personating a law enforcement officer and who in such assumed character commits any act whereby another person is injured, defrauded, harassed, vexed or annoyed 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 Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

G. 1. Any person who displays or causes to be displayed the words “State Police” alone or in conjunction with any other word or

words on any motor vehicle, badge, clothing, identification card, or any other object or document with the intent to communicate peace officer or investigating authority shall, upon conviction, be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars ($1,000.00). This paragraph shall not apply to any officer with statewide investigatory or law enforcement authority.

2. Any person who displays or causes to display such words as provided in this subsection for the purpose of falsely personating a law enforcement officer and as such commits any act whereby another person is injured, defrauded, harassed, vexed or annoyed 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 Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

H. As used in this section:

1. "Sham legal process" means the issuance, display, delivery, distribution, reliance on as lawful authority, or other use of an instrument that is not lawfully issued, whether or not the instrument is produced for inspection or actually exists, and purports to do any of the following:

a. to be a summons, subpoena, judgment, arrest warrant, search warrant, or other order of a court recognized by the laws of this state, a law enforcement officer commissioned pursuant to state or federal law or the law of a federally recognized Indian tribe, or a legislative, executive, or administrative agency established by state or federal law or the law of a federally recognized Indian tribe,

b. to assert jurisdiction or authority over or determine or adjudicate the legal or equitable status, rights, duties, powers, or privileges of any person or property, or

c. to require or authorize the search, seizure, indictment, arrest, trial, or sentencing of any person or property; and

2. "Lawfully issued" means adopted, issued, or rendered in accordance with the applicable statutes, rules, regulations, and ordinances of the United States, a state, or a political subdivision of a state.

I. It shall not be a defense to a prosecution under subsection B, C, D or E of this section that:

1. The recipient of the sham legal process did not accept or believe in the authority falsely asserted in the sham legal process;

2. The person violating subsection B, C, D or E of this section does not believe in the jurisdiction or authority of this state or of the United States government; or

3. The office the person violating subsection B, C, D or E of

this section purports to hold does not exist or is not an official office recognized by state or federal law.
R.L. 1910, § 2691. Amended by Laws 1990, c. 320, § 4, emerg. eff. May 30, 1990; Laws 1993, c. 13, § 1, emerg. eff. March 24, 1993; Laws 1997, c. 405, § 1, emerg. eff. June 13, 1997; Laws 1998, 1st Ex. Sess., c. 2, § 8, emerg. eff. June 19, 1998; Laws 1999, c. 24, § 4, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 261, eff. July 1, 1999; Laws 2003, c. 199, § 2, eff. Nov. 1, 2003; Laws 2003, c. 474, § 2, eff. Nov. 1, 2003; Laws 2012, c. 125, § 1, eff. Nov. 1, 2012.

§21-1533.1. Identity theft - Penalties - Civil action.

A. It is unlawful for any person to willfully and with fraudulent intent obtain the name, address, Social Security number, date of birth, place of business or employment, debit, credit or account numbers, driver license number, or any other personal identifying information of another person, living or dead, with intent to use, sell, or allow any other person to use or sell such personal identifying information to obtain or attempt to obtain money, credit, goods, property, or service in the name of the other person without the consent of that person.

B. It is unlawful for any person to use with fraudulent intent the personal identity of another person, living or dead, or any information relating to the personal identity of another person, living or dead, to obtain or attempt to obtain credit or anything of value.

C. It is unlawful for any person with fraudulent intent to lend, sell, or otherwise offer the use of such person's own name, address, Social Security number, date of birth, or any other personal identifying information or document to any other person with the intent to allow such other person to use the personal identifying information or document to obtain or attempt to obtain any identifying document in the name of such other person.

D. It is unlawful for any person to willfully create, modify, alter or change any personal identifying information of another person with fraudulent intent to obtain any money, credit, goods, property, service or any benefit or thing of value, or to control, use, waste, hinder or encumber another person's credit, accounts, goods, property, title, interests, benefits or entitlements without the consent of that person.

E. Any person convicted of violating any provision of this section shall be guilty of identity theft. Any person who violates the provisions of subsection A, B or D of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years, or a fine not to exceed One Hundred Thousand Dollars ($100,000.00), or by both such fine and

imprisonment. Any person who violates the provisions of subsection C of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for a term not to exceed one (1) year, or a fine not to exceed One Hundred Thousand Dollars ($100,000.00), or by both such fine and imprisonment. Restitution to the victim may be ordered in addition to any criminal penalty imposed by the court. The victim of identity theft may bring a civil action for damages against any person participating in furthering the crime or attempted crime of identity theft.
Added by Laws 1999, c. 144, § 1, emerg. eff. May 3, 1999. Amended by Laws 2000, c. 277, § 10, eff. Nov. 1, 2000; Laws 2001, c. 5, § 5, emerg. eff. March 21, 2001; Laws 2004, c. 279, § 1, emerg. eff. May 10, 2004; Laws 2007, c. 167, § 1, eff. Nov. 1, 2007; Laws 2016, c. 221, § 3, eff. Nov. 1, 2016.
NOTE: Laws 2000, c. 174, § 1 repealed by Laws 2001, c. 5, § 6, emerg. eff. March 21, 2001.

§21-1533.2. Fraudulently obtaining another person's information of financial institution - Presenting false or fraudulent information to officer, employee, agent or another customer of financial institution.

A. It is unlawful for any person to willfully and knowingly obtain, or attempt to obtain, another person’s personal, financial or other information of a financial institution by means of any false or fraudulent statement made to any officer, employee, agent or customer of such financial institution.

B. It is unlawful for any person to willfully and knowingly present any false or fraudulent document or information, or any document or information obtained or used without lawful consent or authority, to any officer, employee, agent or another customer of such financial institution to obtain, or attempt to obtain, another person’s personal, financial or other information from a financial institution or to commit any crime.

C. Any person violating any provision of this section shall, upon conviction, be guilty of a felony punishable by imprisonment in the Department of Corrections for a term of not more than ten (10) years. In addition, the court may order restitution to be paid by the defendant to every customer whose information was obtained or otherwise utilized in violation of this provision.
Added by Laws 2004, c. 298, § 3, emerg. eff. May 12, 2004.

§21-1533.3. Identity theft incident report - Preparation and filing by local law enforcement - Reports not considered open cases.

A. Notwithstanding that jurisdiction may lie elsewhere for investigation and prosecution of a crime of identity theft, victims of identity theft have the right to contact the local law enforcement agency where the victim is domiciled and have an

incident report about the identity theft prepared and filed. The local law enforcement agency that prepares and files the incident report shall, upon request, provide the victim with a copy of the incident report. The law enforcement agency may share the incident report with law enforcement agencies located in other jurisdictions. For purposes of this section, "incident report" means a loss or other similar report prepared and filed by a local law enforcement agency.

B. Nothing in this section shall interfere with the discretion of a local law enforcement agency to allocate resources for investigations of crimes. An incident report prepared and filed pursuant to this section shall not be an open case for purposes of compiling open case statistics.

Added by Laws 2007, c. 10, § 1, eff. Nov. 1, 2007.

§21-1541.1. See the following versions:

OS 21-1541.1v1 (HB 2751, Laws 2016, c. 221, § 4).

OS 21-1541.1v2 (State Question No. 780, Initiative Petition No. 404, § 13).

§21-1541.1v1. Obtaining or attempting to obtain property by trick or deception - False statements or pretenses - Confidence game - Penalty.

Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of a value less than One Thousand Dollars ($1,000.00), by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

Added by Laws 1967, c. 94, § 1, emerg. eff. April 20, 1967. Amended by Laws 1982, c. 277, § 1, operative Oct. 1, 1982; Laws 2001, 1st Ex. Sess., c. 2, § 1, emerg. eff. Oct. 8, 2001; Laws 2016, c. 221, § 4, eff. Nov. 1, 2016.

§21-1541.1v2. Obtaining or attempting to obtain property by trick or deception - False statements or pretenses - Confidence game - Penalty.

Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of a value less than One Thousand Dollars ($1,000.00), by means or by use of any trick or deception,

or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printd or engraved instrument or spurious coin, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.
Added by Laws 1967, c. 94, § 1, emerg. eff. April 20, 1967. Amended by Laws 1982, c. 277, § 1, operative Oct. 1, 1982; Laws 2001, 1st Ex. Sess., c. 2, § 1, emerg. eff. Oct. 8, 2001; State Question No. 780, Initiative Petition No. 404, § 13, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

§21-1541.2. See the following versions:
OS 21-1541.2v1 (HB 2751, Laws 2016, c. 221, § 5).
OS 21-1541.2v2 (State Question No. 780, Initiative Petition No. 404, § 14).

§21-1541.2v1. Value of money, property or valuable thing - Penalty.
If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is One Thousand Dollars ($1,000.00) or more, any person convicted pursuant to this section shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment, and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.
Added by Laws 1967, c. 94, § 2, emerg. eff. April 20, 1967. Amended by Laws 1982, c. 277, § 2, operative Oct. 1, 1982; Laws 1993, c. 147, § 4, eff. Sept. 1, 1993; Laws 1997, c. 133, § 369, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 262, eff. July 1, 1999; Laws 2001, c. 437, § 7, eff. July 1, 2001; Laws 2016, c. 221, § 5, eff. Nov. 1, 2016.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 369 from July 1, 1998, to July 1, 1999.

§21-1541.2v2. Value of One Thousand Dollars or more - Punishment.
If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is One Thousand Dollars ($1,000.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.
Added by Laws 1967, c. 94, § 2, emerg. eff. April 20, 1967. Amended

by Laws 1982, c. 277, § 2, operative Oct. 1, 1982; Laws 1993, c. 147, § 4, eff. Sept. 1, 1993; Laws 1997, c. 133, § 369, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 262, eff. July 1, 1999; Laws 2001, c. 437, § 7, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 14, adopted at General Election held on November 8, 2016, eff. July 1, 2017.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 369 from July 1, 1998, to July 1, 1999.

§21-1541.3. See the following versions:
OS 21-1541.3v1 (HB 2751, Laws 2016, c. 221, § 6).
OS 21-1541.3v2 (State Question No. 780, Initiative Petition No. 404, § 15).

§21-1541.3v1. Value of bogus checks, drafts or orders - Penalty.
Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts or orders, as defined by Section 1541.4 of this title, the total sum of which is Two Thousand Dollars ($2,000.00) or more, even though each separate instrument is written for less than One Thousand Dollars ($1,000.00), all in pursuance of a common scheme or plan to cheat and defraud, shall be deemed guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. If the total sum of two or more false or bogus checks, drafts or orders is Five Hundred Dollars ($500.00) or more, but less than Two Thousand Dollars ($2,000.00), the person shall, upon conviction, be guilty of a misdemeanor and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.
Added by Laws 1967, c. 94, § 3, emerg. eff. April 20, 1967. Amended by Laws 1982, c. 277, § 3, operative Oct. 1, 1982; Laws 1993, c. 147, § 5, eff. Sept. 1, 1993; Laws 1993, c. 288, § 2, eff. Sept. 1, 1993; Laws 1997, c. 133, § 370, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 263, eff. July 1, 1999; Laws 2001, c. 437, § 8, eff. July 1, 2001; Laws 2016, c. 221, § 6, eff. Nov. 1, 2016.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 370 from July 1, 1998, to July 1, 1999.

§21-1541.3v2. Value of One Thousand Dollars or more - Punishment.
Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts or orders, as defined by Section

1541.4 of this title, the total sum of which is One Thousand Dollars ($1,000.00) or more, even though each separate instrument is written for less than One Thousand Dollars ($1,000.00), all in pursuance of a common scheme or plan to cheat and defraud, shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not more than ten (10) years, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.
Added by Laws 1967, c. 94, § 3, emerg. eff. April 20, 1967. Amended by Laws 1982, c. 277, § 3, operative Oct. 1, 1982; Laws 1993, c. 147, § 5, eff. Sept. 1, 1993; Laws 1993, c. 288, § 2, eff. Sept. 1, 1993; Laws 1997, c. 133, § 370, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 263, eff. July 1, 1999; Laws 2001, c. 437, § 8, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 15, adopted at General Election held on November 8, 2016, eff. July 1, 2017.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 370 from July 1, 1998, to July 1, 1999.

§21-1541.4. False or bogus check or checks defined; prima facie evidence of intent to defraud and knowledge of insufficient funds or credit; effect of refusal by drawee of check offered for purchase of goods or livestock.

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;

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; or

4. As payment made to a landlord under a lease or rental agreement.

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 the 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.

Added by Laws 1967, c. 94, § 4, emerg. eff. April 20, 1967. Amended by Laws 1975, c. 124, § 1, emerg. eff. May 13, 1975; Laws 2002, c. 116, § 1, eff. Nov. 1, 2002; Laws 2009, c. 428, § 1, eff. Nov. 1, 2009; Laws 2013, c. 127, § 1, eff. Nov. 1, 2013; Laws 2014, c. 224, § 1, eff. Nov. 1, 2014.

§21-1541.5. Credit defined.

The word "credit," as used in Section 1541.1 through 1541.4 of this title, shall be construed to mean an arrangement or understanding with the bank, depository, or seller of goods or livestock for the payment of such check, draft, or order.

Added by Laws 1967, c. 94, § 5, emerg. eff. April 20, 1967. Amended by Laws 2009, c. 428, § 2, eff. Nov. 1, 2009.

§21-1541.6. Refund fraud - Penalties.

A. No person shall give a false or fictitious name or address as his own, or give the name or address of any other person without the knowledge and consent of that person, for the purpose of obtaining or attempting to obtain a refund for merchandise from a business establishment.

B. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor punishable by the imposition of a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than one (1) year, or by both said fine and imprisonment.

Added by Laws 1984, c. 44, § 1, eff. Nov. 1, 1984. de

§21-1542. Obtaining property or signature under false pretenses - Use of retail sales receipt or Universal Price Code Label to cheat or defraud.

A. Every person who, with intent to cheat or defraud another, designedly, by color or aid of any false token or writing, or other false pretense, obtains the signature of any person to any written instrument, or obtains from any person any money or property is, upon conviction, guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding three (3) years or in a county jail not exceeding one (1) year if the value is One Thousand Dollars ($1,000.00) or more, or by

a fine not exceeding three times the value of the money or property so obtained, or by both such fine and imprisonment. If the value is less than One Thousand Dollars ($1,000.00), the person is, upon conviction, guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year, or by a fine not exceeding three times the value of the money or property so obtained, or by both such fine and imprisonment.

B. Every person who, with intent to cheat or defraud another, possesses, uses, utters, transfers, makes, manufactures, counterfeits, or reproduces a retail sales receipt or a Universal Price Code Label is, upon conviction, guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding three (3) years or in a county jail not exceeding one (1) year if the value is One Thousand Dollars ($1,000.00) or more, or by a fine not exceeding three times the value represented on the retail sales receipt or the Universal Price Code Label, or by both such fine and imprisonment. If the value is less than One Thousand Dollars ($1,000.00), the person is, upon conviction, guilty of a misdemeanor punishable by imprisonment in the county jail for a term not exceeding one (1) year, or by a fine not exceeding three times the value represented on the retail sales receipt or the Universal Price Code Label, or by both such fine and imprisonment. For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.
R.L. 1910, § 2694. Amended by Laws 1997, c. 139, § 2, eff. Nov. 1, 1997; Laws 2016, c. 221, § 7, eff. Nov. 1, 2016.
NOTE: Laws 1997, c. 133, § 371 repealed by Laws 1999, 1st Ex. Sess., c. 5, § 452, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 371 from July 1, 1998, to July 1, 1999.

§21-1543. Obtaining signature or property for charitable purposes by false pretenses.

Any person who designedly, by color or aid of any false token or writing, or other false pretense, obtains the signature of any person to any written instrument, or obtains from any person any money or property for any alleged charitable or benevolent purpose whatever, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding three (3) years or in a county

jail not exceeding one (1) year, or by a fine not exceeding the value of the money or property so obtained, or by both such fine and imprisonment.
R.L. 1910, § 2695. Amended by Laws 1997, c. 133, § 372, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 264, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 372 from July 1, 1998, to July 1, 1999.

§21-1544. False negotiable paper.

If the false token by which any money or property is obtained in violation of the first and second preceding sections of this article, is a promissory note or negotiable evidence of debt purporting to be issued by or under the authority of any banking company or corporation not in existence, the person guilty of such cheat shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding seven (7) years, instead of by punishment prescribed by those sections.
R.L. 1910, § 2696. Amended by Laws 1997, c. 133, § 373, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 265, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 373 from July 1, 1998, to July 1, 1999.

§21-1545. Using false check - False token.

The use of a matured check or other order for the payment of money, as a means of obtaining any signature, money or property, such as is specified in the last two sections, by a person who knows that a drawer thereof is not entitled to draw for the sum specified therein, upon the drawee, is the use of a false token within the meaning of those sections although no representation is made in respect thereto.
R.L.1910, § 2697. de

§21-1546. Removing, defacing, altering or obliterating - Subsequent sale.

Any person, firm or corporation who removes, defaces, alters, changes, destroys, covers, obliterates or makes a substitution of any trademark, distinguishing or identification number, serial number or mark, on or from any machine or electrical or mechanical device or apparatus, and thereafter sells or resells or offers for sale or resale the same in such condition, is guilty of a misdemeanor.
Laws 1953, p. 97, § 1.

§21-1547. Person acquiring machine or device with mark removed, altered, etc.

Any person, firm or corporation who acquires, for the purpose of sale or resale and possesses any machine or electrical or mechanical

device or apparatus, or any of the parts thereof, from or on which any trademark, distinguishing or identification number, serial number or mark has been removed, covered, altered, changed, defaced, destroyed, obliterated or substituted for, is guilty of a misdemeanor, unless within ten (10) days after such machine or electrical or mechanical device or apparatus, or any such part thereof, shall have come into his or its possession, said person, firm or corporation files with the chief law enforcement officer of the municipality in which the machine or electrical or mechanical device or apparatus or any such part thereof is located, or to the county sheriff of the county wherein said property is located if not within a municipality, a verified statement showing: The source of his or its title, identification or distinguishing number or serial number or mark, if known, and, if known, the manner of and reason for such mutilation, change, alteration, concealment, defacement or substitution, the length of time such machine or electrical or mechanical device or apparatus or part has been held, and the price paid therefor, and provided further, that any and all such verified statements shall be available for inspection by any interested person.
Laws 1953, p. 97, § 2.

§21-1548. Vehicles excepted.

The provisions of this act shall not apply to motor vehicles and other vehicles as defined in Section 1102 of Title 47 of the Oklahoma Statutes.
Added by Laws 1953, p. 97, § 3. Amended by Laws 2001, c. 131, § 12, eff. July 1, 2001.

§21-1549. Changes of serial numbers by original manufacturer.

The provisions of this act shall not apply to changes of serial numbers authorized and made by the original manufacturer.
Laws 1953, p. 97, § 4.

§21-1550. Person committing felony in possession or control of firearm with removed, defaced, etc. serial number.

A. Any person who, while in the commission or attempted commission of a felony, has in his possession or under his control a firearm, the factory serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner, upon conviction, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a period of not less than two (2) years nor more than five (5) years, or by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

B. Any person who removes, defaces, alters, obliterates or mutilates in any manner the factory serial number or identification

number of a firearm, or in any manner participates therein, upon conviction, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not to exceed one (1) year, or by a fine of not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

C. 1. Upon a conviction of a violation of this section, the court clerk, sheriff, peace officer or other person having custody of the firearm shall immediately deliver the firearm to the Commissioner of Public Safety, who shall preserve the firearm pending an order of the court.

2. At the conclusion of a trial or proceeding for a violation of this section, if a finding is made that the factory serial number or identification number of the firearm has been removed, defaced, altered, obliterated or mutilated, the court shall issue a written order to the Commissioner of Public Safety for destruction of the firearm, unless the defendant files a timely motion to preserve the firearm pending appeal. At the conclusion of the appeal, if a finding is made that the factory serial number or identification number of the firearm has been removed, defaced, altered, obliterated or mutilated, the Court of Criminal Appeals or the trial court shall issue a written order to the Commissioner for destruction of the firearm.

Added by Laws 1988, c. 212, § 1, eff. Nov. 1, 1988. Amended by Laws 1997, c. 133, § 374, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 266, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 374 from July 1, 1998, to July 1, 1999.

§21-1550.1. Definitions.

1. The term "credit card" means an identification card or device issued to a person, firm or corporation by a business organization which permits such person, firm or corporation to purchase or obtain goods, property or services on the credit of such organization.

2. "Debit card" means an identification card or device issued to a person, firm or corporation by a business organization which permits such person, firm or corporation to obtain access to or activate a consumer banking electronic facility.

Laws 1961, p. 233, § 1; Laws 1981, c. 86, § 1, emerg. eff. April 20, 1981.

§21-1550.2. Value of Five Hundred Dollars or less - Value of more than Five Hundred Dollars.

Any person who knowingly uses or attempts to use in person, by telephone or by the Internet, for the purpose of obtaining credit, or for the purchase of goods, property or services, or for the purpose of obtaining cash advances in lieu of these items, or to

deposit, obtain or transfer funds, either a credit card or a debit card which has not been issued to such person or which is not used with the consent of the person to whom issued or a credit card or a debit card which has been revoked or cancelled by the issuer of such card and actual notice thereof has been given to such person, or a credit card or a debit card which is false, counterfeit or nonexistent is guilty of a misdemeanor and punishable by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment if the amount of the credit or purchase or funds deposited, obtained or transferred by such use does not exceed Five Hundred Dollars ($500.00); or, by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment if the amount of the credit or purchase or funds deposited, obtained or transferred by such use exceeds Five Hundred Dollars ($500.00).
Added by Laws 1961, p. 233, § 2. Amended by Laws 1981, c. 86, § 2, emerg. eff. April 20, 1981; Laws 2001, c. 437, § 9, eff. July 1, 2001; Laws 2008, c. 128, § 1, eff. Nov. 1, 2008.

§21-1550.3. Actual notice.

The words "actual notice" as used herein shall be construed to include either notice given to the purchaser in person or notice given to him in writing. Such actual notice in writing shall be presumed to have been given when deposited as registered or certified mail, in the United States mail, addressed to such person at his last known address.
Laws 1961, p. 233, § 3.

§21-1550.21. Definitions.

As used in this act:

(1) "Cardholder" means the person or organization named on the face of a credit card or a debit card to whom or for whose benefit the credit card or debit card is issued.

(2) "Credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining money, goods, services or anything else of value on credit and all such credit cards lawfully issued shall be considered the property of the cardholders or the issuer for all purposes.

(3) "Debit card" means any instrument or device, whether known as a debit card or by any other name, issued with or without fee by an issuer for the use of the cardholder in depositing, obtaining or transferring funds from a consumer banking electronic facility.

(4) "Issuer" means any person, firm, corporation, financial

institution or its duly authorized agent which issues a credit card or a debit card.

(5) "Receives" or "receiving" means acquiring possession or control or accepting as security for a loan.

(6) "Revoked card" means a credit card or a debit card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

Laws 1970, c. 258, § 1; Laws 1971, c. 307, § 1, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 3, emerg. eff. April 20, 1981.

§21-1550.22. Taking credit or debit card - Receiving taken credit or debit card.

(a) A person who takes a credit card or debit card from the person, possession, custody or control of another without the cardholder's consent, or who, with knowledge that it has been so taken, receives the credit card or debit card with intent to use it or to sell it, or to transfer it to a person other than the issuer or the cardholder, is guilty of card theft and is subject to the penalties set forth in Section 1550.33(a) of this title.

(b) Taking a credit card or a debit card without consent includes obtaining it by the crime of larceny, larceny by trick, larceny by the bailee, embezzlement or obtaining property by false pretense, false promise, extortion or in any manner taking without the consent of the cardholder or issuer.

(c) A person who has in his possession or under his control any credit card or debit card obtained under subsection (b) of this section is presumed to have violated this section.

Laws 1970, c. 258, § 2; Laws 1971, c. 307, § 2, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 4, emerg. eff. April 20, 1981.

§21-1550.23. Receiving, holding or concealing lost or mislaid card.

A person who receives, holds or conceals a credit card or a debit card which has been lost or mislaid under circumstances which give him knowledge or cause to inquire as to the true owner and appropriates it to his use or the use of another not entitled thereto is subject to the penalties set forth in Section 1550.33(a) of Title 21 of the Oklahoma Statutes.

Laws 1970, c. 258, § 3; Laws 1971, c. 307, § 3, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 5, emerg. eff. April 20, 1981.

§21-1550.24. Selling or buying credit or debit card.

A person other than the issuer who sells a credit card or debit card or a personwho buys a credit card or a debit card from a person other than the issuer is guilty of theft and is subject to the penalties set forth in Section 1550.33(a) of this title.

Laws 1970, c. 258, § 4, emerg. eff. April 22, 1970; Laws 1981, c. 86, § 6, emerg. eff. April 20, 1981.

§21-1550.25. Controlling credit or debit card as security for debt.

A person with intent to defraud (a) the issuer, (b) a person or organization providing money, goods, services or anything else of value, or (c) any other person, who obtains control over a credit card or debit card as security for debt is guilty of theft and is subject to the penalties set forth in Section 1550.33(a) of this title.

Laws 1970, c. 258, § 5, emerg. eff. April 22, 1970; Laws 1981, c. 86, § 7, emerg. eff. April 20, 1981. d

§21-1550.26. Receiving taken or retained card upon giving consideration.

A person, other than the issuer, who receives, on giving of any consideration, credit cards or debit cards issued to any other person, whichhe has reason to know were taken or retained under circumstances which constitute card theft, is guilty of card theft and is subject to the penalties set forth in Section 1550.33(a) of Title 21 of the Oklahoma Statutes.

Laws 1970, c. 258, § 6; Laws 1971, c. 307, § 4, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 8, emerg. eff. April 20, 1981.

§21-1550.27. False making or embossing of credit or debit card.

A. A person, with intent to defraud:

1. A purported issuer;

2. A person or organization providing money, goods, services or anything else of value; or

3. Any other person,

who falsely makes or falsely embosses a purported credit card or debit card or utters such a credit card or debit card is guilty of forgery in the third degree and is subject to the penalties set forth in subsection A of Section 1550.33 of this title.

B. A person other than the purported issuer who possesses any credit card or debit card which is falsely made or falsely embossed is presumed to have violated this section.

C. A person "falsely makes" a credit card or debit card when the person makes or draws, in whole or in part, a device or instrument which purports to be the credit card or debit card of a named issuer but which is not such a credit card or debit card because the issuer did not authorize the making or drawing, or when the person alters a credit card or debit card which was validly issued.

D. A person "falsely embosses" a credit card or debit card when, without the authorization of the named issuer, the person completes a credit card or debit card by adding any of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card or debit card before it can be used by

a cardholder.
Added by Laws 1970, c. 258, § 7, emerg. eff. April 22, 1970. Amended by Laws 1971, c. 307, § 5, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 9, emerg. eff. April 20, 1981; Laws 2016, c. 221, § 8, eff. Nov. 1, 2016.

§21-1550.28. Signing of card - Possession of signed or unsigned card.

(a) A person other than the cardholder or a person authorized by him who, with intent to defraud (1) the issuer, (2) a person or organization providing money, goods, services or anything else of value, or (3) any other person, signs a credit card or debit card violates this subsection and is subject to the penalties set forth in Section 1550.33(a) of Title 21 of the Oklahoma Statutes.

(b) When a person, other than the cardholder or a person authorized by him, possesses any credit card or debit card which is signed or not signed, such possession shall be a crime and subject to the penalties set forth in Section 1550.33 of Title 21 of the Oklahoma Statutes.
Laws 1970, c. 258, § 8; Laws 1971, c. 307, § 6, emerg. eff. June 19, 1971; Laws 1981, c. 86, § 10, emerg. eff. April 20, 1981.

§21-1550.29. Forged or revoked card.

A person who, with intent to defraud (a) the issuer, (b) a person or organization providing money, goods, services or anything else of value, or (c) any other person, uses for the purpose of obtaining money, goods, services or anything else of value a credit card or debit card obtained or retained in violation of any provision of Sections 1550.22 through 1550.28 of this title or a credit card or debit card which he knows is forged or revoked, or obtains money, goods, services or anything else of value by representing, without the consent of the cardholder, that he is the holder of a specified card or by representing that he is the holder of a card and such card has in fact not been issued, has violated this subsection and is guilty of an offense and is subject to the penalties set forth in Section 1550.33(a) of this title. Knowledge of revocation shall be presumed to have been received by a cardholder fourteen (14) days after it has been mailed to him at the address in this state set forth on the credit card application or at his last-known address by registered or certified mail, return receipt requested.
Laws 1970, c. 258, § 9, emerg. eff. April 22, 1970; Laws 1981, c. 86, § 11, emerg. eff. April 20, 1981.

§21-1550.30. Failure to furnish money, goods or services represented to have been furnished.

A person who is authorized by an issuer to furnish money, goods,

services or anything else of value upon presentation of a credit card or debit card by the cardholder, or any agent or employee of such person, who, with intent to defraud the issuer or cardholder, fails to furnish money, goods, services or anything else of value which he represents in writing to the issuer that he has furnished violates this subsection and is subject to the penalties set forth in Section 1550.33(a) of this title.
Laws 1970, c. 258, § 10, emerg. eff. April 22, 1970; Laws 1981, c. 86, § 12, emerg. eff. April 20, 1981. d

§21-1550.31. Possessing incomplete cards.

(a) A person other than the cardholder possessing one or more incomplete credit cards or debit cards, with intent to complete them without theconsent of the issuer, or a person possessing, with knowledge of its character, machinery, plates or any other contrivance designed to reproduce instruments purporting to be the credit cards or debit cards of an issuer who has not consented to the preparation of such credit cards or debit cards, is guilty of an offense and is subject to the penalties set forth in Section 1550.33(b) of this title.

(b) A credit card or debit card is "incomplete" if part of the matter, other than the signature of the cardholder, which an issuer requires to appear on the credit card or debit card before it can be used by a cardholder has not yet been stamped, embossed, imprinted or written on it.
Laws 1970, c. 258, § 11, emerg. eff. April 22, 1970; Laws 1981, c. 86, § 13, emerg. eff. April 20, 1981.

§21-1550.32. Receiving of money, goods or services in violation of Section 1550.29.

A person who receives money, goods, services or anything else of value obtained in violation of Section 1550.29 of this title, with the knowledge or belief that it was so obtained, is guilty of an offense and is subject to the penalties set forth in subsection C of Section 1550.33 of this title.
Added by Laws 1970, c. 258, § 12, emerg. eff. April 22, 1970. Amended by Laws 2016, c. 221, § 9, eff. Nov. 1, 2016.

§21-1550.33. Penalties.

A. A person who is subject to the penalties of this subsection shall be guilty of a misdemeanor and fined not more than One Thousand Dollars ($1,000.00) or imprisoned in the county jail not to exceed one (1) year, or both fined and imprisoned.

B. A person who is subject to the penalties of this subsection shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for not more than seven (7) years.

C. A person subject to the penalties of this subsection who received goods or services or any other item which has a value of One Thousand Dollars ($1,000.00) or more shall be guilty of a felony and fined not more than Three Thousand Dollars ($3,000.00), imprisoned in the custody of the Department of Corrections for not more than three (3) years, or both fined and imprisoned. If the value is less than One Thousand Dollars ($1,000.00), the person shall be guilty of a misdemeanor and fined not more than One Thousand Dollars ($1,000.00), imprisoned in the county jail for not more than one (1) year, or both fined and imprisoned. For purposes of this subsection, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.
Added by Laws 1970, c. 258, § 13, emerg. eff. April 22, 1970. Amended by Laws 1971, c. 307, § 7, emerg. eff. June 19, 1971; Laws 1997, c. 133, § 375, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 267, eff. July 1, 1999; Laws 2016, c. 221, § 10, eff. Nov. 1, 2016.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 375 from July 1, 1998, to July 1, 1999.

§21-1550.34. Other criminal law not precluded - Exception.

This act shall not be construed to preclude the applicability of any other provision of the criminal law of this state which presently applies or may in the future apply to any transaction which violates this act, unless such provision is inconsistent with the terms of this act.
Laws 1970, c. 258, § 14, emerg. eff. April 22, 1970.

§21-1550.36. Provisions cumulative.

The provisions of this act shall be cumulative to any existing laws.
Added by Laws 1970, c. 258, § 16, emerg. eff. April 22, 1970.

§21-1550.37. Short title.

This act shall be known and may be cited as the "Oklahoma Credit Card Crime Act of 1970."
Laws 1970, c. 258, § 17, emerg. eff. April 22, 1970.

§21-1550.38. Emergency.

The Legislature of the State of Oklahoma finds the theft, abuse and misuse of credit cards has damaged the economic security of the people of the state and such activity must be controlled immediately to prevent further harm and that the immediate passage of this act is necessary to establish uniform and effective methods for protection against the danger so as to discourage practices contrary to this act. Therefore, an emergency is hereby declared to exist and this act being immediately necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.
Laws 1970, c. 258, § 18, emerg. eff. April 22, 1970.

§21-1550.41. Definitions - Offenses - Penalties.

A. As used in this section and Section 1550.42 of this title, "identification document", "identification card", or "identification certificate" means any printed form which contains:

1. The name and photograph of a person;

2. The name and any physical description of a person;

3. The name and social security number of a person; or

4. Any combination of information provided for in paragraphs 1 through 3 of this subsection; and

which by its format, is capable of leading a person to believe said document, card, or certificate has been issued for the purpose of identifying the person named thereon, but shall not include any printed form which, on its face, conspicuously bears the term "NOT FOR IDENTIFICATION" in not less than six-point type.

B. It is a misdemeanor for any person:

1. To purchase an identification document, identification card, or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color, weight, a fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

2. To display or cause or permit to be displayed or to knowingly possess an identification document, identification card or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color, weight, or fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

3. To display or cause or permit to be displayed or to knowingly possess any counterfeit or fictitious identification document, identification card, or identification certificate; or

4. To use the "Great Seal of the State of Oklahoma" or facsimile thereof, on any identification document, identification card, or identification certificate which is not issued by an entity of this state or political subdivision thereof, or by the United States. Provided, nothing in this paragraph shall be construed to prohibit the use of the "Great Seal of the State of Oklahoma" for

authorized advertising, including, but not limited to, business cards, calling cards and stationery.

C. It is a felony for any person:

1. To create, publish or otherwise manufacture an identification document, identification card or identification certificate or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of an identification document, identification card or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver licenses, nondriver identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law;

2. To sell or offer for sale an identification document, identification card, or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver licenses, nondriver identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law; or

3. To display or present an identification document, identification card or identification certificate which bears altered, false or fictitious information for the purpose of:

a. committing or aiding in the commission of a felony in any commercial or financial transaction,

b. misleading a peace officer in the performance of duties, or

c. avoiding prosecution.

D. 1. The violation of any of the provisions of subsection B of this section shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00).

2. The violation of any of the provisions of subsection C of this section shall constitute a felony and, upon conviction thereof, shall be punishable by a fine not exceeding Ten Thousand Dollars ($10,000.00) or a term of imprisonment in the State Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment.

E. Notwithstanding any provision of this section, the chief administrator of a federal or state law enforcement, military, or intelligence agency may request the Commissioner of the Department of Public Safety to authorize the issuance of an identification document, identification card, or identification certificate which would otherwise be a violation of this section, to identify a law

enforcement officer or agent as another person for the sole purpose of aiding in a criminal investigation or a military or intelligence operation. A person displaying or possessing such identification shall not be prosecuted for a violation of this section. Upon termination of the investigation or operation, the person to whom such identification document, identification card or identification certificate was issued shall return such identification to the Department of Public Safety.
Added by Laws 1987, c. 224, § 9, eff. Nov. 1, 1987. Amended by Laws 1992, c. 116, § 1, eff. Sept. 1, 1992; Laws 1997, c. 133, § 376, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 268, eff. July 1, 1999; Laws 2002, c. 86, § 1, emerg. eff. April 17, 2002; Laws 2008, c. 128, § 2, eff. Nov. 1, 2008.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 376 from July 1, 1998, to July 1, 1999.

§21-1550.42. Entities authorized to print identification documents, cards and certificates - Issuance of certain documents limited to citizens, nationals and legal permanent resident aliens.

A. The following entities may create, publish or otherwise manufacture an identification document, identification card, or identification certificate and may possess an engraved plate or other such device for the printing of such identification; provided, the name of the issuing entity shall be clearly printed upon the face of the identification:

1. Businesses, companies, corporations, service organizations and federal, state and local governmental agencies for employee identification which is designed to identify the bearer as an employee;

2. Businesses, companies, corporations and service organizations for customer identification which is designed to identify the bearer as a customer or member;

3. Federal, state and local government agencies for purposes authorized or required by law or any legitimate purpose consistent with the duties of such an agency, including, but not limited to, voter identification cards, driver licenses, nondriver identification cards, passports, birth certificates and social security cards;

4. Any public school or state or private educational institution, as defined by Sections 1-106, 21-101 or 3102 of Title 70 of the Oklahoma Statutes, to identify the bearer as an administrator, faculty member, student or employee;

5. Any professional organization or labor union to identify the bearer as a member of the professional organization or labor union; and

6. Businesses, companies or corporations which manufacture medical-alert identification for the wearer thereof.

B. All identification documents as provided for in paragraph 3 or 4 of subsection A of this section shall be issued only to United States citizens, nationals and legal permanent resident aliens.

C. The provisions of subsection B of this section shall not apply when an applicant presents, in person, valid documentary evidence of:

1. A valid, unexpired immigrant or nonimmigrant visa status for admission into the United States;

2. A pending or approved application for asylum in the United States;

3. Admission into the United States in refugee status;

4. A pending or approved application for temporary protected status in the United States;

5. Approved deferred action status; or

6. A pending application for adjustment of status to legal permanent residence status or conditional resident status.

Upon approval, the applicant may be issued an identification document provided for in paragraph 3 or 4 of subsection A of this section. Such identification document shall be valid only during the period of time of the authorized stay of the applicant in the United States or, if there is no definite end to the period of authorized stay, a period of one (1) year. Any identification document issued pursuant to the provisions of this subsection shall clearly indicate that it is temporary and shall state the date that the identification document expires. Such identification document may be renewed only upon presentation of valid documentary evidence that the status by which the applicant qualified for the identification document has been extended by the United States Citizenship and Immigration Services or other authorized agency of the United States Department of Homeland Security.

D. The provisions of subsection B of this section shall not apply to an identification document described in paragraph 4 of subsection A of this section that is only valid for use on the campus or facility of that educational institution and includes a statement of such restricted validity clearly and conspicuously printed upon the face of the identification document.

E. Any driver license issued to a person who is not a United States citizen, national or legal permanent resident alien for which an application has been made for renewal, duplication or reissuance shall be presumed to have been issued in accordance with the provisions of subsection C of this section; provided that, at the time the application is made, the driver license has not expired, or been cancelled, suspended or revoked. The requirements of subsection C of this section shall apply, however, to a renewal, duplication or reissuance if the Department of Public Safety is notified by a local, state or federal government agency of information in the possession of the agency indicating a reasonable

suspicion that the individual seeking such renewal, duplication or reissuance is present in the United States in violation of law. The provisions of this subsection shall not apply to United States citizens, nationals or legal permanent resident aliens.
Added by Laws 1987, c. 224, § 10, eff. Nov. 1, 1987. Amended by Laws 2007, c. 112, § 4, eff. Nov. 1, 2007.

§21-1550.43. False or fraudulent identification cards, etc. – Seizure and forfeiture of cards and equipment – Service of notice – Hearing – Claim for equipment – Liability – Expenses – Proceeds - Definitions.

A. Any false or fraudulent identification document, card or certification in violation of Section 1550.41 of Title 21 of the Oklahoma Statutes or any driver license or identification card in violation of Section 6-301 of Title 47 of the Oklahoma Statutes that is possessed, transferred, sold or offered for sale in violation of law shall be seized and summarily forfeited when no longer needed as evidence.

B. Any peace officer of this state is authorized to seize any equipment which is used, or intended for use in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of any identification document, card, or certificate in violation of Section 1550.41 of Title 21 of the Oklahoma Statutes or of any driver license or identification card in violation of Section 6-301 of Title 47 of the Oklahoma Statutes. Said equipment may be held as evidence until a forfeiture has been declared or a release ordered. Forfeiture actions under this section may be brought by the district attorney in the proper county of venue as petitioner; provided, in the event the district attorney elects not to file such an action, or fails to file such action within ninety (90) days of the date of the seizure of such equipment, a forfeiture action may be brought by the entity seizing such equipment as petitioner.

C. Notice of seizure and intended forfeiture proceeding shall be given all owners and parties in interest by the party seeking forfeiture as follows:

1. Upon each owner or party in interest whose name and address is known, by mailing a copy of the notice by registered mail to the last-known address; and

2. Upon all other owners or parties in interest, whose addresses are unknown, by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing or publication of the notice, the owner of the equipment and any other party in interest may file a verified answer and claim to the equipment described in the notice of seizure and of the intended forfeiture proceeding.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and may order the equipment forfeited to the state, if such fact is proven.

F. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

G. At the hearing the party seeking the forfeiture shall prove by clear and convincing evidence that the equipment was used in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of any identification document, card, or certificate in violation of Section 1550.41 of Title 21 of the Oklahoma Statutes or of any driver license or identification card in violation of Section 6-301 of Title 47 of the Oklahoma Statutes with knowledge by the owner of the equipment.

H. The owner or party in interest may prove that the right or interest in the equipment was created without any knowledge or reason to believe that the equipment was being, or was to be, used for the purpose charged.

I. In the event of such proof, the court may order the equipment released to the bona fide or innocent owner or party in interest if the amount due the person is equal to, or in excess of, the value of the equipment as of the date of the seizure.

J. If the amount due to such person is less than the value of the equipment, or if no bona fide claim is established, the equipment shall be forfeited to the state and shall be sold pursuant to the judgment of the court.

K. Equipment taken or detained pursuant to this section shall not be repleviable, but shall be deemed to be in the custody of the office of the district attorney of the county where the equipment was seized or in the custody of the party seeking the forfeiture. The district attorney or the party seeking the equipment may release said equipment to the owner of the equipment if it is determined that the owner had no knowledge of the illegal use of the equipment or if there is insufficient evidence to sustain the burden of showing illegal use of the equipment. Equipment which has not been released by the district attorney or the party seizing the equipment shall be subject to the orders and decrees of the court or the official having jurisdiction thereof.

L. The district attorney or the party seizing such equipment shall not be held civilly liable for having custody of the seized equipment or proceeding with a forfeiture action as provided for in this section.

M. The proceeds of the sale of any equipment not taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement

Commission, the Department of Corrections, or the Office of the Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser or conditional sales vendor of the equipment, if any, up to the amount of the person's interest in the equipment, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the equipment; and

3. The balance to a revolving fund in the office of the county treasurer of the county where the equipment was seized, such fund to be used and maintained as a revolving fund for any purpose by the department that made the seizure with a yearly accounting to the board of county commissioners in whose county the fund is established. Monies from the fund may be used to pay costs for the storage of such equipment if such equipment is ordered released to a bona fide or innocent owner, purchaser, or conditional sales vendor and if such monies are available in the fund.

N. The proceeds of the sale of any equipment seized, taken or detained by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Public Safety, the Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws Enforcement Commission, the Department of Corrections or the Office of the Attorney General shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser or conditional sales vendor of the equipment, if any, up to the amount of the person's interest in the equipment, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of preserving the equipment; and

3. The balance to a revolving fund of the agency seizing such equipment to be used and maintained as a revolving fund for law enforcement purposes by the agency seizing the equipment. Monies from such fund may be used to pay costs for the storage of such equipment if the equipment is ordered released to a bona fide or innocent owner, purchaser, or conditional sales vendor.

O. When any equipment is forfeited pursuant to this section, the district court of jurisdiction may order that the equipment seized may be retained by the state, county, or municipal law enforcement agency which seized the equipment for its official use.

P. If the court finds that the equipment was not used in the preparing, photographing, printing, selling, exhibiting, publishing, distributing, displaying, advertising, filming, copying, recording, or mailing of any identification document, card, or certificate in violation of Section 1550.41 of Title 21 of the Oklahoma Statutes or of any driver license or identification card in violation of Section

6-301 of Title 47 of the Oklahoma Statutes, the court shall order the equipment released to the owner.

Q. No equipment shall be forfeited pursuant to the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, or by any person other than such owner while such equipment was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

R. For the purposes of this section, the term "equipment" shall include computers, printers, copy machines, other machines, furniture, supplies, books, records, files, data, currency, or negotiable instruments including, but not limited to, money orders or cashier's checks but shall not include vehicles or real property. Added by Laws 2001, c. 216, § 3, eff. Nov. 1, 2001.

§21-1551. Use of false weights and measures.

If any person with intent to defraud, use a false balance, weight or measure, in the weighting or measuring of anything whatever that is purchased, sold, bartered, shipped or delivered, for sale or barter, or that is pledged, or given in payment, he shall be punished by a fine not exceeding One Hundred Dollars ($100.00) nor less than Five Dollars ($5.00), or by imprisonment in the county jail not more than thirty (30) days, or by both such fine and imprisonment, and shall be liable to the injured party in double the amount of damages.
R.L.1910, § 2736.

§21-1552. Retaining same knowingly.

Every person who retains in his possession any weight or measure, knowing it to be false, unless it appears beyond a reasonable doubt that it was so retained without intent to use it, or permit it to be used in violation of the last section, shall be punished as therein provided.
R.L.1910, § 2737.

§21-1553. False weights and measures may be seized.

Every person who is authorized or enjoined by law to arrest another person for violation of the first two sections of this article, is equally authorized and enjoined to seize any false weights or measures found in the possession of the person so arrested, and to deliver the same to the magistrate before whom the person so arrested is required to be taken.
R.L.1910, § 2738.

§21-1554. Testing seized weights and measures - Disposition.

The magistrate to whom any weight or measure is delivered,

pursuant to the last section, shall, upon the examination of the accused, or if the examination is delayed or prevented, without awaiting such examination, cause the same to be tested by comparison with standards conformable to law; and if he finds it to be false, he shall cause it to be destroyed, or to be delivered to the district attorney of the county in which the accused is liable to indictment or trial, as the interests of justice in his judgment require.
R.L.1910, § 2739.

§21-1555. Destruction of false weights or measures after conviction.
Upon the conviction of the accused, such district attorney shall cause any weight or measure in respect whereof the accused stands convicted, and which remains in the possession or under the control of such district attorney, to be destroyed.
R.L.1910, § 2740.

§21-1556. Marking false weight or false tare.
Every person who knowingly marks or stamps false or short weight, or false tare on any cask or package or knowingly sells or offers for sale any cask or package so marked is guilty of a misdemeanor.
R.L.1910, § 2741.

§21-1561. Wills, deeds and certain other instruments, forgery of.
Every person who, with intent to defraud, forges, counterfeits or falsely alters:
1st. Any will or codicil of real or personal property, or any deed or other instrument being or purporting to be the act of another, by which any right or interest in real property is, or purports to be, transferred, conveyed or in any way changed or affected; or,
2nd. Any certificate or endorsement of the acknowledgment by any person of any deed or other instrument which by law may be recorded or given in evidence, made or purporting to have been made by any officer duly authorized to make such certificate or endorsement; or,
3rd. Any certificate of the proof of any deed, will, codicil or other instrument which by law may be recorded or given in evidence, made or purporting to have been made by any court or officer duly authorized to make such certificate,
is guilty of forgery in the first degree.
R.L.1910, § 2621.

§21-1562. Forgery of public securites.
Every person who, with intent to defraud, forges, counterfeits, or falsely alters:

1st. Any certificate or other public security, issued or purporting to have been issued under the authority of this state, by virtue of any law thereof, by which certificate or other public security, the payment of any money absolutely or upon any contingency is promised, or the receipt of any money or property acknowledged; or

2nd. Any certificate of any share, right or interest in any public stock created by virtue of any law of this state, issued or purporting to have been issued by any public officer, or any other evidence of any debt or liability, of the people of this State, either absolute or contingent, issued or purporting to have been issued by any public officer; or,

3rd. Any endorsement or other instrument transferring or purporting to transfer the right or interest of any holder of any such certificate, public security, certificate of stock, evidence of debt or liability, or of any person entitled to such right or interest;

is guilty of forgery in the first degree.
R.L.1910, § 2621.

§21-1571. Public and corporate seals, forgery of.

Every person who, with intent to defraud, forges, or counterfeits the great or privy seal of this state, the seal of any public office authorized by law, the seal of any court of record, including judge of county seals, or the seal of any corporation created by the laws of this state, or of any other state, government or country, or any other public seal authorized or recognized by the laws of this state, or of any other state, government or country, or who falsely makes, forges or counterfeits any impression purporting to be the impression of any such seal, is guilty of forgery in the second degree.
R.L.1910, § 2623.

§21-1572. Records, forgery of.

Every person who, with intent to defraud, falsely alters, destroys, corrupts or falsifies:

1. Any record of any will, codicil, conveyance or other instrument, the record of which is, by law, evidence; or,

2. Any record of any judgment in a court of record, or any enrollment of any decree of a court of equity; or,

3. The return of any officer, court or tribunal to any process of any court,

is guilty of forgery in the second degree.
R.L.1910, § 2624.

§21-1573. Making false entries in record.

Every person who, with intent to defraud, falsely makes, forges

or alters, any entry in any book of records, or any instrument purporting to be any record or return specified in the last section; and any abstracter, his officer, agent or employee, who, with intent to defraud, falsely makes or alters any abstract entry or copy thereof in any material matter, is guilty of forgery in the second degree.
R.L.1910, § 2625.

§21-1574. Making false certificate of acknowledgment.

If any officer authorized to take the acknowledgment or proof of any conveyance of real property, or of any other instrument which by law may be recorded, knowingly and falsely certifies that any such conveyance or instrument was acknowledged by any party thereto, or was proved by any subscribing witness, when in truth such conveyance or instrument was not acknowledged or proved as certified, he is guilty of forgery in the second degree.
R.L.1910, § 2626.

§21-1575. False bank note plates.

Every person who, makes or engraves, or causes or procures to be made or engraved, any plate in the form or similitude of any promissory note, bill of exchange, draft, check, certificate of deposit or other evidence of debt issued by any banking corporation or association, or individual banker, incorporated or carrying on business under the laws of this state, or of any other state, government or country, without the authority of such bank, or has or keeps in his custody or possession any such plate, without the authority of such bank, with intent to use or permit the same to be used for the purpose of taking therefrom any impression, to be passed, sold or altered, or has or keeps in his custody or possession, without the authority of such bank, any impression taken from any such plate, with intent to have the same filled up and completed for the purpose of being passed, sold or altered; or makes or causes to be made, or has in his custody or possession, any plate upon which are engraved any figures, or words, which may be used for the purpose of falsely altering any evidence of debt issued by any such bank, with intent to use the same, or to permit them to be used for such purpose, is guilty of forgery in the second degree.
R.L.1910, § 2627.

§21-1576. Imitation of genuine bank note defined.

Every plate specified in the last section shall be deemed to be in the form and similitude of the genuine instrument imitated, in either of the following cases:

1. When the engraving on such plate resembles and conforms to such parts of the genuine instrument as are engraved; or,

2. When such plate is partly finished, and the part so finished

resembles and conforms to similar parts of the genuine instrument. R.L.1910, § 2628.

§21-1577. See the following versions:
OS 21-1577v1 (HB 2751, Laws 2016, c. 221, § 11).
OS 21-1577v2 (State Question No. 780, Initiative Petition No. 404, § 17).

§21-1577v1. Notes, checks, bills, drafts - Sale, exchange or delivery.

Every person who sells, exchanges or delivers for any consideration any forged or counterfeited promissory note, check, bill, draft or other evidence of debt, or engagement for the payment of money absolutely, or upon any contingency, knowing the same to be forged or counterfeited, with intent to have the same uttered or passed, or who offers any such note or other instrument for sale, exchange or delivery for any consideration, with the like knowledge and intent, or who receives any such note or other instrument upon a sale, exchange or delivery for any consideration with the like knowledge and intent, is guilty of forgery in the second degree if the value of the instrument is One Thousand Dollars ($1,000.00) or more and forgery in the third degree if the value of the instrument is less than One Thousand Dollars ($1,000.00).

For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime. R.L. 1910, § 2629. Amended by Laws 2016, c. 221, § 11, eff. Nov. 1, 2016.

§21-1577v2. Notes, checks, bills, drafts - Sale, exchange or delivery.

Every person who sells, exchanges or delivers for any consideration any forged or counterfeited promissory note, check, bill, draft, or other evidence of debt, or engagement for the payment of money absolutely, or upon any contingency, knowing the same to be forged or counterfeited, with intent to have the same uttered or passed, or who offers any such note or other instrument for sale, exchange or delivery for any consideration, with the like knowledge and intent, or who receives any such note or other instrument upon a sale, exchange or delivery for any consideration

with the like knowledge and intent, is guilty of forgery in the third degree.
R.L.1910, § 2629. Amended by State Question No. 780, Initiative Petition No. 404, § 17, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

§21-1578. See the following versions:
OS 21-1578v1 (HB 2751, Laws 2016, c. 221, § 12).
OS 21-1578v2 (State Question No. 780, Initiative Petition No. 404, § 18).

§21-1578v1. Possession of forged evidences of debt.
Every person who, with intent to defraud, has in his or her possession any forged, altered or counterfeit negotiable note, bill, draft or other evidence of debt issued or purporting to have been issued by any corporation or company duly authorized for that purpose by the laws of this state or of any other state, government or country, the forgery of which is hereinbefore declared to be punishable, knowing the same to be forged, altered or counterfeited, with intent to utter the same as true or as false, or to cause the same to be so uttered, is guilty of forgery in the second degree if the value of the instrument is One Thousand Dollars ($1,000.00) or more and forgery in the third degree if the value of the instrument is less than One Thousand Dollars ($1,000.00).
For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.
R.L. 1910, § 2630. Amended by Laws 2016, c. 221, § 12, eff. Nov. 1, 2016.

§21-1578v2. Possession of forged evidences of debt.
Every person who, with intent to defraud, has in his possession any forged, altered or counterfeit negotiable note, bill, draft or other evidence of debt issued or purporting to have been issued by any corporation or company duly authorized for that purpose by the laws of this state or of any other state, government or country, the forgery of which is hereinbefore declared to be punishable, knowing the same to be forged, altered or counterfeited, with intent to utter the same as true or as false, or to cause the same to be so uttered, is guilty of forgery in the third degree.

R.L.1910, § 2630. Amended by State Question No. 780, Initiative Petition No. 404, § 18, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

§21-1579. See the following versions:
OS 21-1579v1 (HB 2751, Laws 2016, c. 221, § 13).
OS 21-1579v2 (State Question No. 780, Initiative Petition No. 404, § 19).

§21-1579v1. Possession of other forged instruments.
Every person who has in his or her possession any forged or counterfeited instrument, the forgery of which has previously been declared to be punishable, other than such as are enumerated in Section 1578 of this title, knowing the same to be forged, counterfeited or falsely altered with intent to injure or defraud by uttering the same to be true, or as false, or by causing the same to be uttered, is guilty of forgery in the second degree if the value of the instrument is One Thousand Dollars ($1,000.00) or more and forgery in the third degree if the value of the instrument is less than One Thousand Dollars ($1,000.00).
For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.
R.L. 1910, § 2631. Amended by Laws 2016, c. 221, § 13, eff. Nov. 1, 2016.

§21-1579v2. Possession of other forged instruments.
Every person who has in his possession any forged or counterfeited instrument, the forgery of which is hereinbefore declared to be punishable, other than such as are enumerated in the last section, knowing the same to be forged, counterfeited or falsely altered with intent to injure or defraud by uttering the same to be true, or as false, or by causing the same to be uttered, is guilty of forgery in the third degree.
R.L. 1910, § 2631. Amended by State Question No. 780, Initiative Petition No. 404, § 19, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

§21-1580. Issuing spurious certificates of stock.
Any officer or agent of any corporation or joint stock

association formed or existing under or by virtue of the laws of this state, or of any other state, government or country, who, within this state, willfully signs or procures to be signed, with intent to issue, sell or pledge, or to cause to be issued, sold or pledged, or who willfully issues, sells or pledges, or causes to be issued, sold or pledged, any false or fraudulent certificate or other evidence of the ownership or transfer of any share or shares of the capital stock of such corporation or association, whether of full paid shares or otherwise, or of any interest in its property or profits, or of any certificate or other evidence of such ownership, transfer or interest, or any instrument purporting to be a certificate or other evidence of such ownership, transfer or interest, the signing, issuing, selling or pledging of which has not been duly authorized by the board of directors or other managing body of such corporation or association having authority to issue the same, is guilty of forgery in the second degree.
R.L.1910, § 2632.

§21-1581. Reissuing canceled certificates of stock.

Any officer or agent of any corporation or joint stock association formed or existing under or by virtue of the laws of this state, or of any other state, government or country, who, within this state, willfully reissues, sells or pledges, or causes to be reissued, sold or pledged, any surrendered or canceled certificate, or other evidence of the ownership or transfer of any share or shares of the capital stock of such corporation or association, or of an interest in its property or profits, with intent to defraud, is guilty of forgery in the second degree.
R.L.1910, § 2633.

§21-1582. False evidences of debt.

Any officer or agent of any corporation, municipal or otherwise, of any joint stock association formed or existing under or by virtue of the laws of this state, or of any other state, government or country, who, within this state, willfully signs or procures to be signed with intent to issue, sell or pledge, or cause to be issued, sold or pledged, or who willfully issues, sells or pledges, or causes to be issued, sold or pledged, any false or fraudulent bond or other evidence of debt against such corporation or association of any instrument purporting to be a bond or other evidence of debt against such corporation or association, the signing, issuing, selling or pledging of which has not been duly authorized by the board of directors or common council or other managing body of officers of such corporation having authority to issue the same, is guilty of forgery in the second degree.
R.L.1910, § 2634.

§21-1583. Counterfeiting coin.

Every person who counterfeits any gold or silver coin, whether of the United States or any foreign government or country, with intent to sell, utter, use or circulate the same as genuine, within this state, is guilty of forgery in the second degree.
R.L.1910, § 2635.

§21-1584. Counterfeiting coin for exportation.

Every person who counterfeits any gold or silver coin, whether of the United States or of any foreign country or government, with intent to export the same, or permit them to be exported to injure or defraud any foreign government, or the subjects thereof, is guilty of forgery in the second degree.
R.L.1910, § 2636.

§21-1585. Forging process of court or title to property, etc.

Every person who, with intent to defraud, falsely marks, alters, forges or counterfeits:

1. Any instrument in writing, being or purporting to be any process issued by any competent court, magistrate, or officer of being or purporting to be any pleading, proceeding, bond or undertaking filed or entered in any court, or being or purporting to be any license or authority authorized by any statute; or,

2. Any instrument of writing, being or purporting to be the act of another by which any pecuniary demand or obligation is, or purports to be created, increased, discharged or diminished, or by which any rights or property whatever, are, or purport to be, transferred, conveyed, discharged, diminished, or in any manner affected, the punishment of which is not hereinbefore prescribed, by which false marking, altering, forging or counterfeiting, any person may be affected, bound or in any way injured in his person or property, is guilty of a forgery in the second degree.
R.L.1910, § 2637.

§21-1586. Making false entries in public book.

Every person who, with intent to defraud, makes any false entry or falsely alters any entry made in any book of accounts kept in the office of the State Auditor and Inspector, or in the office of the Treasurer of this state or of any county treasurer, by which any demand or obligation, claim, right or interest either against or in favor of the people of this state, or any county or town, or any individual, is or purports to be discharged, diminished, increased, created, or in any manner affected, is guilty of forgery in the second degree.
R.L.1910, § 2638; Laws 1979, c. 30, § 9, emerg. eff. April 6, 1979.

§21-1587. Forging tickets or passage.

Every person who, with intent to defraud, forges, counterfeits, or falsely alters any ticket, check or other paper or writing to entitle the holder or proprietor thereof to a passage upon any railroad, or in any vessel or other public conveyance; and every person who, with like intent, sells, exchanges or delivers, or keeps or offers for sale, exchange or delivery, or receives upon any purchase, exchange or delivery any such ticket, knowing the same to have been forged, counterfeited or falsely altered is guilty of forgery in the second degree.
R.L.1910, § 2639.

§21-1588. Postage stamps, forging.

Every person who forges, counterfeits or alters any postage or revenue stamp of the United States, or who sells or offers to keep for sale, as genuine or as forged, any such stamp, knowing it to be forged, counterfeited or falsely altered, is guilty of forgery in the second degree.
R.L.1910, § 2640.

§21-1589. False entries in corporation books.

Every person who, with intent to defraud, makes any false entry, or falsely alters any entry made in any book of accounts kept by any corporation within this state, or in any book of accounts kept by any such corporation or its officers, and delivered or intended to be delivered to any person dealing with such corporation, by which any pecuniary obligation, claim or credit is, or purports to be, discharged, diminished, increased, created or in any manner affected, is guilty of forgery in the second degree.
R.L.1910, § 2641.

§21-1590. Officer or employee of corporation making false entries.

Every person who being a member or officer or in the employment of any corporation, association or partnership, falsifies, alters, erases, obliterates or destroys any account or book of accounts or records belonging to such corporation, association or partnership, or appertaining to their business or makes any false entries in such account or book or keeps any false account in such business with intent to defraud his employers, or to conceal any embezzlement of their money, or property, or any defalcation or other misconduct, committed by any person in the management of their business, is guilty of forgery in the second degree.
R.L.1910, § 2642.

§21-1591. Possession of counterfeit coin.

Every person who has in his possession any counterfeit of any gold or silver coin, whether of the United States or any foreign country or government, knowing the same to be counterfeit, with

intent to sell or to use, circulate or export the same, as true or as false, or by causing the same to be uttered or passed, is guilty of forgery in the second degree.
R.L.1910, § 2643.

§21-1592. Uttering forged instruments or coin.

Every person who, with intent to defraud, utters or publishes as true any forged, altered or counterfeited instrument or any counterfeit gold or silver coin, the forging, altering or counterfeiting of which has previously been declared to be punishable, knowing such instrument or coin to be forged, altered or counterfeited, is guilty of forgery in the second degree if the value of the instrument is One Thousand Dollars ($1,000.00) or more and forgery in the third degree if the value of the instrument is less than One Thousand Dollars ($1,000.00).

For purposes of this section, a series of offenses may be aggregated into one offense when they are the result of the formulation of a plan or scheme or the setting up of a mechanism which, when put into operation, results in the taking or diversion of money or property on a recurring basis. When all acts result from a continuing course of conduct, they may be aggregated into one crime. Acts forming an integral part of the first taking which facilitate subsequent takings, or acts taken in preparation of several takings which facilitate subsequent takings, are relevant to determine the intent of the party to commit a continuing crime.
R.L. 1910, § 2645. Amended by Laws 2016, c. 221, § 14, eff. Nov. 1, 2016.

§21-1593. Falsely obtaining signature.

Every person who, by any false representation, artifice or deceit, procures from another his signature to any instrument, the false making of which would be forgery, and which the party signing would not have executed had he known the facts and effect of the instrument, is guilty of forgery in the second degree.
R.L.1910, § 2646.

§21-1621. See the following versions:

OS 21-1621v1 (HB 2751, Laws 2016, c. 221, § 15).

OS 21-1621v2 (State Question No. 780, Initiative Petition No. 404, § 20).

§21-1621v1. First-, second- and third-degree forgery - Penalties.

A. Forgery in the first degree is a felony punishable by imprisonment in the custody of the Department of Corrections for not less than seven (7) years nor more than twenty (20) years.

B. Forgery in the second degree is a felony punishable by imprisonment in the custody of the Department of Corrections for not

more than seven (7) years.

C. Forgery in the third degree is a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year and a fine of One Thousand Dollars ($1,000.00).

R.L. 1910, § 2644. Amended by Laws 1997, c. 133, § 377, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 269, eff. July 1, 1999; Laws 2016, c. 221, § 15, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 377 from July 1, 1998, to July 1, 1999.

§21-1621v2. Forgery a felony.

Forgery is punishable as follows:

1. Forgery in the first degree is a felony punishable by imprisonment not less than seven (7) years nor more than twenty (20) years; and

2. Forgery in the second degree is a felony punishable by imprisonment not exceeding seven (7) years.

3. Forgery in the third degree is:

a. If the value of the forgery is less than One Thousand Dollars ($1,000.00), a misdemeanor punishable by confinement for not more than one (1) year and by a fine not exceeding One Thousand Dollars ($1,000.00).

b. If the value of the forgery is One Thousand Dollars ($1,000.00) or more, a felony punishable by imprisonment not exceeding seven (7) years.

c. If the total or aggregate value of the forgery is Two Thousand Dollars ($2,000.00) or more, a felony punishable by imprisonment not exceeding seven (7) years.

R.L. 1910, § 2644. Amended by Laws 1997, c. 133, § 377, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 269, eff. July 1, 1999; State Question No. 780, Initiative Petition No. 404, § 20, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 377 from July 1, 1998, to July 1, 1999.

§21-1622. Fraudulently uttering one's signature as that of another of same name.

Every person who, with intent to defraud, makes or subscribes any instrument in his own name, intended to create, increase, discharge, defeat or diminish any pecuniary obligation, right or interest, or to transfer or affect any property whatever, and utters or passes such instrument, under the pretense that it is the act of another who bears the same name, is guilty of forgery in the same degree as if he had forged the instrument of a person bearing a different name from his own.

R.L.1910, § 2647.

§21-1623. Fraudulently uttering one's indorsement as another's.

Every person who, with intent to defraud, endorses any negotiable instrument in his own name, and utters or passes such instrument, under the fraudulent pretense that it is endorsed by another person who bears the same name, is guilty of forgery in the same degree as if he had forged the endorsement of a person bearing a different name from his own.

R.L.1910, § 2648.

§21-1624. Erasure and obliterations.

The total or partial erasure or obliteration of any instrument or writing, with intent to defraud, by which any pecuniary obligation, or any right, interest or claim to property is or is intended to be created, increased, discharged, diminished or in any manner affected, is forgery in the same degree as the false alteration of any part of such instrument or writing.

R.L.1910, § 2649.

§21-1625. Writing and written defined.

Every instrument partly printed and partly written, or wholly printed with a written signature thereto, and every signature of an individual, firm or corporation, or of any officer of such body, and every writing purporting to be such signature, is a writing or a written instrument, within the meaning of the provisions of this article.

R.L.1910, § 2650.

§21-1626. Signing fictitious names as officers of corporations.

The false making or forging of an evidence of debt purporting to have been issued by any corporation and bearing the pretended signature of any person as an agent or officer of such corporation, is forgery in the same degree as if such person was at the time an officer or agent of such corporation; notwithstanding such person may never have been an officer or agent of such corporation, or notwithstanding there never was any such person in existence.

R.L.1910, § 2651.

§21-1627. False or bogus order directing payment of money.

Every person who, with intent to cheat or defraud, shall obtain or attempt to obtain from any person any labor or personal services, or the postponement of actual payment due for labor or personal services theretofore performed, by means or use of any false or bogus written, printed or engraved order directing the payment of money, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than

six (6) months, or by both such fine and imprisonment.

The term "false or bogus written, printed or engraved order directing the payment of money," in addition to its common meaning, also shall include any check, draft or order on any bank or trust company which is not honored on presentation on account of insufficient funds to the credit of the maker or drawer thereof with which to pay same. The word "credit," as used herein, shall mean any arrangement or understanding with a bank or trust company for the payment by it of any check, draft or money payment order.

As against the maker or drawer of any false or bogus written, printed or engraved order directing the payment of money, and as against any officer or employee of the maker or drawer thereof, who shall authorize or direct the making, drawing, uttering or delivering, or who shall make, draw, utter or deliver any such false or bogus written, printed or engraved order directing the payment of money, to obtain or to attempt to obtain from any person any labor or personal services, or the postponement of actual payment due for labor or personal services, the fact of dishonor or refusal to pay the amount of money specified in said false or bogus order shall be prima facie evidence of intent to cheat or defraud, and of knowledge of insufficient funds to the credit of the maker or drawer, with the drawer specified therein, to pay the same; provided, said fact shall not constitute prima facie evidence as above set forth if the maker or drawer shall pay the amount of such false or bogus order, together with protest fees, within five (5) days from the date the same shall have been presented to the drawer for payment; and provided further, that said fact shall not constitute prima facie evidence as above set forth unless the said false or bogus order be presented to the drawer within thirty (30) days after the same shall have been uttered or delivered.

Laws 1955, p. 192, § 1.

§21-1627.1. False or bogus orders as payment for labor - Penalties.

In addition to the criminal penalties imposed pursuant to the provisions of Section 1627 of Title 21 of the Oklahoma Statutes, any person who obtains or attempts to obtain from any person, with the intent to cheat or defraud, any labor or personal services, or the postponement of actual payment due for labor or personal services performed, by means or use of any false or bogus written, printed or engraved order directing the payment of money, shall also be liable to the payee, in addition to the amount owing upon such order, for damages of double the amount so owing, but in no case shall the amount of damages awarded be less than Two Hundred Dollars ($200.00), plus reasonable attorney fees and court costs. Said damages shall be recoverable in a civil action.

Added by Laws 1985, c. 130, § 1, eff. Nov. 1, 1985.

§21-1628. Fraudulently altering, forging, reproducing abstracter's certificate or signature.

Any person who, with intent to defraud, alters, forges, falsely makes, photographs, or by any method reproduces any certificate of authority provided for in Title 1 of the Oklahoma Statutes, or other instrument, document, paper or abstract of title entry signed or executed by any abstractor to whom a certificate of authority has been lawfully issued, shall be guilty of the commission of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than One Thousand Dollars ($1,000.00) for each reproduction thereof.
Laws 1971, c. 169, § 1.

§21-1631. Fraud in subscription for stock.

Any person who signs the name of a fictitious person to any subscription for, or agreement to take stock in any corporation, existing or proposed; and every person who signs, to any subscription or agreement, the name of any person, knowing that such person has not means or does not intend in good faith to comply with all the terms thereof, or under any understanding or agreement that the terms of such subscription or agreement are not to be complied with or enforced, is guilty of a misdemeanor.
R.L.1910, § 2721.

§21-1632. Fraud in procuring organization of stock company.

Any officer, agent or clerk of any corporation, or of any persons proposing to organize a corporation or to increase the capital stock of any corporation, who knowingly exhibits any false, forged or altered book, paper, voucher, security or other instrument of evidence to any public officer or board authorized by law to examine the organization of such corporation, or to investigate its affairs, or to allow an increase of its capital with intent to deceive such officer or board in respect thereto, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, and not less than three (3) years.
R.L. 1910, § 2722. Amended by Laws 1997, c. 133, § 378, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 270, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 378 from July 1, 1998, to July 1, 1999.

§21-1633. Unauthorized use of names.

Any person who, without being authorized so to do, subscribes the name of another to, or inserts the name of another in any prospectus, circular, or other advertisement or announcement of any corporation or joint stock association existing or intended to be formed, with intent to permit the same to be published, and thereby to lead persons to believe that the person whose name is so

subscribed is an officer, agent, member or promoter of such corporation or association, is guilty of a misdemeanor.
R.L.1910, § 2723.

§21-1634. Omitting to enter receipt.

Any director, officer or agent of any corporation or joint stock association, who knowingly receives or possesses himself of any property of such corporation or association, otherwise than in payment of a just demand, and who, with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry thereof in the books or accounts of such corporation or association, is guilty of a misdemeanor.
R.L.1910, § 2724.

§21-1635. Destroying or falsifying books.

Any director, officer, agent or member of any corporation or joint stock association, who, with intent to defraud, destroys, alters, mutilates or falsifies any of the books, papers, writings or securities belonging to such corporation or association, or makes or concurs in making any false entry, or omits or concurs in omitting to make any material entry in any book of accounts, or other record or document kept by such corporation or association, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years and not less than three (3) years, or by imprisonment in a 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.
R.L. 1910, § 2725. Amended by Laws 1997, c. 133, § 379, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 271, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 379 from July 1, 1998, to July 1, 1999.

§21-1636. False reports of corporation - Refusal to make report.

Any director, officer or agent of any corporation or joint stock association, who knowingly concurs in the making, or publishes any written report, exhibit or statement of its affairs or pecuniary condition, containing any material statement which is false, other than as are mentioned in Sections 2722 and 2723, or willfully refuses or neglects to make or deliver any written report, exhibit or statement required by law, is guilty of a misdemeanor.
R.L.1910, § 2726. d

§21-1637. Inspection of corporate books, refusing to permit.

Any officer or agent of any corporation having or keeping an office within this state, who has in his custody, or control, any book, paper or document of such corporation, and who refuses to give to a stockholder or member of such corporation, lawfully demanding,

during office hours, to inspect or take a copy of the same, or any part thereof, a reasonable opportunity so to do, is guilty of a misdemeanor.
R.L.1910, § 2727.

§21-1638. Insolvencies deemed fraudulent.
Every insolvency of a moneyed corporation is deemed fraudulent unless its affairs appear, upon investigation, to have been administered fairly and legally, and generally with the same care and diligence that agents receiving a compensation for their services are bound by law to observe.
R.L.1910, § 2728.

§21-1639. Fraudulent insolvency - Penalties.
A. In every case of a fraudulent insolvency of a moneyed corporation not licensed to conduct insurance business in the State of Oklahoma, every director thereof who participated in such fraud is guilty of a misdemeanor.
B. In every case of a fraudulent insolvency of a moneyed corporation licensed to conduct the business of insurance in the State of Oklahoma, every director thereof who participated in such fraud is guilty of a felony punishable by up to five (5) years of incarceration and a fine of up to Fifty Thousand Dollars ($50,000.00).
R.L.1910, § 2729. Amended by Laws 2012, c. 235, § 2, eff. July 1, 2012.

§21-1640. Violation of duty by officer of corporation.
Any director of any moneyed corporation who willfully does any act, as such director, which is expressly forbidden by law, or willfully omits to perform any duty expressly imposed upon him as such director, by law, the punishment for which act or omission is not otherwise prescribed by this article, or by some of the acts which it specifies as continuing in force, is guilty of a misdemeanor.
R.L.1910, § 2730.

§21-1641. Director presumed to have knowledge.
Any director of a corporation or joint stock association is deemed to possess such a knowledge of the affairs of his corporation, as to enable him to determine whether any act, proceeding or omission of its directors, is a violation of this article.
R.L.1910, § 2731.

§21-1642. Director presumed to have assented, when.
Any director of a corporation or joint stock association, who is

present at a meeting of the directors at which any act, proceeding or omission of such directors, in violation of this article occurs, is deemed to have concurred therein, unless he at the time causes, or in writing requires, his dissent therefrom to be entered in the minutes of the directors.
R.L.1910, § 2732.

§21-1643. Presumption of assent when director was absent from meeting.

Any director of a corporation or joint stock association, although not present at the meeting of the directors at which any act, proceeding or omission of such directors, in violation of this article, occurs, is deemed to have concurred therein, if the facts constituting such violation appear on the record or minutes of the proceedings of the board of directors, and he remains a director of the same company for six (6) months thereafter, and does not, within that time, cause or in writing require his dissent from such illegality to be entered in the minutes of the directors.
R.L.1910, § 2733.

§21-1644. Foreign corporation no defense.

It is no defense to a prosecution for a violation of the provisions of this article, that the corporation was one created by the laws of another state, government or country, if it was one carrying on business, or keeping an officer thereof, within this state.

R.L. 1910 Sec. 2734.

§21-1645. Director defined.

The term director, as used in this article, embraces any of the persons having by law the direction or management of the affairs of a corporation by whatever name such persons are described in its charter, or known by law.
R.L.1910, § 2735.

§21-1662. False claim or proof of loss in insurance.

Any person who presents or causes to be presented any false or fraudulent claim, or any proof in support of any such claim, upon any contract of insurance, for the payment of any loss, or who prepares, makes or subscribes any account, certificate, survey affidavit, proof of loss, or other book, paper or writing, with intent to present or use the same, or to allow it to be presented or used in support of any such claim, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding three (3) years, or by a fine not exceeding twice the amount of the aggregated loss sum, or both.
R.L.1910, § 2709. Amended by Laws 1997, c. 133, § 380, eff. July 1,

1999; Laws 1999, 1st Ex.Sess., c. 5, § 272, eff. July 1, 1999; Laws 2012, c. 235, § 3, eff. July 1, 2012.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 380 from July 1, 1998, to July 1, 1999.

§21-1663. Workers' compensation fraud - Punishment.

A. Any person who commits workers' compensation fraud, upon conviction, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not exceeding seven (7) years or by a fine not exceeding Ten Thousand Dollars ($10,000.00) or by both such fine and imprisonment. Any person who commits workers' compensation fraud and who has a prior felony conviction of workers' compensation fraud shall receive a two-year penalty enhancement for each prior conviction in addition to the sentence provided above.

B. For the purposes of this section, workers' compensation fraud shall include, but not be limited to, any act or omission prohibited by subsection C of this section and committed by a person with the intent to injure, defraud or deceive another with respect to any of the following:

1. A claim for payment or other benefit pursuant to a contract of insurance;

2. An application for the issuance of a contract of insurance;

3. The rating of a contract of insurance or any risk associated with the contract;

4. Premiums paid on any contract of insurance whether or not the contract was actually issued;

5. Payments made in accordance with the terms of a contract of insurance;

6. An application for any license which is required by the Oklahoma Insurance Code, Title 36 of the Oklahoma Statutes;

7. An application for a license which is required for the organization, operation or maintenance of a health maintenance organization pursuant to Section 2501 et seq. of Title 63 of the Oklahoma Statutes;

8. A request for any approval, license, permit or permission required by the Workers' Compensation Act, by the rules of the Workers' Compensation Court or by the rules of the Workers' Compensation Court Administrator necessary to secure compensation as required by Section 61 of Title 85 of the Oklahoma Statutes;

9. The financial condition of an insurer or purported insurer;

10. The acquisition of any insurer; or

11. A contract of insurance or a Certification of Non-Coverage Under the Workers' Compensation Act.

C. A person is guilty of workers' compensation fraud who:

1. Presents, causes to be presented or intends to present to another, any statement as part of or in support of any of the purposes described in subsection B of this section knowing that such

statement contains any false, fraudulent, incomplete or misleading information concerning any fact or thing material to the purpose for the statement;

2. Assists, abets, solicits or conspires with another to prepare or make any statement that is intended to be presented to, used by or relied upon by another in connection with or in support of any of the purposes described in subsection B of this section knowing that such statement contains any false, fraudulent, incomplete or misleading information concerning any fact or thing material to the purpose of the statement;

3. Conceals, attempts to conceal or conspires to conceal any information concerning any fact material to any of the purposes described in subsection B of this section;

4. Solicits, accepts or conspires to solicit or accept new or renewal insurance risks by or for an insolvent insurer;

5. Removes, attempts to remove or conspires to remove the assets or records of the insurer or a material part thereof, from the place of business of the insurer or from a place of safekeeping of the insurer;

6. Conceals, attempts to conceal or conspires to conceal the assets or records of the insurer or a material part thereof;

7. Diverts, attempts to divert, or conspires to divert funds of an insurer or other person in connection with:

a. a contract of insurance,

b. the business of an insurer, or

c. the formation, acquisition or dissolution of an insurer;

8. Solicits, accepts or conspires to solicit or accept any benefit in exchange for violating any provision of this section;

9. Conceals, attempts to conceal, conspires to conceal or fails to disclose any change in any material fact, circumstance or thing for which there is a duty to disclose to another; or

10. Alters, falsifies, forges, distorts, counterfeits or otherwise changes any material statement, form, document, contract, application, certificate, or other writing with the intent to defraud, deceive, or mislead another.

D. It shall not be a defense to an allegation of a violation of this section that the person accused did not have a contractual relationship with the insurer.

E. For the purposes of this section:

1. "Contract of insurance" includes, but is not limited to, workers' compensation insurance or any other means of securing compensation permitted by the Workers' Compensation Act or reinsurance for such insurance or other means of securing compensation;

2. "Insurer" includes, but is not limited to, any person who is engaged in the business of making contracts of insurance;

3. "Person" means any individual or entity, whether incorporated or not, and in the case of an entity, includes those persons directly responsible for the fraudulent actions of the entity;

4. "Statement" includes, but is not limited to, any oral, written, computer-generated or otherwise produced notice, proof of loss, bill of lading, receipt for payment, invoice, account, certificate, survey affidavit, book, paper, writing, estimate of property damage, bill for services, diagnosis, prescription, medical record, x-ray, test result or other evidence of loss, injury or expense; and

5. "Work" does not include activities that result in nominal economic gain.

Added by Laws 1993, c. 349, § 29, eff. Sept. 1, 1993. Amended by Laws 1994, 2nd Ex. Sess., c. 1, § 1, emerg. eff. Nov. 4, 1994; Laws 1997, c. 133, § 381, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 273, eff. July 1, 1999; Laws 2005, 1st Ex.Sess., c. 1, § 1, eff. July 1, 2005.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 381 from July 1, 1998, to July 1, 1999.

§21-1671. Fraudulent conveyance.

Every person who being a party to any conveyance or assignment of any real or personal property, or of any interest therein, made or created with intent to defraud prior or subsequent purchasers, or to hinder, delay or defraud creditors or other persons, and every person being privy to or knowing of such conveyance, assignment or charge, who willfully puts the same in use as having been made in good faith, is guilty of a misdemeanor.

R.L.1910, § 2717.

§21-1672. Fraudulent removal of property.

Every person who removes any of his property out of any county, with intent to prevent the same from being levied upon by any execution or attachment, or who secretes, assigns, conveys or otherwise disposes of any of his property, with intent to defraud any creditor, or to prevent such property being made liable for the payment of his debts, and every person who receives any such property with such intent, is guilty of a misdemeanor.

R.L.1910, § 2718.

§21-1673. Assignment to creditor with preference.

Every person who, knowing that his property is insufficient for the payment of all his lawful debts, assigns, transfers or delivers any property for the benefit of any creditor or creditors, upon any trusts or condition, that any creditor shall receive a preference or priority over any other, except in the cases in which such

preference is expressly allowed to be given by law, or with intent to create such preference of priority, is guilty of a misdemeanor.
R.L.1910, § 2719.

§21-1674. Frauds by insolvent debtor.

Every person who, upon making or prosecuting any application for a discharge as an insolvent debtor, under the provision of any law now in force, or that may hereafter be enacted, either:

1. Fraudulently presents, or authorizes to be presented on his behalf such application, in a case in which it is not authorized by law; or,

2. Makes or presents to any court or office, in support of such application, any petition, schedule, book, account, voucher or other paper or document, knowing the same to contain any false statement; or,

3. Fraudulently makes or exhibits, or alters, obliterates or destroys any account or voucher relating to the condition of his affairs, or any entry or statement in such account or voucher; or,

4. Practices any fraud upon any creditor, with intent to induce him to petition for, or consent to such discharge; or,

5. Conspires with or induces any person fraudulently to unite as a creditor in any petition for such discharge, or to practice any fraud in aid thereof,

is guilty of a misdemeanor.
R.L.1910, § 2720.

§21-1680. Short title.

This act shall be known and may be cited as the "Animal Facilities Protection Act".
Added by Laws 1991, c. 115, § 1, emerg. eff. April 25, 1991.

§21-1680.1. Definitions.

As used in this act:

1. "Animal" means any mammal, bird, fish, reptile or invertebrate, including wild and domesticated species, other than a human being;

2. "Animal facility" means any vehicle, building, structure, farm, ranch or other premises where an animal is kept, handled, transported, housed, exhibited, bred, offered for sale or used in any lawful scientific test, experiment, investigation or educational training;

3. "Person" means any individual, state agency, corporation, association, nonprofit corporation, joint stock company, firm, trust, partnership, two or more persons having a common interest, or other legal entity;

4. "Owner" means a person who has title to the property, possession of the property, or a greater right to the possession of

the animal or property than another person;

5. "Possession" means actual care, custody, control or management; and

6. "Effective consent" means consent by the owner or a person legally authorized to act for the owner. Consent is not effective if induced or given by force or fear; by a person the offender knows is not legally authorized to act for the owner; or by a person who by reason of youth, mental disease or defect, or influence of drug or alcohol is known by the offender to be unable to make reasonable decisions.

Added by Laws 1991, c. 115, § 2, emerg. eff. April 25, 1991.

§21-1680.2. Prohibited acts with regard to certain animal facilities - Penalties - Exempted acts.

A. No person shall, without the effective consent of the owner and with intent to damage the enterprise conducted at the animal facility:

1. Damage, destroy or remove an animal facility or any property or animal in or on an animal facility;

2. Acquire or otherwise exercise control over an animal facility, an animal or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property;

3. Enter an animal facility, not open to the public, with intent to commit an act prohibited by this section;

4. Enter an animal facility and commit or attempt to commit an act prohibited by this section;

5. Remain concealed in an animal facility, with intent to commit or attempt to commit an act prohibited by this section;

6. Enter or remain on an animal facility when the person has notice that entry is forbidden by any of the following:

   a. written or oral communication with the owner or a person with apparent authority to act for the owner,

   b. fencing or other enclosure obviously designed to exclude intruders or contain animals, or

   c. a sign or signs posted on the property or at the entrance to the building, indicating that unauthorized entry is forbidden; and

7. Release any animal or animals, with intent to deprive the owner of such animal or animal facility.

B. A violation of any of the provisions in paragraphs 1 through 7 of subsection A of this section shall be a misdemeanor, upon conviction, punishable by a fine not to exceed Five Thousand Dollars ($5,000.00), with full restitution to be paid for any damage to the property, for replacement of any animals released, and for out-of-pocket expenses incurred as a result of any violation, or by imprisonment in the county jail for a term not to exceed one (1) year, or by both such fine and imprisonment.

C. The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their respective duties under the law or be construed to conflict with any provision of Section 391 et seq. of Title 4 of the Oklahoma Statutes.
Added by Laws 1991, c. 115, § 3, emerg. eff. April 25, 1991. Amended by Laws 1997, c. 133, § 382, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 274, eff. July 1, 1999; Laws 2003, c. 23, § 1, eff. July 1, 2003.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 382 from July 1, 1998, to July 1, 1999.

§21-1680.3. Veterinarian required to report suspected animal abuse – Immunity from civil liability.

A. A veterinarian shall report suspected cases of animal abuse to a local law enforcement agency in the county where the veterinarian is practicing within twenty-four (24) hours of any examination or treatment administered to any animal which the veterinarian reasonably suspects and believes has been abused. The report shall contain the breed and description of the animal together with the name and address of the owner.

B. A veterinarian who files a report as provided in this section shall be immune from civil liability with respect to any report made in good faith.
Added by Laws 2006, c. 188, § 1, eff. Nov. 1, 2006.

§21-1680.4. Protective custody of abused or neglected animals – Bond hearing.

A. The purpose of this section is to provide a means by which any abused or neglected animal, as described in Section 1685 of Title 21 of the Oklahoma Statutes, may:

1. Be removed from its present custody; or

2. Be made the subject of an order issued to the owner by the appropriate court to provide care to the animal by the owner of the animal or by another person at a location approved by the court, with the order setting forth the conditions under which the animal will be housed and cared for, and given protection and a humane disposition.

B. Any peace officer or animal control officer may:

1. Specify terms and conditions by which the owner or keeper may maintain custody of the animal at the expense of the owner to provide care for the animal. The specifications shall be counter-signed by the owner or keeper of the animal. Provided, however, that violation of the custody agreement of the animal may result in the impoundment of the animal; or

2. Obtain a court order to take custody of any animal found neglected or cruelly treated by removing the animal from its present

location.

C. 1. After an animal has been seized and prior to any charges being filed, the agency that took custody of the animal shall, within seven (7) days from the date of seizure, petition the district court in the county in which the animal was seized for a bond hearing to determine the cost and care for the animal. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. If the court finds that probable cause exists that an animal has been abused, the court may order immediate forfeiture of the animal to the agency that took custody of the animal. Provided, however, within seventy-two (72) hours of the order of forfeiture, the person owning or having charge or custody of the animal may post a security bond in an amount determined by the court that is sufficient to reimburse all reasonable and anticipated costs incurred by the agency caring for the animal from the date of seizure. Reasonable costs include, but are not limited to, medical care and boarding of the animal.

2. The bond shall be placed with the agency that took custody of the animal. The agency shall provide an accounting of expenses to the court when the animal is no longer in the custody of the agency or upon request by the court. The agency may petition the court for a subsequent bond hearing at any time. The bond hearing shall be held as soon as practicable and not more than ten (10) business days from the date of application for the bond hearing. When all expenses covered by the bond are exhausted and a subsequent bond has not been posted, the animal shall be forfeited to the agency.

3. If the animal is returned to the person who previously owned or had charge or custody of the animal, funds not used for the care of the animal shall be returned.

4. Nothing in this section shall prevent the euthanasia of a seized animal at any time as determined necessary by a licensed veterinarian of the state.

Added by Laws 2006, c. 188, § 2, eff. Nov. 1, 2006.

§21-1681. Poisoning animals.

Any person who willfully administers poison to any animal, the property of another, and every person who maliciously exposes any poisonous substance with intent that the same shall be taken by any such animal, shall be guilty of a felony and shall be punishable by imprisonment in the State Penitentiary not exceeding three (3) years, or in a county jail not exceeding one (1) year, or by a fine not exceeding Two Hundred Fifty Dollars ($250.00), or by both such fine and imprisonment.

R.L. 1910, § 2742. Amended by Laws 1997, c. 133, § 383, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 275, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 383 from July 1, 1998, to July 1, 1999.

§21-1682. Instigating fights between animals.

Every person who maliciously, or for any bet, stake or reward, instigates or encourages any fight between animals with the exception of dogs, or instigates or encourages any animal with the exception of dogs to attack, bite, wound or worry another, upon conviction, is guilty of a misdemeanor.
Amended by Laws 1982, c. 184, § 10, emerg. eff. April 20, 1982.

§21-1683. Keeping places for fighting animals.

Every person who keeps any house, pit or other place, to be used in permitting any fight between animals with the exception of dogs or in any other violation of Section 1682 of this title, upon conviction, is guilty of a misdemeanor.
Amended by Laws 1982, c. 184, § 11, emerg. eff. April 20, 1982.
Amended by Laws 1982, c. 184, § 11, emerg. eff. April 20, 1982. d

§21-1684. Wounding or trapping birds in cemetery.

Every person who, within any public cemetery or burying ground, wounds or traps any birds or destroys any bird's nest, or removes any eggs or young birds from any nest; and every person who buys or sells, offers or keeps for sale, any bird which has been killed or trapped in violation of this section, is punishable by a fine of Five Dollars ($5.00) for each offense, recoverable by a civil action in any justice's court within the county where the offense is committed, brought in the name of any person making a complaint.
R.L. 1910 Sec. 2745.
R.L.1910, § 2745.

§21-1685. Cruelty to animals.

Any person who shall willfully or maliciously torture, destroy or kill, or cruelly beat or injure, maim or mutilate any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another, or deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty, shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars ($5,000.00). Any animal so

maltreated or abused shall be considered an abused or neglected animal.
R.L. 1910, § 2746. Amended by Laws 1997, c. 133, § 384, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 276, eff. July 1, 1999; Laws 2003, c. 363, § 1, eff. July 1, 2003; Laws 2006, c. 188, § 3, eff. Nov. 1, 2006.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 384 from July 1, 1998, to July 1, 1999.

§21-1685.1. Greyhounds - Using live animal as lure in training - Penalties.

A. No person may knowingly use any live animal as a lure or bait in training a greyhound for entry in any race.

B. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor punishable by a fine not exceeding Two Hundred Fifty Dollars ($250.00).

C. The provisions of subsection B of this section shall be the exclusive remedy for any violation of the provisions of subsection A of this section.
Added by Laws 1991, c. 23, § 1, eff. July 1, 1991.

§21-1686. Abandoned animals – Euthanasia – Custody of animal following arrest.

A. Any person owning or having charge or custody of a maimed, diseased, disabled, or infirm animal who abandons the animal or who allows the animal to lie in a public street, road, or public place one (1) hour after the person receives notice by a duly constituted authority that the animal is disabled or dead, upon conviction, shall be guilty of a misdemeanor.

B. Any peace officer or animal control officer may humanely destroy or cause to be humanely destroyed any animal found abandoned and for which no proper care has been given.

C. When any person who is arrested is, at the time of the arrest, in charge of any animal or of any vehicle drawn by or containing any animal, any peace officer, or animal control officer may take custody of the animal or of the vehicle and its contents, or deliver the animal or the vehicle and its contents into the possession of the police or sheriff of the county or place where the arrest was made, who shall assume the custody thereof. All necessary expenses incurred in taking custody of the animal or of the vehicle and its contents shall be a lien on such property.

D. For the purpose of the provisions of this section and Section 1691 of this title, the term “abandon” means the voluntary relinquishment of an animal and shall include but shall not be limited to vacating a premises and leaving the animal in or at the premises, or failing to feed the animal or allowing it to stray or wander onto private or public property with the intention of

surrendering ownership or custody over the animal.
R.L. 1910, § 2747. Amended by Laws 1984, c. 104, § 1, operative July 1, 1984; Laws 2006, c. 188, § 4, eff. Nov. 1, 2006.

§21-1688. Animals in transit.

Any person who carries or causes to be carried in or upon any vessel or vehicle, or otherwise, any animal in a cruel or inhuman manner, or so as to produce torture is guilty of a misdemeanor.
R.L.1910, § 2749.

§21-1689. Poisonous drugs, unjustifiable administration of.

Any person who unjustifiably administers any poisonous or noxious drug or substance to any animal, or unjustifiably exposes any such drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another, is guilty of a misdemeanor.
R.L.1910, § 2750.

§21-1691. Abandoning of domestic animals along streets or highways or in any public place prohibited.

Any person who deposits any live dog, cat, or other domestic animal along any private or public roadway, or in any other private or public place with the intention of abandoning the domestic animal upon conviction, shall be guilty of a misdemeanor.
Amended by Laws 1984, c. 104, § 2, operative July 1, 1984.

§21-1692. Penalty.

Any person found guilty of violating any of the provisions of Sections 1686, 1688, 1689 and 1691 of this title shall be punished by a fine in an amount not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than one (1) year, or by both said fine and imprisonment.
Amended by Laws 1984, c. 104, § 3, operative July 1, 1984.

§21-1692.1. Definitions.

As used in this act:

A. "Cockfight" or "cockfighting" is a fight between birds, whether or not fitted with spurs, knives, or gaffs, and whether or not bets or wagers are made on the outcome of the fight, and includes any training fight in which birds are intended or encouraged to attack or fight with one another.

B. "Equipment used for training or handling a fighting bird" includes knives or gaffs, cages, pens, feeding apparatuses, training pens and other related devices and equipment, and is hereby declared contraband and subject to seizure.
Added by State Question No. 687, Initiative Petition No. 365,

Provision No. 1, adopted at General Election held on November 5, 2002.

§21-1692.2. Instigating or encouraging cockfight.

Every person who willfully instigates or encourages any cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 2, adopted at General Election held on November 5, 2002.

§21-1692.3. Keeping place, equipment or facilities for cockfighting.

Every person who keeps any pit or other place, or knowingly provides any equipment or facilities to be used in permitting any cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 3, adopted at General Election held on November 5, 2002.

§21-1692.4. Servicing or facilitating cockfight.

Every person who does any act or performs any service in the furtherance of or to facilitate any cockfight, upon conviction, shall be guilty of a felony. Such activities and services specifically prohibited by this section include, but are not limited to: promoting or refereeing of birds at a cockfight, advertising a cockfight, or serving as a stakes holder of any money wagered on any cockfight. The penalty for a violation of this section shall be as provided in Section 8 of this act.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 4, adopted at General Election held on November 5, 2002.

§21-1692.5. Owning, possessing, keeping or training bird for fighting.

Every person who owns, possesses, keeps, or trains any bird with the intent that such bird shall be engaged in a cockfight, upon conviction, shall be guilty of a felony. The penalty for a violation of this section shall be as provided in Section 8 of this act.

Added by State Question No. 687, Initiative Petition No. 365, Provision No. 5, adopted at General Election held on November 5, 2002.

§21-1692.6. Spectators.

Every person who is knowingly present as a spectator at any place, building, or other site where preparations are being made for a cockfight with the intent to be present at such preparation or cockfight, or is knowingly present at such cockfight, upon conviction shall be guilty of a misdemeanor.
Added by State Question No. 687, Initiative Petition No. 365, Provision No. 6, adopted at General Election held on November 5, 2002.

§21-1692.7. Seizure, destruction, or forfeiture of cockfighting equipment or facilities.

Following the conviction of a person for Sections 2, 3, 4, or 5 of this act, the court entering the judgment shall order that the birds and knives or gaffs used in violation of this act be forfeited to the state, and may order that any and all equipment described in Section 1 used in violation of this act be forfeited to the state.
Added by State Question No. 687, Initiative Petition No. 365, Provision No. 7, adopted at General Election held on November 5, 2002.

§21-1692.8. Punishment.

A. Every person who is guilty of a felony under any of the provisions of Sections 2, 3, 4, or 5 of this act shall be punished by imprisonment in the state penitentiary for not less than one (1) year nor more than ten (10) years, or shall be fined not less than Two Thousand Dollars ($2,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

B. Every person who upon conviction is guilty of any of the provisions of Section 6 of this act shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.
Added by State Question No. 687, Initiative Petition No. 365, Provision No. 8, adopted at General Election held on November 5, 2002.

§21-1692.9. Exemption.

Nothing in this act shall prohibit any of the following:

A. Hunting birds or fowl in accordance with Oklahoma regulation or statute, including but not limited to the sport of hunting game with trained raptors.

B. Agricultural production of fowl for human consumption.
Added by State Question No. 687, Initiative Petition No. 365, Provision No. 9, adopted at General Election held on November 5, 2002.

§21-1693. Definitions.

As used in this act:

1. "Equipment used for training or handling a fighting dog" includes harnesses, treadmills, cages, decoys, pens, houses, feeding apparatuses, training pens and other related devices and equipment;

2. "Equipment used for transporting a fighting dog" includes any automobile, or other vehicle, and its appurtenances which are intended to be used as a vehicle for transporting a fighting dog to a fight;

3. "Concession equipment" includes any stands, equipment or devices intended to be used to sell or otherwise to dispense food, drinks, liquor, souvenirs or spectator comforts;

4. "Equipment used to promote or advertise a dogfight" includes any printing presses or similar equipment, any paper, ink, photography equipment, and related items and equipment intended to be used to transport same;

5. "Equipment used to stage a dogfight" includes, but is not limited to, dogfighting arenas, bleachers, or spectators' stands or other seating, tents, canopies, buildings, fences, cages, speakers, public address systems, portable toilet facilities and related equipment; and

6. "Fighting dog" includes any dog trained, being trained, intended to be used for training, or intended to be used to attack, bite, wound or worry another dog.

Added by Laws 1982, c. 184, § 1, emerg. eff. April 20, 1982.

§21-1694. Instigating or encouraging dogfight - Felony - Penalty.

Every person who willfully or for any bet, stake or reward, instigates or encourages any fight between dogs, or instigates or encourages any dog to attack, bite, wound or worry another dog, except in the course of protection of life and property, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.

Added by Laws 1982, c. 184, § 2, emerg. eff. April 20, 1982. Amended by Laws 1997, c. 133, § 385, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 277, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 385 from July 1, 1998, to July 1, 1999.

§21-1695. Keeping place, equipment or facilities for dogfighting - Felony - Penalty.

Every person who keeps any house, pit or other place, or provides any equipment or facilities to be used in permitting any fight between dogs or in furtherance of any activity described in Section 1693 of this title, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.

Added by Laws 1982, c. 184, § 3, emerg. eff. April 20, 1982. Amended by Laws 1997, c. 133, § 386, eff. July 1, 1999; Laws 1999,

1st Ex.Sess., c. 5, § 278, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 386 from July 1, 1998, to July 1, 1999.

§21-1696. Servicing or facilitating dogfight - Felony - Penalty.

Every person who does any act or performs any service in the furtherance of or to facilitate any dogfight, upon conviction, shall be guilty of a felony. Such activities and services specifically prohibited by this section include, but are not limited to: Promotion, refereeing, handling of dogs at a fight, transportation of spectators to or from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stakes holder of any money wagered on any dogfight, punishable as provided in Section 1699.1 of this title.
Added by Laws 1982, c. 184, § 4, emerg. eff. April 20, 1982.
Amended by Laws 1997, c. 133, § 387, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 279, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 387 from July 1, 1998, to July 1, 1999.

§21-1697. Owning, possessing, keeping or training dog for fighting - Felony - Penalty.

Every person who owns, possesses, keeps or trains any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog, upon conviction, shall be guilty of a felony, punishable as provided in Section 1699.1 of this title.
Added by Laws 1982, c. 184, § 5, emerg. eff. April 20, 1982.
Amended by Laws 1997, c. 133, § 388, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 280, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 388 from July 1, 1998, to July 1, 1999.

§21-1698. Spectators.

Every person who is knowingly present as a spectator at any place, building or other site where preparations are being made for an exhibition of dogfighting with the intent to be present at such preparation or fight, or is knowingly present at such exhibition, upon conviction, shall be guilty of a misdemeanor.
Added by Laws 1982, c. 184, § 6, emerg. eff. April 20, 1982.

§21-1699. Seizure, destruction or forfeiture of dogfighting equipment and facilities.

Following the conviction of a person for the offense of keeping a place for fighting dogs, providing facilities for fighting dogs, performing services in the furtherance of dogfighting, training, owning, possessing, handling fighting dogs, the court entering the judgment shall order that the machine, device, gambling equipment,

training or handling instruments or equipment, transportation equipment, concession equipment, dogfighting equipment and instruments, and fighting dogs used in violation of this act be destroyed or forfeited to the state.
Added by Laws 1982, c. 184, § 7, emerg. eff. April 20, 1982.

§21-1699.1. Punishment.

A. Every person who is guilty of a felony under any of the provisions of Sections 1694, 1695, 1696 and 1697 of this title shall be punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years, or a fine not less than Two Thousand Dollars ($2,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

B. Every person who upon conviction is guilty of any of the provisions of Section 1698 of this title shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars ($500.00).
Added by Laws 1982, c. 184, § 8, emerg. eff. April 20, 1982.
Amended by Laws 1997, c. 133, § 389, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 281, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 389 from July 1, 1998, to July 1, 1999.

§21-1699.2. Exemptions.

Nothing in this act shall prohibit any of the following:

1. The use of dogs in hunting as permitted by the Game and Fish Code and by the rules and regulations adopted by the Oklahoma Wildlife Conservation Commission;

2. The use of dogs in the management of livestock by the owner of such livestock or his employees or agents or other persons in lawful custody thereof;

3. The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law; or

4. The raising, breeding, keeping or training of dogs or the use of equipment for the raising, breeding, keeping or training of dogs for sale or show purposes.
Added by Laws 1982, c. 184, § 9, emerg. eff. April 20, 1982.

§21-1700. Bear wrestling - Horse tripping.

A. It is unlawful for any person to:

1. Promote, engage in, or be employed at a bear wrestling exhibition or horse tripping event;

2. Receive money for the admission of another person to any place where bear wrestling or horse tripping will occur;

3. Sell, purchase, possess, or offer a horse for any horse tripping event;

4. Sell, purchase, possess, or train a bear for any bear

wrestling exhibition;

5. Subject a bear to alteration in any form for purposes of bear wrestling including, but not limited to, removal of claws or teeth, or severing tendons; or

6. Give any substance to a bear, inject any substance into a bear, or cause a bear to ingest or inhale any substance for the purposes of bear wrestling.

B. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment. In addition, the court may require the violator to make restitution and reimbursements to the state, any of its political subdivisions, or to any society which is incorporated for the prevention of cruelty to animals for housing, feeding, or providing medical treatment to any animals used or intended for use in violation of this section.

C. Upon the arrest of any person pursuant to any provision of this section, the arresting law enforcement agency or animal control office shall have authority to seize and take custody of all animals in the possession of the arrested person which are the basis of an arrest pursuant to the provisions of this section. Upon conviction, the court shall have authority to order the forfeiture of all animals seized which are the basis of the conviction pursuant to the provisions of this section. Any animals ordered forfeited may be placed in the custody of a society which is incorporated for the prevention of cruelty to animals.

D. As used in this section, "horse tripping" means to cause an animal of the equine species to fall or lose its balance with the use of a wire, pole, stick, rope or other object. The term does not include the lawful laying down of a horse for medical purposes or for the purposes of identification.

Added by Laws 1996, c. 197, § 1, emerg. eff. May 20, 1996.

§21-1701. Larceny defined.

Larceny is the taking of personal property accomplished by fraud or stealth, and with intent to deprive another thereof.

R.L.1910, § 2652.

§21-1702. Larceny of lost property.

One who finds lost property under circumstances which gives him knowledge or means of inquiry as to the true owner, and who appropriates such property to his own use, or to the use of another person who is not entitled thereto, without having first made such effort to find the owner and restore the property to him as the circumstances render reasonable and just, is guilty of larceny.

R.L.1910, § 2653.

§21-1703. Degrees of larceny.

Larceny is divided into two degrees; the first of which is termed grand larceny, the second petit larceny.

R.L.1910, § 2654.

§21-1704. See the following versions:

OS 21-1704v1 (HB 2751, Laws 2016, c. 221, § 16).

OS 21-1704v2 (State Question No. 780, Initiative Petition No. 404, § 4).

§21-1704v1. Grand and petit larceny defined.

Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of value exceeding One Thousand Dollars ($1,000.00); or

2. When such property, although not of value exceeding One Thousand Dollars ($1,000.00), is taken from the person of another.

Larceny in other cases is petit larceny.

R.L. 1910, § 2655. Amended by Laws 1982, c. 277, § 4, operative Oct. 1, 1982; Laws 2001, c. 437, § 10, eff. July 1, 2001; Laws 2016, c. 221, § 16, eff. Nov. 1, 2016.

§21-1704v2. Grand and petit larceny defined.

Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of value exceeding One Thousand Dollars ($1,000.00).

2. When such property, although not of value exceeding One Thousand Dollars ($1,000.00), is taken from the person of another.

Larceny in other cases is petit larceny.

R.L. 1910, § 2655. Amended by Laws 1982, c. 277, § 4, operative Oct. 1, 1982; Laws 2001, c. 437, § 10, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 4, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

§21-1705. See the following versions:

OS 21-1705v1 (HB 2751, Laws 2016, c. 221, § 17).

OS 21-1705v2 (State Question No. 780, Initiative Petition No. 404, § 5).

§21-1705v1. Grand larceny a felony.

Grand larceny is a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding five (5) years, a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment if the value of the property is One Thousand Dollars ($1,000.00) or more and if the value of the

property is less than One Thousand Dollars ($1,000.00) punishable by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. The defendant shall also be ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.
R.L. 1910, § 2656. Amended by Laws 1993, c. 147, § 6, eff. Sept. 1, 1993; Laws 1997, c. 133, § 390, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 282, eff. July 1, 1999; Laws 2016, c. 221, § 17, eff. Nov. 1, 2016.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 390 from July 1, 1998, to July 1, 1999.

§21-1705v2. Grand larceny a felony.

Grand larceny is a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years if the value of the property is One Thousand Dollars ($1,000.00) or more and if the value of the property is less than One Thousand Dollars ($1,000.00) punishable by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.
R.L. 1910, § 2656. Amended by Laws 1993, c. 147, § 6, eff. Sept. 1, 1993; Laws 1997, c. 133, § 390, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 282, eff. July 1, 1999; State Question No. 780, Initiative Petition No. 404, § 5, adopted at General Election held on November 8, 2016, eff. July 1, 2017.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 390 from July 1, 1998, to July 1, 1999.

§21-1706. Punishment for petit larceny.

Petit larceny shall be punishable by a fine of not less than Ten Dollars ($10.00) or more than Five Hundred Dollars ($500.00), or imprisonment in the county jail not to six (6) months, or by both such fine and imprisonment, at the discretion of the court.
R.L. 1910, § 2657; Laws 1993, c. 288, § 1, eff. Sept. 1, 1993.

§21-1707. Grand larceny in house or vessel a felony.

When it appears upon a trial for grand larceny that the larceny alleged was committed in any dwelling house or vessel, the offender shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding eight (8) years.

R.L. 1910, § 2658. Amended by Laws 1997, c. 133, § 391, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 283, eff. July 1, 1999. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 391 from July 1, 1998, to July 1, 1999.

§21-1708. Grand larceny in night time from person a felony.

When it appears upon such trial, that such larceny was committed by stealing in the night time, from the person of another, the offender shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.
R.L. 1910, § 2659. Amended by Laws 1997, c. 133, § 392, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 284, eff. July 1, 1999. NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 392 from July 1, 1998, to July 1, 1999.

§21-1709. Larceny of written instrument - Value.

If the thing stolen consists of any evidence of debt or other written instrument, the amount of money due thereon or secured to be paid thereby and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum of which might be recovered in the absence thereof, as the case may be, shall be deemed the value of the thing stolen.
R.L.1910, § 2660.

§21-1710. Larceny of passage ticket - Value.

If the thing stolen is any ticket, or other paper or writing entitling or purporting to entitle the holder or proprietor thereof to a passage upon any railroad, or in any vessel or other public conveyance, the price at which tickets entitling a person to a like passage are usually sold by the proprietors of such conveyance shall be deemed the value of such ticket.
R.L.1910, § 2661.

§21-1711. Securities not yet issued or delivered, larceny of.

All the provisions of this article shall apply where the property taken is an instrument for the payment of money, evidence of debt, public security or passage ticket, completed and ready to be issued or delivered, though the same has never been issued or delivered by the makers thereof to any person as a purchaser or owner.
R.L. 1910, § 2662.

§21-1712. Severed fixture, larceny of.

Any fixture or part of realty, the instant it is severed from the realty becomes personal property, and the subject of larceny within the meaning of this article.

R.L.1910, § 2663.

§21-1713. See the following versions:
OS 21-1713v1 (HB 2751, Laws 2016, c. 221, § 18).
OS 21-1713v2 (State Question No. 780, Initiative Petition No. 404, § 6).

§21-1713.1. Purchase or receipt of stolen, etc., construction or farm equipment.

Every person who buys or receives, in any manner, upon any consideration, any construction equipment or farm equipment of any value whatsoever that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such construction equipment or farm equipment from the owner, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years or by a fine in an amount that is equal to three times the value of the property that was stolen but not more than Five Hundred Thousand Dollars ($500,000.00) or by both such fine and imprisonment and may be ordered to pay restitution pursuant to Section 991f of Title 22 of the Oklahoma Statutes.
Added by Laws 2002, c. 186, § 2, eff. Nov. 1, 2002.

§21-1713v1. Receiving stolen property - Presumption.

A. Every person who buys or receives, in any manner, upon any consideration, personal property of a value of One Thousand Dollars ($1,000.00) or more that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00), or by both such fine and imprisonment. If the personal property that has been stolen, embezzled, obtained by false pretense or robbery has a value of less than One Thousand Dollars ($1,000.00), the person shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year.

B. Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry

to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it shall be presumed to have bought or received such property knowing it to have been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.
R.L. 1910, § 2664. Amended by Laws 1961, p. 234, § 1, emerg. eff. July 18, 1961; Laws 1997, c. 133, § 393, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 285, eff. July 1, 1999; Laws 2016, c. 221, § 18, eff. Nov. 1, 2016.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 393 from July 1, 1998, to July 1, 1999.

§21-1713v2. Receiving stolen property - Presumption.

A. Every person who buys or receives, in any manner, upon any consideration, any personal property of any value whatsoever that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner, shall, if the value of the property is One Thousand Dollars ($1,000.00) or more be guilty of a felony punishable by imprisonment in the State Penitentiary not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00) or by both such fine and imprisonment. If the value of the property received is less than One Thousand Dollars ($1,000.00), the person shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

B. Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it shall be presumed to have bought or received such property knowing it to have been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.
R.L. 1910, § 2664. Amended by Laws 1961, p. 234, § 1, emerg. eff. July 18, 1961; Laws 1997, c. 133, § 393, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 285, eff. July 1, 1999; State Question No. 780, Initiative Petition No. 404, § 6, adopted at General Election held on November 8, 2016, eff. July 1, 2017.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 393 from July 1, 1998, to July 1, 1999.

§21-1714. Fraudulent consumption of gas.

Every person who, with intent to defraud, makes or causes to be made, any pipe or other instrument or contrivance, and connects the same, or causes it to be connected, with any pipe laid for conducting illuminating gas, so as to conduct gas to a point where the same may be consumed without its passing through the meter providing for registering the quantity consumed, or in any other manner so as to evade paying therefor, and every person who with like intent injures or alters any gas meter, or obstructs its action, is guilty of a misdemeanor.
R.L.1910, § 2665.

§21-1715. Bringing stolen property into the State.

Every person who steals the property of another in any other state or country, and brings the same into this state may be convicted and punished in the same manner as if such larceny had been committed in this state; and such larceny may be charged to have been committed in any town or city into or through which such stolen property has been brought.
R.L.1910, § 2666.

§21-1716. Theft of domestic animals or implements of husbandry.

A. Any person in this state who shall steal any horse, jackass, jennet, mule, cow, hog or implement of husbandry as defined in Section 1-125 of Title 47 of the Oklahoma Statutes shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years nor more than ten (10) years, or by a fine in an amount that is equal to three times the value of animals and machinery that were stolen but not more than Five Hundred Thousand Dollars ($500,000.00), or by both such fine and imprisonment. Each head of cattle stolen may constitute a separate offense and may be punishable as a separate violation.

B. Any person in this state who shall steal any dog, sheep or goat shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than six (6) months nor more than three (3) years, or by a fine in an amount that is equal to three times the value of the animals that were stolen but not more than Five Hundred Thousand Dollars ($500,000.00), or by both such fine and imprisonment.

C. The word "horse" as used in this section includes all animals of the equine species, and the word "cow" includes all animals of the bovine species.
R.L. 1910, § 2667. Amended by Laws 1910-11, c. 92, p. 202, § 1; Laws 1939, p. 13, § 1; Laws 1997, c. 133, § 394, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 286, eff. July 1, 1999; Laws 2002,

c. 324, § 1, eff. Nov. 1, 2002; Laws 2016, c. 89, § 1, eff. Nov. 1, 2016.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 394 from July 1, 1998, to July 1, 1999.

§21-1717. Dog as personal property.

All animals of the dog kind, whether male or female, shall be considered the personal property of the owner thereof, for all purposes.
R.L. 1910, § 2668; Laws 1968, c. 261, § 1, emerg. eff. April 29, 1968.

§21-1718. Larceny of dogs.

The taking of personal property of the kind defined in Section 1717 of this title, accomplished by fraud or stealth, and with the intent to deprive another thereof, is hereby defined as larceny and punishable in the same manner and to the same degree as in larceny of other descriptions of personal property.
R.L.1910, § 2669; Laws 1971, c. 123, § 1, emerg. eff. May 4, 1971.

§21-1719. Larceny of domestic fowls - Receiving stolen fowls.

Every person who shall take, steal and carry away any domestic fowl, or fowls, and any person purchasing or receiving such domestic fowl, or fowls, knowing them to have been stolen, shall be guilty of grand larceny, regardless of the value thereof, and upon conviction shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine not exceeding Two Hundred Dollars ($200.00), or by confinement in the county jail not exceeding two (2) months, or by both such fine and imprisonment.
Added by Laws 1915, c. 55, § 1. Amended by Laws 1929, c. 20, p. 17, § 1; Laws 1997, c. 133, § 395, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 287, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 395 from July 1, 1998, to July 1, 1999.

§21-1719.1. Larceny of certain fish and game.

A. For the purpose of this section:

1. "Domesticated fish or game" means all birds, mammals, fish and other aquatic forms and all other animals, regardless of classifications, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include every part of any individual species when such domesticated fish or game are not in the wild and are in the possession of a person currently licensed to possess such fish or game; and

2. "Taking" means the pursuing, killing, capturing, trapping, snaring and netting of domesticated fish or game or placing, setting, drawing or using any net, trap or other device for taking

domesticated fish or game and includes specifically every attempt to take such domesticated fish or game.

B. Any domesticated fish or game shall be considered the personal property of the owner.

C. Any person who shall take any domesticated fish or game, with the intent to deprive the owner of said fish or game, and any person purchasing or receiving such domesticated fish or game knowing them to have been stolen, shall:

1. Upon conviction, if the current market value of said domesticated fish or game is less than One Thousand Dollars ($1,000.00), be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment; or

2. Upon conviction, if the current market value of said domesticated fish or game is One Thousand Dollars ($1,000.00) or more, be guilty of a felony and shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment.

Added by Laws 1987, c. 160, § 1, emerg. eff. June 25, 1987. Amended by Laws 1993, c. 147, § 7, eff. Sept. 1, 1993; Laws 1993, c. 288, § 3, eff. Sept. 1, 1993; Laws 1997, c. 133, § 396, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 288, eff. July 1, 1999; Laws 2001, c. 437, § 11, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 7, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 396 from July 1, 1998, to July 1, 1999.

§21-1719.2. Taking, stealing or carrying away exotic livestock - Penalties - Definition.

A. Any person who shall take, steal or carry away any exotic livestock, any person purchasing or receiving such exotic livestock, knowing them to have been stolen, shall be deemed guilty of grand larceny, regardless of the value thereof, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine not exceeding Twenty Thousand Dollars ($20,000.00) or by both such fine and imprisonment.

B. For purposes of this section the term "exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

Added by Laws 1993, c. 36, § 6, eff. July 1, 1993. Amended by Laws 1997, c. 133, § 397, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 289, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 397 from July 1, 1998, to July 1, 1999.

§21-1720. Aircraft, automobile or other automotive driven vehicle, construction equipment or farm equipment.

Any person in this state who shall steal an aircraft, automobile or other automotive driven vehicle, construction equipment or farm equipment, shall be guilty of a felony, and upon conviction shall be punished by confinement in the State Penitentiary for a term of not less than three (3) years, nor more than twenty (20) years or by a fine in an amount that is equal to three times the value of the property that was stolen but not more than Five Hundred Thousand Dollars ($500,000.00) or by both such fine and imprisonment and shall be ordered to pay restitution pursuant to Section 991f of Title 22 of the Oklahoma Statutes.

Added by Laws 1919, c. 102, p. 155, § 1. Amended by Laws 1945, p. 96, § 1; Laws 1997, c. 133, § 398, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 290, eff. July 1, 1999; Laws 2002, c. 186, § 1, eff. Nov. 1, 2002.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 398 from July 1, 1998, to July 1, 1999.

§21-1721. Tapping pipeline.

Any person who shall unlawfully make or cause to be made any connection with or in any way tap or cause to be tapped, or drill or cause to be drilled a hole in any pipe or pipeline or tank laid or used for the conduct or storage of crude oil, naphtha, gas or casinghead gas, or any of the manufactured or natural products thereof, with intent to deprive the owner thereof of any of said crude oil, naphtha, gas, casinghead gas or any of the manufactured or natural products thereof, shall be guilty of a felony, and upon conviction the person shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars ($100.00), and not more than Fifty Thousand Dollars ($50,000.00), or confinement in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment.

Added by Laws 1925, c. 105, p. 153, § 1. Amended by Laws 1982, c. 219, § 1, emerg. eff. April 29, 1982; Laws 1997, c. 133, § 399, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 291, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 399 from July 1, 1998, to July 1, 1999.

§21-1722. Taking oil, gas, gasoline or any product thereof - When misdemeanor or felony.

Any person who shall unlawfully take any crude oil or gasoline,

or any product thereof, from any pipe, pipeline, tank, tank car, or other receptacle or container and any person who shall unlawfully take or cause to be taken any machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells, with intent to deprive the owner or lessee thereof of said crude oil, gas, gasoline, or any product thereof, machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells shall:

1. Be guilty of a misdemeanor if the value of said product so taken is less than One Thousand Dollars ($1,000.00), and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a term not to exceed sixty (60) days, or by both such fine and imprisonment;

2. Be guilty of a felony if the value of such product so taken is One Thousand Dollars ($1,000.00) or more and upon conviction thereof, shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars ($100.00), and not more than Fifty Thousand Dollars ($50,000.00), or by imprisonment in the State Penitentiary for a term in the range of one (1) year to ten (10) years, or by both such fine and imprisonment.

Added by Laws 1925, c. 105, p. 153, § 2. Amended by Laws 1937, p. 14, § 1; Laws 1982, c. 219, § 2, emerg. eff. April 29, 1982; Laws 1982, c. 277, § 5, operative Oct. 1, 1982; Laws 1993, c. 147, § 8, eff. Sept. 1, 1993; Laws 1993, c. 288, § 4, eff. Sept. 1, 1993; Laws 1997, c. 133, § 400, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 292, eff. July 1, 1999; Laws 2001, c. 437, § 12, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 8, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 400 from July 1, 1998, to July 1, 1999.

§21-1723. Larceny from the house.

Any person entering and stealing any money or other thing of value from any house, railroad car, tent, booth or temporary building shall be guilty of larceny from the house. Larceny from the house is a felony.

Added by Laws 1937, p. 14, § 1. Amended by Laws 1997, c. 133, § 401, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 401 from July 1, 1998, to July 1, 1999.

§21-1724. Larceny from the house a felony.

Any person convicted of larceny from the house shall be guilty of a felony punishable by imprisonment in the State Penitentiary for

a period of time not to exceed five (5) years.
Added by Laws 1937, p. 14, § 2. Amended by Laws 1997, c. 133, § 402, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 293, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 402 from July 1, 1998, to July 1, 1999.

§21-1726. Mercury - Possession of more than one pound without written evidence of title - Penalty - Defenses.

A. Any person who may be found in this state with more than one (1) pound of mercury in his possession, and who does not have valid written evidence of his title to such mercury, shall be guilty of a felony and upon conviction thereof shall be punishable by imprisonment in the State Penitentiary for a term not less than one (1) year nor more than five (5) years, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

B. It shall be a defense to any charge under this section that the person so charged (1) is a bona fide miner or processor of mercury or (2) that the mercury possessed by such person is, while in his possession, an integral part of a tool, instrument, or device used for a beneficial purpose. In any complaint, information, or indictment brought under this section, it shall not be necessary to negative any exception, excuse, exemption, or defense provided in this section, and the burden of proof of any such exception, excuse, exemption or defense shall be upon the defendant.
Added by Laws 1963, c. 80, § 1, emerg. eff. May 21, 1963. Amended by Laws 1997, c. 133, § 403, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 294, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 403 from July 1, 1998, to July 1, 1999.

§21-1727. Copper - Stealing or removing - Penalties.

Any person who shall enter upon any premises, easement, or right of way with intent to steal or remove without the consent of the owner, or with intent to aid or assist in stealing or removing any copper wire, copper cable, or copper tubing from and off of any appurtenance on such premises, easement, or right of way shall be guilty of a felony and upon conviction shall be punished by confinement in the State Penitentiary for not less than one (1) year nor more than five (5) years, or by confinement in the county jail for not less than ninety (90) days nor more than two hundred (200) days, or shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.
Added by Laws 1967, c. 105, § 1, emerg. eff. April 24, 1967. Amended by Laws 1997, c. 133, § 404, eff. July 1, 1999; Laws 1999,

1st Ex.Sess., c. 5, § 295, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 404 from July 1, 1998, to July 1, 1999.

§21-1728. Possessing, receiving or transporting stolen copper - Penalty.

Any person who shall receive, transport, or possess in this state stolen copper wire, copper cable, or copper tubing under such circumstances that he knew or should have known that the same was stolen shall upon conviction thereof be guilty of a felony and shall be confined in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years, or shall be confined in the county jail for not less than ninety (90) days nor more than two hundred (200) days, or shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or both such fine and imprisonment.
Added by Laws 1967, c. 105, § 2, emerg. eff. April 24, 1967.
Amended by Laws 1997, c. 133, § 405, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 296, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 405 from July 1, 1998, to July 1, 1999.

§21-1730. Act as cumulative - Definitions.

This act shall be cumulative of all laws of the state and any violation hereof may be prosecuted, irrespective of whether or not the acts complained of constitute any or some of the essential elements of other or different offenses against the penal laws of this state; and for the purposes of this act the word "stolen" or "steal" shall mean larceny as defined by 21 O.S. 1961, Sec. 1701, and the word "stolen" or "steal" need not be defined in any indictment, complaint, or information for the prosecution of any offense hereunder.
Laws 1967, c. 105, § 4, emerg. eff. April 24, 1967.

§21-1731. See the following versions:

OS 21-1731v1 (HB 2751, Laws 2016, c. 221, § 19).

OS 21-1731v2 (State Question No. 780, Initiative Petition No. 404, § 9).

§21-1731.1. Shoplifting - Civil liabilities - Public service in lieu of damages - Limitations - Jurisdiction.

A. As used in this section:

1. "Merchant" means an owner or operator of any mercantile establishment, and includes the merchant's employees, servants, security agents or other agents;

2. "Mercantile establishment" means any place where merchandise is displayed, held or offered for sale, either at retail or

wholesale;

3. "Unemancipated minor" means any unmarried person under eighteen (18) years of age under direct supervision and care of the parent or legal guardian of the minor; and

4. "Emancipated minor" means any person under eighteen (18) who is married and/or not under direct supervision and care of the parent or legal guardian of the minor.

B. An adult or emancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner, seller, or merchant and with the intention of converting such goods, wares, or merchandise to his own use without having paid the purchase price thereof, shall be liable in a civil action for the retail price of the merchandise if it is unsalable or the percentage of the diminished value of the merchandise due to the conversion together with attorney fees and court costs.

C. The parent or legal guardian having custody of an unemancipated minor who takes possession of any goods, wares, or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner, seller, or merchant, and with the intention of converting such goods, wares, or merchandise to his own use without having paid the purchase price thereof shall be liable in a civil action for the retail price of the merchandise if it is unsalable or the percentage of the diminished value of the merchandise due to the conversion together with attorney fees and court costs.

D. An adult, emancipated minor or unemancipated minor against whom judgment is rendered for taking possession of any goods, wares or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner, seller or merchant and with the intention of converting such goods, wares or merchandise to his or her own use without having paid the purchase price thereof, may also be required to pay exemplary damages.

E. In lieu of the exemplary damages prescribed by subsection D of this section, any adult, emancipated minor or unemancipated minor against whom a judgment for exemplary damages has been rendered hereunder may be required to perform public services designated by the court; provided, that in no event shall any such person be required to perform less than the number of hours of such public service necessary to satisfy the damages assessed by the court at the federal minimum wage prevailing in the state at the time of judgment, but in no case less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00).

F. The provisions of this section are in addition to criminal penalties and other civil remedies and shall not limit merchants or

other persons from electing to pursue criminal penalties and other civil remedies, so long as a double recovery does not result.

G. For the purpose of this section, liability shall not be imposed upon any governmental entity, private agency, or foster parent assigned responsibility for the minor child pursuant to court order or action of the Department of Human Services.

H. Notwithstanding any other provision of law, a civil action or proceeding pursuant to this section may be commenced at any time within two (2) years after the conduct in violation of a provision of this section terminates or the cause of action accrues. If a criminal prosecution is brought by the state or by the United States to punish, prevent, or restrain any criminal action contained or described in this section, the running of the period of limitations prescribed by this section shall be suspended during the pendency of such prosecution, action, or proceeding and for one (1) year following its termination or conclusion.

I. An action for recovery of damages, pursuant to this section, may be brought in the small claims division of the district court where the damages sought are within the jurisdictional limits of the court, or in any other appropriate court.

Added by Laws 1990, c. 161, § 1, eff. Nov. 1, 1990.

§21-1731v1. Larceny of merchandise from retailer or wholesaler - Punishment - Recidivists.

Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken is less than One Thousand Dollars ($1,000.00), the defendant shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term not exceeding thirty (30) days, and by a fine not less than Ten Dollars ($10.00) nor more than Five Hundred Dollars ($500.00); provided, for the first conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in the county jail for a term not to exceed thirty (30) days, and by a fine not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00);

2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property is less than One Thousand Dollars ($1,000.00), that the defendant has been once before convicted of the same offense, the defendant shall, on a second conviction, be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a term of not less than thirty (30) days nor more than one (1) year, and by a fine not exceeding One Thousand Dollars ($1,000.00);

3. If it be shown, upon the trial of a case where the value of

the goods, edible meat or other corporeal personal property is less than One Thousand Dollars ($1,000.00), that the defendant has two or more times before been convicted of the same offense, regardless of the value of the goods, edible meat or other corporeal personal property involved in the first two convictions, upon the third or any subsequent conviction, the defendant shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) nor more than five (5) years; and

4. In the event the value of the goods, edible meat or other corporeal property is One Thousand Dollars ($1,000.00) or more, the defendant shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than five (5) years. The defendant shall also be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

Added by Laws 1967, c. 255, § 1, emerg. eff. May 8, 1967. Amended by Laws 1968, c. 268, § 1, emerg. eff. April 30, 1968; Laws 1982, c. 277, § 6, operative Oct. 1, 1982; Laws 1993, c. 147, § 9, eff. Sept. 1, 1993; Laws 1997, c. 133, § 406, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 297, eff. July 1, 1999; Laws 2001, c. 437, § 13, eff. July 1, 2001; Laws 2016, c. 221, § 19, eff. Nov. 1, 2016.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 406 from July 1, 1998, to July 1, 1999.

§21-1731v2. Larceny of merchandise from retailer or wholesaler - Punishment - Recidivists.

Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first or second conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken is less than One Thousand Dollars ($1,000.00), the violator shall be punishable by imprisonment in the county jail for a term not exceeding thirty (30) days, and by a fine not less than Ten Dollars ($10.00) nor more than Five Hundred Dollars ($500.00); provided for the first or second conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in the county jail for a term not to exceed thirty (30) days, and by a fine not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00).

2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property is less than One Thousand Dollars ($1,000.00), that the defendant has been two or more times before convicted of the same offense, the defendant shall, on a third or subsequent conviction, be punished by

confinement in the county jail for a term of not more than one (1) year, and by a fine not exceeding One Thousand Dollars ($1,000.00).

3. In the event the value of the goods, edible meat or other corporeal property is One Thousand Dollars ($1,000.00) or more, punishment shall be imprisonment in the State Penitentiary for a term of not more than five (5) years.

Added by Laws 1967, c. 255, § 1, emerg. eff. May 8, 1967. Amended by Laws 1968, c. 268, § 1, emerg. eff. April 30, 1968; Laws 1982, c. 277, § 6, operative Oct. 1, 1982; Laws 1993, c. 147, § 9, eff. Sept. 1, 1993; Laws 1997, c. 133, § 406, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 297, eff. July 1, 1999; Laws 2001, c. 437, § 13, eff. July 1, 2001; State Question No. 780, Initiative Petition No. 404, § 9, adopted at General Election held on November 8, 2016, eff. July 1, 2017.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 406 from July 1, 1998, to July 1, 1999.

§21-1732. Larceny of trade secrets – Applicability of section.

A. Any person who, with intent to deprive or withhold from the owner thereof the control of a trade secret, or with an intent to appropriate a trade secret to his or her own use or to the use of another:

(a) steals or embezzles an article representing a trade secret, or,

(b) without authority makes or causes to be made a copy of an article representing a trade secret,

shall be guilty of larceny under Section 1704 of this title. For purposes of determining whether such larceny is grand larceny or petit larceny under this section, the value of the trade secret and not the value of the article shall be controlling.

B. (a) The word "article" means any object, material, device, customer list, business records, or substance or copy thereof, including any writing, record, recording, drawing, sample, specimen, prototype, model, photograph, microorganism, blueprint, information stored in any computer-related format, or map.

(b) The word "representing" means describing, depleting, containing, constituting, reflecting or recording.

(c) The term "trade secret" means information, including a formula, pattern, compilation, program, device, method, technique, customer list, business records or process, that:

1. derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

2. is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(d) The word "copy" means any facsimile, replica, photograph or

other reproduction of an article, including copying, transferring and e-mailing of computer data, and any note, drawing or sketch made of or from an article.

C. In a prosecution for a violation of this act, it shall be no defense that the person so charged returned or intended to return the article so stolen, embezzled or copied.

D. The provisions of this section shall not apply if the person acted in accordance with a written agreement with the person's employer that specified the manner in which disputes involving clients are to be resolved upon termination of the employer-employee relationship.

Added by Laws 1968, c. 110, §§ 1 to 3, emerg. eff. April 1, 1968. Amended by Laws 1986, c. 85, § 12, eff. Nov. 1, 1986; Laws 2009, c. 287, § 1, eff. Nov. 1, 2009.

§21-1737. Larceny of cable, information, or telecommunications services.

A. Any person who:

1. Shall knowingly obtain or attempt to obtain cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data transmission service from another by means, artifice, trick, deception, or device without the payment to the operator of said service of all lawful compensation for each type of service obtained; or

2. Shall knowingly assist or instruct any other person in obtaining or attempting to obtain cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data transmission service without the payment to the operator of all lawful compensations; or

3. Shall knowingly tamper or otherwise interfere with or connect to by any means, whether mechanical, electrical, acoustical, or other means, any cables, wires, or other devices used for the distribution of cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data transmission service without authority from the operator of said service; or

4. Shall knowingly manufacture, import into this state, distribute, sell, offer for sale, rental, or use, possess for sale, rental, or use, or advertise for sale, rental, or use any device of any description, or any plan, or kit for a device, designed in whole or in part to facilitate the doing of any of the acts specified in paragraphs 1, 2 and 3 of this subsection;

shall be guilty, upon conviction, of the misdemeanor of larceny of cable television, cable, information, or telecommunications service or tampering with cable television, cable, information, or

telecommunications service, which offenses are punishable by imprisonment in the county jail for not more than six (6) months or by a fine not exceeding One Thousand Dollars ($1,000.00), or both said fine and imprisonment.

B. In any prosecution as set forth in subsection A of this section, the existence on the property and in the actual possession of the accused, of (1) any connection, wire, conductor, or any device whatsoever, which is connected in such a manner as would appear to permit the use of cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data transmission service without the same being reported for payment to and specifically authorized by the operator of the cable, information, or telecommunications service of any type or kind including but not limited to cable television, telephony, internet, and data transmission service or (2) the existence on the property and in the actual possession of the accused, in quantities or volumes suggesting possession for resale, of any device designed in whole or in part to facilitate the performance of any of the illegal acts mentioned in subsection A of this section shall be prima facie evidence of intent to violate and of the violation of the provisions of subsection A of this section by the accused.

C. Any person who violates the provisions of this section shall be liable to the franchised or otherwise duly licensed cable television system, information service provider, or other telecommunications service or equipment provider for the greater of the following amounts:

1. Two Thousand Five Hundred Dollars ($2,500.00); or

2. Three times the amount of actual damages, if any, sustained by the plaintiff, plus reasonable attorneys fees.

D. Any franchised or otherwise duly licensed cable television system, information service provider, or other telecommunications service or equipment provider may bring an action to enjoin and restrain any violation of the provisions of this section or an action of conversion, or both, and may in the same action seek damages as provided for in subsection C of this section.

E. It is not a necessary prerequisite to an action pursuant to this section that the plaintiff has suffered, or be threatened with, actual damages.

F. The provisions of this section shall not be construed or otherwise interpreted to prohibit an individual from owning or operating a device commonly known as a "satellite receiving dish" for the purpose of receiving and utilizing satellite-relayed television signals for his own use.

Added by Laws 1978, c. 147, § 1. Amended by Laws 1983, c. 133, § 1, operative Oct. 1, 1983; Laws 2000, c. 128, § 1, eff. Nov. 1, 2000.

§21-1738. Seizure and forfeiture proceedings - Vehicles, airplanes, vessels, etc. used in attempt or commission of certain crimes.

A. 1. Any commissioned peace officer of this state is authorized to seize any equipment, vehicle, airplane, vessel or any other conveyance that is used in the commission of any armed robbery offense defined in Section 801 of this title, used to facilitate the intentional discharge of any kind of firearm in violation of Section 652 of this title, used in violation of the Trademark Anti-Counterfeiting Act, used in the attempt or commission of any act of burglary in the first or second degree, motor vehicle theft, unauthorized use of a vehicle, obliteration of distinguishing numbers on vehicles or criminal possession of vehicles with altered, removed or obliterated numbers as defined by Sections 1431, 1435, 1716, 1719 and 1720 of this title or Sections 4-104 and 4-107 of Title 47 of the Oklahoma Statutes, used in the commission of any arson offense defined in Section 1401, 1402, 1403, 1404 or 1405 of this title, used in any manner to facilitate or participate in the commission of any human trafficking offense in violation of Section 748 of this title, or used by any defendant when such vehicle or other conveyance is used in any manner by a prostitute, pimp or panderer to facilitate or participate in the commission of any prostitution offense in violation of Sections 1028, 1029 or 1030 of this title; provided, however, that the vehicle or conveyance of a customer or anyone merely procuring the services of a prostitute shall not be included.

2. No conveyance used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such conveyance was a consenting party or privy to the unlawful use of the conveyance in violation of this section.

3. No conveyance shall be forfeited under the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and if the act is committed by any person other than such owner, the owner shall establish further that the conveyance was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

B. In addition to the property described in subsection A of this section, the following property is also subject to forfeiture pursuant to this section:

1. Property used in the commission of theft of livestock or in any manner to facilitate the theft of livestock;

2. The proceeds gained from the commission of theft of livestock;

3. Personal property acquired with proceeds gained from the

commission of theft of livestock;

4. All conveyances, including aircraft, vehicles or vessels, and horses or dogs which are used to transport or in any manner to facilitate the transportation for the purpose of the commission of theft of livestock;

5. Any items having a counterfeit mark and all property that is owned by or registered to the defendant that is employed or used in connection with any violation of the Trademark Anti-Counterfeiting Act;

6. Any weapon possessed, used or available for use in any manner during the commission of a felony within the State of Oklahoma, or any firearm that is possessed by a convicted felon;

7. Any police scanner used in violation of Section 1214 of this title;

8. Any computer and its components and peripherals, including but not limited to the central processing unit, monitor, keyboard, printers, scanners, software, and hardware, when it is used in the commission of any crime in this state;

9. All property used in the commission of, or in any manner to facilitate, a violation of Section 1040.12a of this title;

10. All conveyances, including aircraft, vehicles or vessels, monies, coins and currency, or other instrumentality used or intended to be used, in any manner or part, to commit a violation of paragraph 1 of subsection A of Section 1021 of this title, where the victim of the crime is a minor child, subsection B of Section 1021 of this title, Section 1021.2 of this title, paragraph 1 of subsection A of Section 1111 of this title, or paragraphs 2 and 3 of subsection A of Section 1123 of this title;

11. All conveyances, including aircraft, vehicles or vessels, monies, coins and currency, or other instrumentality used in any manner or part, to commit any violation of the provisions set forth in Section 748 of this title;

12. Any and all property used in any manner or part to facilitate, participate or further the commission of a human trafficking offense in violation of Section 748 of this title, and all property, including monies, real estate, or any other tangible assets or property of or derived from or used by a prostitute, pimp or panderer in any manner or part to facilitate, participate or further the commission of any prostitution offense in violation of Sections 1028, 1029 or 1030 of this title; provided, however, any monies, real estate or any other tangible asset or property of a customer or anyone merely procuring the services of a prostitute shall not be included; and

13. Any vehicle, airplane, vessel, or parts of a vehicle whose numbers have been removed, altered or obliterated so as to prevent determination of the true identity or ownership of said property and parts of vehicles which probable cause indicates are stolen but

whose true ownership cannot be determined.

C. Property described in subsection A or B of this section may be held as evidence until a forfeiture has been declared or a release ordered. Forfeiture actions under this section may be brought by the district attorney in the proper county of venue as petitioner; provided, in the event the district attorney elects not to file such action, or fails to file such action within ninety (90) days of the date of the seizure of such equipment, the property shall be returned to the owner.

D. Notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county wherein such property is seized and shall be given all owners and parties in interest.

E. Notice shall be given according to one of the following methods:

1. Upon each owner or party in interest whose right, title, or interest is of record in the Oklahoma Tax Commission or with the county clerk for filings under the Uniform Commercial Code, served in the manner of service of process in civil cases prescribed by Section 2004 of Title 12 of the Oklahoma Statutes;

2. Upon each owner or party in interest whose name and address is known, served in the manner of service of process in civil cases prescribed by Section 2004 of Title 12 of the Oklahoma Statutes; or

3. Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the property by one publication in a newspaper of general circulation in the county where the seizure was made.

F. Within sixty (60) days after the mailing or publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the property described in the notice of seizure and of the intended forfeiture proceeding.

G. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and may order the property forfeited to the state, if such fact is proven.

H. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

I. At the hearing the petitioner shall prove by clear and convincing evidence that property was used in the attempt or commission of an act specified in subsection A of this section or is property described in subsection B of this section with knowledge by the owner of the property.

J. The claimant of any right, title, or interest in the property may prove the lien, mortgage, or conditional sales contract to be bona fide and that the right, title, or interest created by the document was created without any knowledge or reason to believe

that the property was being, or was to be, used for the purpose charged.

K. In the event of such proof, the court may order the property released to the bona fide or innocent owner, lien holder, mortgagee, or vendor if the amount due such person is equal to, or in excess of, the value of the property as of the date of the seizure, it being the intention of this section to forfeit only the right, title, or interest of the purchaser, except for items bearing a counterfeit mark or used exclusively to manufacture a counterfeit mark.

L. If the amount due to such person is less than the value of the property, or if no bona fide claim is established, the property may be forfeited to the state and may be sold pursuant to judgment of the court, as on sale upon execution, and as provided in Section 2-508 of Title 63 of the Oklahoma Statutes, except as otherwise provided for by law and for property bearing a counterfeit mark which shall be destroyed.

M. Property taken or detained pursuant to this section shall not be repleviable, but shall be deemed to be in the custody of the petitioner or in the custody of the law enforcement agency as provided in the Trademark Anti-Counterfeiting Act. Except for property required to be destroyed pursuant to the Trademark Anti-Counterfeiting Act, the petitioner shall release said property to the owner of the property if it is determined that the owner had no knowledge of the illegal use of the property or if there is insufficient evidence to sustain the burden of showing illegal use of such property. If the owner of the property stipulates to the forfeiture and waives the hearing, the petitioner may determine if the value of the property is equal to or less than the outstanding lien. If such lien exceeds the value of the property, the property may be released to the lien holder. Property which has not been released by the petitioner shall be subject to the orders and decrees of the court or the official having jurisdiction thereof.

N. The petitioner, or the law enforcement agency holding property pursuant to the Trademark Anti-Counterfeiting Act, shall not be held civilly liable for having custody of the seized property or proceeding with a forfeiture action as provided for in this section.

O. Attorney fees shall not be assessed against the state or the petitioner for any actions or proceeding pursuant to Section 1701 et seq. of this title.

P. The proceeds of the sale of any property shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the property, if any, up to the amount of such person’s interest in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual reasonable expenses of preserving the property;

3. To the victim of the crime to compensate said victim for any loss incurred as a result of the act for which such property was forfeited; and

4. The balance to a revolving fund in the office of the county treasurer of the county wherein the property was seized, to be distributed as follows: one-third (1/3) to the investigating law enforcement agency; one-third (1/3) of said fund to be used and maintained as a revolving fund by the district attorney to be used to defray any lawful expenses of the office of the district attorney; and one-third (1/3) to go to the jail maintenance fund, with a yearly accounting to the board of county commissioners in whose county the fund is established. If the petitioner is not the district attorney, then the one-third (1/3) which would have been designated to that office shall be distributed to the petitioner. Monies distributed to the jail maintenance fund shall be used to pay costs for the storage of such property if such property is ordered released to a bona fide or innocent owner, lien holder, mortgagee, or vendor and if such funds are available in said fund.

Q. If the court finds that the property was not used in the attempt or commission of an act specified in subsection A of this section and was not property subject to forfeiture pursuant to subsection B of this section and is not property bearing a counterfeit mark, the court shall order the property released to the owner as the right, title, or interest appears on record in the Tax Commission as of the seizure.

R. No vehicle, airplane, or vessel used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited pursuant to the provisions of this section unless it shall be proven that the owner or other person in charge of such conveyance was a consenting party or privy to the attempt or commission of an act specified in subsection A or B of this section. No property shall be forfeited pursuant to the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

S. Whenever any property is forfeited pursuant to this section, the district court having jurisdiction of the proceeding may order that the forfeited property may be retained for its official use by the state, county, or municipal law enforcement agency which seized the property.

Added by Laws 1987, c. 55, § 1, emerg. eff. April 30, 1987. Amended by Laws 1991, c. 50, § 1, eff. Sept. 1, 1991; Laws 1992, c. 64, § 3,

eff. Sept. 1, 1992; Laws 1992, c. 382, § 2, emerg. eff. June 9, 1992; Laws 1993, c. 65, § 1, eff. Sept. 1, 1993; Laws 1999, c. 54, § 4, eff. July 1, 1999; Laws 2000, c. 137, § 1, eff. Nov. 1, 2000; Laws 2001, c. 386, § 4, eff. July 1, 2001; Laws 2002, c. 460, § 13, eff. Nov. 1, 2002; Laws 2008, c. 438, § 4, eff. July 1, 2008; Laws 2009, c. 2, § 5, emerg. eff. March 12, 2009; Laws 2010, c. 325, § 3, emerg. eff. June 5, 2010; Laws 2011, c. 132, § 1, eff. Nov. 1, 2011.
NOTE: Laws 2008, c. 134, § 3 repealed by Laws 2009, c. 2, § 6, emerg. eff. March 12, 2009.

§21-1739. Library theft.

A. As used in this section:

1. "Library facility" means any:

a. public library; or

b. library of an educational, historical or eleemosynary institution, organization, or society; or

c. museum; or

d. repository of public or institutional records.

2. "Library material" means any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, catalog cards or catalog records, electronic data processing records, computer software, artifacts, or other documentary, written or printed materials regardless of physical form or characteristics, belonging or on loan to, or otherwise in the custody of a library facility.

3. "Demand" means either actual notice to the possessor of any library materials or the mailing of written notice to the possessor at the last address of record which the library facility has for said person, demanding the return of designated library materials. If demand is made by mail it shall be deemed to have been given as of the date the notice is mailed by the library facility.

B. Any person shall be guilty, upon conviction, of library theft who willfully: 1. Removes or attempts to remove any library material from the premises of a library facility without authority; or

2. Mutilates, destroys, alters or otherwise damages, in whole or in part, any library materials; or

3. Fails to return any library materials which have been lent to said person by the library facility, within seven (7) days after demand has been made for the return of the library materials.

C. A person convicted of library theft shall be guilty of a misdemeanor and shall be subject to the fine and restitution provisions of this subsection but shall not be subject to imprisonment. The punishment for conviction of library theft shall be:

1. If the aggregate value of the library material is Five Hundred Dollars ($500.00) or less, by fine not exceeding One Thousand Dollars ($1,000.00), or the offender shall make restitution to the library facility, including payment of all related expenses incurred by the library facility as a result of the actions of the offender, or both such fine and restitution; or

2. If the aggregate value of the library material is greater than Five Hundred Dollars ($500.00), by fine not exceeding Ten Thousand Dollars ($10,000.00), or the offender shall make restitution to the library facility, including payment of all expenses incurred by the library facility as a result of the actions of the offender, or both such fine and restitution.

D. Copies of the provisions of this section shall be posted on the premises of each library facility.

Added by Laws 1988, c. 112, § 1, eff. Nov. 1, 1988.

§21-1740. Pump Pirates Act.

Any person who pumps gasoline into the gasoline tank of a vehicle and leaves the premises where the gasoline was pumped without making payment for the gasoline shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or confinement in the county jail for a period of not more than sixty (60) days, or by both such fine and imprisonment.

Added by Laws 1997, c. 148, § 2, eff. Nov. 1, 1997. Amended by Laws 2005, c. 21, § 1, eff. Nov. 1, 2005.

§21-1740.1. Dimensional stone product – Stealing or removing.

A. It shall be unlawful for any person to enter upon any premises with intent to steal or remove without the consent of the owner, or with intent to aid or assist in stealing or removing any dimensional stone product. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine of not less than One Thousand Dollars ($1,000.00) but not more than Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

B. As used in this section, "dimensional stone product" means any natural rock material quarried for the purpose of obtaining blocks or slabs that meet specifications as to size and shape. Varieties of dimensional stone shall include, but not be limited to, granite, limestone, marble, sandstone or slate.

Added by Laws 2009, c. 54, § 1, eff. Nov. 1, 2009.

§21-1741. Title of act - Definitions - Violations - Penalties - Liability - Exclusions - Other laws.

A. This act shall be known as and may be cited as the "Unlawful

Use of a Recording Device Act".

B. As used in the Unlawful Use of a Recording Device Act:

1. "Audiovisual recording function" means the capability of a device to record or transmit a motion picture or any part thereof by means of any technology now known or later developed; and

2. "Facility" does not include a personal residence.

C. Any person, where a motion picture is being exhibited, who knowingly operates an audiovisual recording function of a device without the consent of the owner or lessee of the facility and of the licensor of the motion picture being exhibited shall be guilty of unlawful use of a recording device and shall be punished by imprisonment in the county jail for a term not to exceed one (1) year, by a fine not more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

D. The owner or lessee of a facility where a motion picture is being exhibited, or the authorized agent or employee of said owner or lessee, or the licensor of the motion picture being exhibited or the licensor's agent or employee, who alerts law enforcement authorities of an alleged violation of this section shall not be liable in any civil action arising out of measures taken in good faith by said owner, lessee, licensor, agent or employee to detain, identify, or collect evidence from a person believed to have violated this section while awaiting the arrival of law enforcement authorities, unless the plaintiff can show by clear and convincing evidence that the measures were manifestly unreasonable or the period of detention was unreasonably long.

E. This act shall not prevent any lawfully authorized investigative, law enforcement protective, or intelligence gathering employee or agent, of the state or federal government, from operating any audiovisual recording device in any facility where a motion picture is being exhibited, as part of lawfully authorized investigative, protective, law enforcement, or intelligence gathering activities.

F. This act shall not apply to a person who operates an audiovisual recording function of a device in a retail establishment solely to demonstrate the use of that device for sales purposes.

G. Nothing in this section shall be construed to prevent prosecution for any act of recording or transmitting under any other provision of law providing for greater penalty.

Added by Laws 2004, c. 122, § 1, eff. July 1, 2004.

§21-1742.1. Definitions.

As used in this act:

1. "Telephone record" means information retained by a telephone company that relates to the telephone number dialed by the customer or any other person using the telephone of the customer with the permission of the customer, or the incoming number of a call

directed to a customer or any other person using the telephone of the customer with the permission of the customer, or other data related to such calls typically contained on a customer telephone bill such as the time the call started and ended, the duration of the call, the time of day the call was made, and any charges applied. For purposes of this act, any information collected and retained by or on behalf of a customer utilizing a Caller I.D. or equivalent service, or other similar technology, does not constitute a telephone record;

2. "Telephone company" means any person that provides commercial telephone services to a customer, irrespective of the communications technology used to provide such service including, but not limited to, traditional wireline or cable telephone service; cellular, broadband PCS, or other wireless telephone service; microwave, satellite, or other terrestrial telephone service; and voice over Internet telephone service;

3. "Telephone" means any device used by a person for voice communications, in connection with the services of a telephone company, whether such voice communications are transmitted in analog, data, or any other form;

4. "Customer" means the person who subscribes to telephone service from a telephone company or in whose name such telephone service is listed;

5. "Person" means any individual, partnership, corporation, limited liability company, trust, estate, cooperative association, or other entity; and

6. "Procure" in regard to such a telephone record means to obtain by any means, whether electronically, in writing, or in oral form, with or without consideration.

Added by Laws 2006, c. 147, § 1, eff. Nov. 1, 2006.

§21-1742.2. Unauthorized or fraudulent procurement, sale or receipt of telephone records.

A. Whoever:

1. Knowingly procures, attempts to procure, solicits, or conspires with another to procure a telephone record of any resident of this state without the authorization of the customer to whom the record pertains or by fraudulent, deceptive, or false means;

2. Knowingly sells or attempts to sell a telephone record of any resident of this state without the authorization of the customer to whom the record pertains; or

3. Receives a telephone record of any resident of this state knowing that the record has been obtained without the authorization of the customer to whom the record pertains or by fraudulent, deceptive, or false means,

shall be punished in accordance with the provisions of subsection B of this section and shall be liable for restitution in accordance

with subsection C of this section.

B. An offense under subsection A of this section is a felony and the punishment is:

1. Imprisonment for not more than five (5) years if the violation of subsection A of this section involves a single telephone record;

2. Imprisonment for not more than ten (10) years if the violation of subsection A of this section involves two to ten telephone records of a resident of this state;

3. Imprisonment for not more than twenty (20) years if the violation of subsection A of this section involves more than ten telephone records of a resident of this state; and

4. In all cases, forfeiture of any personal property used or intended to be used to commit the offense.

C. A person found guilty of an offense under subsection A of this section, in addition to any other punishment, shall be ordered to make restitution for any financial loss sustained by the customer or any other person who suffered financial loss as the direct result of the offense.

D. In a prosecution brought pursuant to subsection A of this section, the act of unauthorized or fraudulent procurement, sale, or receipt of telephone records shall be considered to have been committed in the county:

1. Where the customer whose telephone record is the subject of the prosecution resided at the time of the offense; or

2. In which any part of the offense took place, regardless of whether the defendant was ever actually present in the county.

E. A prosecution pursuant to subsection A of this section shall not prevent prosecution pursuant to any other provision of law when the conduct also constitutes a violation of some other provision of law.

F. Subsection A of this section shall not apply to any person acting pursuant to a valid court order, warrant, or subpoena.

G. Each violation of subsection A of this section shall be an unlawful practice pursuant to the provisions of the Oklahoma Consumer Protection Act.

Added by Laws 2006, c. 147, § 2, eff. Nov. 1, 2006.

§21-1742.3. Limitation on applicability of act.

No provision of this act shall be construed:

1. So as to prevent any action by a law enforcement agency, or any officer, employee, or agent of a law enforcement agency, to obtain telephone records in connection with the performance of the official duties of the agency;

2. To prohibit a telephone company from obtaining, using, disclosing, or permitting access to any telephone record, either directly or indirectly, through its agents:

a. as otherwise authorized by law,
b. with the lawful consent of the customer or subscriber,
c. as may be reasonably incident to the rendition of the service or to the protection of the rights or property of the telephone company, or to protect users of those services and other carriers from fraudulent, abusive, or unlawful use of, or subscription to such services,
d. to a governmental entity, if the telephone company reasonably believes that an emergency involving immediate danger of death or serious physical injury to any person justifies disclosure of the information, or
e. to the National Center for Missing and Exploited Children, in connection with a report submitted thereto under Section 227 of the Victims of Child Abuse Act of 1990;

3. To apply to or expand upon the obligations and duties of any telephone company to protect telephone records beyond those otherwise established by federal and state law or as set forth in Section 4 of this act; or

4. To create a cause of action against a telephone company, its agents and/or representatives, who reasonably and in good faith act pursuant to this act, notwithstanding any later determination that such action was not in fact authorized.

Added by Laws 2006, c. 147, § 3, eff. Nov. 1, 2006.

§21-1742.4. Reasonable procedures to protect telephone records required.

A. Telephony companies that maintain telephone records of a resident of this state shall establish reasonable procedures to protect against unauthorized or fraudulent disclosure of the records which could result in substantial harm or inconvenience to any customer. For purposes of this act, a telephone company's actions and procedures shall be deemed reasonable if the telephone company makes a good faith effort to comply with the provisions governing Customer Proprietary Network Information in 47 U.S.C., Section 222, and with regulations promulgated pursuant to that section by the Federal Communications Commission.

B. No private right of action is authorized under this act.

Added by Laws 2006, c. 147, § 4, eff. Nov. 1, 2006.

§21-1751. Railroads, injuries to.

Any person who maliciously, wantonly or negligently either:

1. Removes, displaces, injures or destroys any part of any railroad, or railroad equipment, whether for steam or horse cars, or any track of any railroad, or of any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or

other structure or fixture, or any part thereof, attached to or connected with any railroad; or

2. Places any obstruction upon the rails or tracks of any railroad, or any branch, branchway, or turnout connected with any railroad,

shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding four (4) years or in a county jail not less than six (6) months.

R.L. 1910, § 2756. Amended by Laws 1997, c. 133, § 407, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 298, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 407 from July 1, 1998, to July 1, 1999.

§21-1752. Death from displacing of railroad equipment.

Whenever any offense specified in Section 1751 of this title results in the death of any human being, the offender shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than four (4) years.

R.L. 1910, § 2757. Amended by Laws 1997, c. 133, § 408, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 299, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 408 from July 1, 1998, to July 1, 1999.

§21-1752.1. Trespass upon or interference with railroad property.

A. Any person shall be guilty of a misdemeanor if the person:

1. Without consent of the owner or the owner's agent, enters or remains on railroad property, knowing that it is railroad property;

2. Throws an object at a train, or rail-mounted work equipment; or

3. Maliciously or wantonly causes in any manner the derailment of a train, railroad car or rail-mounted work equipment.

B. Any person shall be guilty of a felony if the person commits an offense specified in subsection A of this section which results in a demonstrable monetary loss, damage or destruction of railroad property when said loss is valued at more than One Thousand Five Hundred Dollars ($1,500.00) or results in bodily injury to a person. Any person shall be guilty of a felony if the person discharges a firearm or weapon at a train, or rail-mounted work equipment.

C. Any person violating the misdemeanor provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding One Thousand Dollars ($1,000.00), or both such fine and imprisonment. Any person violating the felony provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary not exceeding four (4) years. If personal injury results, such person shall be punished by

imprisonment in the State Penitentiary.

D. Subsection A of this section shall not be construed to interfere with the lawful use of a public or private crossing.

E. Nothing in this section shall be construed as limiting a representative of a labor organization which represents or is seeking to represent the employees of the railroad, from conducting such business as provided under the Railway Labor Act, 45 U.S.C., Section 151 et seq.

F. As used in this section "railroad property" includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or other property that is owned, leased, operated or possessed by a railroad.

Added by Laws 1995, c. 139, § 1, emerg. eff. May 2, 1995. Amended by Laws 1997, c. 133, § 409, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 300, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 409 from July 1, 1998, to July 1, 1999.

§21-1753. Highways, injuries to.

Any person who maliciously digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway or bridge, or any private way laid out by authority of law, or bridge upon such way, shall be guilty of a felony.

R.L. 1910, § 2758. Amended by Laws 1997, c. 133, § 410, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 410 from July 1, 1998, to July 1, 1999.

§21-1753.3. Throwing, dropping, depositing or otherwise placing litter upon highways, roads or public property - Penalties.

A. The operator of a vehicle, unless any other person in the vehicle admits to or is identified as having committed the act, shall be liable pursuant to subsection B of this section for any act of throwing, dropping, depositing, or otherwise placing any litter from a vehicle upon highways, roads, or public property.

B. Any person convicted of violating the provisions of subsection A of this section shall be subject to a state traffic offense punishable by a fine of not more than One Thousand Dollars ($1,000.00) and upon conviction shall be sentenced to perform not less than five (5) nor more than twenty (20) hours of community service in a litter abatement work program as approved by the court, or the violator may be subject to criminal prosecution as provided by the provisions of Section 1761.1 of this title. The penalties collected from the payment of the citations shall, after deduction

of court costs, be paid into the reward fund created pursuant to Section 1334 of Title 22 of the Oklahoma Statutes.

C. Any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, or any substance which may cause a fire shall be subject to a state traffic offense punishable by a fine of not more than Two Thousand Dollars ($2,000.00) and, upon conviction, shall be sentenced to perform not less than ten (10) nor more than forty (40) hours of community service in a litter abatement work program as approved by the court, or the violator may be subject to criminal prosecution as provided by the provisions of Section 1761.1 of this title. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded.

D. During a declared burn ban by the Governor, any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, or any substance which may cause a fire shall be subject to a state traffic offense punishable by a fine of not more than Four Thousand Dollars ($4,000.00) and, upon conviction, shall be sentenced to perform not less than twenty (20) nor more than eighty (80) hours of community service in a litter abatement work program as approved by the court, or the violator may be subject to criminal prosecution as provided by the provisions of Section 1761.1 of this title. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded.

E. As used in this section, "litter" means any flaming or glowing substances except those which by law may be placed upon highway rights-of-way, any substance which may cause a fire, any bottles, cans, trash, garbage, or debris of any kind. As used in this section, "litter" shall not include trash, garbage, or debris placed beside a public road for collection by a garbage or collection agency, or deposited upon or within public property designated by the state or by any of its agencies or political subdivisions as an appropriate place for such deposits if the person making the deposit is authorized to use the property for such purpose.

Added by Laws 1957, p. 165, § 1. Amended by Laws 1983, c. 54, § 1, operative Nov. 1, 1983; Laws 1988, c. 115, § 4, eff. Nov. 1, 1988; Laws 1994, c. 338, § 1, emerg. eff. June 8, 1994; Laws 1996, c. 299, § 1, emerg. eff. June 10, 1996; Laws 1999, c. 364, § 1, eff. July 1, 1999; Laws 2006, c. 268, § 2, eff. Nov. 1, 2006.

§21-1753.4. Erection of signs and markers along state and federal

highways.

The State Highway Department is hereby authorized and directed to cause to be erected upon the property of or rights-of-way of state and Federal highways, at locations most appropriate for carrying out the purposes and intent of this act, signs or markers for each prohibited act enumerated herein, of a size not less than thirty (30) inches square with plainly visible wording to inform users of said highways that the acts enumerated herein do constitute a crime and the maximum penalty for violations, and such additional wording as the State Highway Department deems desirable to assist in carrying out the purposes and intent of this act. Any sign or marker so erected or placed shall be placed at a right angle to the roadbed. The location of signs or markers upon the right-of-way shall in no manner interfere with the signs or markers used to designate route numbers or traffic control markers, signs, signals or devices.

Laws 1957, p. 165, § 2.

§21-1753.5. Erection of signs and markers along county roads.

The boards of county commissioners are hereby authorized to erect signs or markers, as provided herein, upon the property of or right-of-way of county roads within their respective jurisdictions.

Laws 1957, p. 166, § 3.

§21-1753.8. Defacing, stealing or possessing road signs or markers - Violation resulting in personal injury or death - Penalties.

A. Any person who defaces, steals or possesses any road sign or marker posted by any city, state or county shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars ($100.00), or restitution which shall be paid to the city, state or county, or by not more than twenty (20) days of community service, or by imprisonment in the county jail for a term of not more than thirty (30) days, or by such fine, imprisonment, community service, or restitution, as the Court may order.

B. If a violation of subsection A of this section results in personal injury to or death of any person, the person committing the violation shall, upon conviction, be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not more than One Thousand Dollars ($1,000.00). In addition, the person may be ordered to pay restitution, which shall be paid to the city, state or county, or to perform not less than forty (40) days of community service, or to such combination of fine, imprisonment, community service, and/or restitution, as the Court may order.

Added by Laws 1985, c. 316, § 1, emerg. eff. July 25, 1985. Amended by Laws 1993, c. 127, § 1, emerg. eff. May 4, 1993; Laws 1996, c.

77, § 1, eff. Nov. 1, 1996; Laws 1997, c. 133, § 411, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 301, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 411 from July 1, 1998, to July 1, 1999.

§21-1753.9. Return of road signs or markers without penalty - Time period.

A. Within the first ninety (90) days after the effective date of this act, every person possessing any city, state or county road sign or marker may return it to the county sheriff of the residency of the person without penalty of law, provided the provisions of this subsection shall not apply to any person who removed the sign or marker if the removal of the sign or marker resulted in death or personal injury.

B. The sheriff shall hold any returned city, state or county road sign or marker and shall notify the Department of Transportation that such signs or markers have been returned. The Department shall have the authority to promulgate any necessary rules and regulations concerning the disposition of the returned signs or markers, which shall include written permission to keep old and nonuseable signs.
Added by Laws 1985, c. 316, § 2, emerg. eff. July 25, 1985. Amended by Laws 1993, c. 127, § 2, emerg. eff. May 4, 1993.

§21-1754. Obstructing highways - Punishment - Damages.

Every person who shall knowingly and willfully obstruct or plow up, or cause to be obstructed or plowed up, any public highway or public street of any town, except by order of the road supervisors for the purpose of working the same, or injure any bridge on the public highway, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding One Hundred Dollars ($100.00), and shall be liable for all damages to person or property by reason of the same. R.L. 1910 Sec. 2759.
R.L.1910, § 2759.

§21-1755. Toll house or gate, injuries to.

Any person who maliciously injures or destroys any toll house or turnpike gate shall be guilty of a felony.
R.L. 1910, § 2760. Amended by Laws 1997, c. 133, § 412, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 412 from July 1, 1998, to July 1, 1999.

§21-1758. Irrigation ditches, canals, water lines or conduits - Interference with.

It shall be unlawful for any person to divert any of the waters from any irrigation ditch, canal, waterline or conduit, in this

state, or to interfere in any manner whatever with any irrigation ditch, canal, waterline or conduit, without first having obtained the permission of the owner of such ditch, canal, waterline or conduit, or of the person or persons lawfully in charge thereof.
R.L.1910, § 2763; Laws 1972, c. 91, § 1, emerg. eff. March 28, 1972.

§21-1759. Penalty.

Any person violating any of the provisions of Section 1758 of this title shall be deemed guilty of a misdemeanor.
R.L.1910, § 2764; Laws 1972, c. 91, § 2, emerg. eff. March 28, 1972.

§21-1760. Malicious injury or destruction of property generally - Punishment - Damages.

A. Every person who maliciously injures, defaces or destroys any real or personal property not his or her own, in cases other than such as are specified in Section 1761 et seq. of this title, is guilty of:

1. A misdemeanor, if the damage, defacement or destruction causes a loss which has an aggregate value of less than One Thousand Dollars ($1,000.00);

2. A felony, if the damage, defacement or destruction causes a loss which has an aggregate value of One Thousand Dollars ($1,000.00) or more; or

3. A felony, if the defendant has two or more prior convictions for an offense under this section, notwithstanding the value of loss caused by the damage, defacement or destruction.

B. In addition to any other punishment prescribed by law for violations of subsection A of this section, he or she is liable in treble damages for the injury done, to be recovered in a civil action by the owner of such property or public officer having charge thereof.
R.L.1910, § 2765. Amended by Laws 1989, c. 155, § 1, eff. Nov. 1, 1989; Laws 1997, c. 133, § 413, eff. July 1, 1999; Laws 2008, c. 55, § 1, eff. Nov. 1, 2008.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 413 from July 1, 1998, to July 1, 1999.

§21-1761. Following sections not restrictive of Section 1760.

The specification of the acts enumerated in the following sections of this article is not intended to restrict or qualify the interpretation of the last section.
R.L.1910, § 2766.

§21-1761.1. Dumping of trash on public or private property prohibited - Penalties.

A. Any person who deliberately places, throws, drops, dumps, deposits, or discards any garbage, trash, waste, rubbish, refuse,

debris, or other deleterious substance on any public property or on any private property of another without consent of the property owner shall be deemed guilty of a misdemeanor.

B. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of not less than Two Hundred Dollars ($200.00) nor more than Five Thousand Dollars ($5,000.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

C. Any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substance, or any substance which may cause a fire shall be punished by a fine of not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) or by imprisonment in the county jail for not more than sixty (60) days, or by both such fine and imprisonment. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded. Any person violating the provisions of this subsection shall be liable for all damages caused by the violation. Damages shall be recoverable in any court of competent jurisdiction.

D. During a burn ban declared by the Governor, any person convicted of violating the provisions of subsection A of this section with any flaming or glowing substances, or any substance which may cause a fire shall be punished by a fine of not less than Four Thousand Dollars ($4,000.00) nor more than Ten Thousand Dollars ($10,000.00) or by imprisonment in the county jail for not more than one hundred twenty (120) days, or by both such fine and imprisonment. The penalties collected from the payment of the citations shall, after deduction of court costs, be paid to the fire department of the district in which the flaming or glowing substance was discarded. Any person violating the provisions of this subsection shall be liable for all damages caused by the violation. Damages shall be recoverable in any court of competent jurisdiction.

E. In addition to the penalty prescribed by subsection B of this section, the court shall direct the person to make restitution to the property owner affected; to remove and properly dispose of the garbage, trash, waste, rubbish, refuse, or debris from the property; to pick up, remove, and properly dispose of garbage, trash, waste, rubbish, refuse, debris, and other nonhazardous deleterious substances from public property; or perform community service or any combination of the foregoing which the court, in its discretion, deems appropriate. The dates, times, and locations of such activities shall be scheduled by the sheriff pursuant to the order of the court in such a manner as not to interfere with the employment or family responsibilities of the person.

F. In addition to the penalty prescribed in subsection B of this section and the restitution prescribed in subsection E of this

section, the court may order the defendant to pay into the reward fund as prescribed in Section 1334 of Title 22 of the Oklahoma Statutes an amount not to exceed Two Thousand Dollars ($2,000.00).

G. The discovery of two or more items which have been dropped, dumped, deposited, discarded, placed, or thrown at one location and which bear a common address in a form which tends to identify the latest owner of the items shall create a rebuttable presumption that any competent person residing at such address committed the unlawful act. The discovery or use of such evidence shall not be sufficient to qualify for the reward provided in Section 1334 of Title 22 of the Oklahoma Statutes.

H. Any person may report a violation of this section, if committed in their presence, to an officer of the State Highway Patrol, a county sheriff or deputy, a municipal law enforcement officer or any other peace officer in this state. The peace officer shall then conduct an investigation into the allegations, if warranted. If a violation of this section has in fact been committed, and the peace officer has reasonable cause to believe a particular person or persons have committed the violation, a report shall be filed with the District Attorney for prosecution.

I. Notwithstanding the provisions of subsection H of this section, any peace officer of this state or of any political subdivision of this state may issue a state traffic citation to any person committing a violation of subsection A of this section. Such state traffic citation shall be in an amount not to exceed Four Hundred Dollars ($400.00). The penalties collected from the payment of such citations shall not include court costs and shall be divided as follows:

1. One-half (1/2) shall be paid into the reward fund created pursuant to Section 1334 of Title 22 of the Oklahoma Statutes; and

2. One-half (1/2) shall be paid into the sheriff's service fee account for that county to be used for enforcing provisions of this section.

J. The amount of bail for littering offenses specified in Section 1753.3 of this title and for trash dumping offenses specified in this section shall be the amount of fine specified in each statute plus costs including any penalty assessment, as well as costs incurred in Section 1313.3 of Title 20 of the Oklahoma Statutes.

Added by Laws 1988, c. 115, § 1, eff. Nov. 1, 1988. Amended by Laws 1990, c. 128, § 1, emerg. eff. April 25, 1990; Laws 1994, c. 338, § 2, emerg. eff. June 8, 1994; Laws 1996, c. 299, § 2, emerg. eff. June 10, 1996; Laws 1998, c. 228, § 1, eff. Nov. 1, 1998; Laws 2000, c. 176, § 1, eff. Nov. 1, 2000; Laws 2001, c. 258, § 5, eff. July 1, 2001; Laws 2006, c. 268, § 3, eff. Nov. 1, 2006; Laws 2013, c. 255, § 1, eff. July 1, 2013.

§21-1762. Mining claims - Unlawful to tear down legal notice or deface any record.

Any person who shall willfully or maliciously tear down or deface any legal notice posted on any mining claim, or take up or destroy any stakes or monument used for marking such mining claims, or who shall willfully or maliciously throw or place any dirt, water, brush, stones or other foreign substance into any mining shaft or tunnel belonging to or claimed by another, or who shall wilfully or maliciously alter, erase, deface or destroy any record kept by any legally elected mining recorder shall be deemed guilty of a misdemeanor and shall upon conviction thereof be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00), or by imprisonment for not less than ten (10) days nor more than six (6) months or by both such fine and imprisonment.

R.L.1910, § 2767. d

§21-1763. Repealed by Laws 2013, c. 89, § 1, eff. Nov. 1, 2013.

§21-1765. House of worship or contents, injuring.

Any person who willfully breaks, defaces, or otherwise injures any house of worship, or any part thereof, or any appurtenance thereto, or any book, furniture, ornament, musical instrument, article of silver or plated ware, or other chattel kept therein for use in connection with religious worship, shall be guilty of a felony.

R.L. 1910, § 2770. Amended by Laws 1997, c. 133, § 414, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 414 from July 1, 1998, to July 1, 1999.

§21-1767.1. Use or threat to use explosive, incendiary device, or simulated bomb to damage or injure persons or property.

A. Any person who shall willfully or maliciously commit any of the following acts shall be deemed guilty of a felony:

1. Place in, upon, under, against or near to any building, car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure, any explosive or incendiary device with unlawful intent to destroy, throw down, or injure, in whole or in part, such property, or conspire, aid, counsel or procure the destruction of any building, public or private, or any car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure; or

2. Place in, upon, under, against or near to any building, car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure, any explosive or incendiary device with intent to destroy, throw down, or injure in whole or in part,

under circumstances that, if such intent were accomplished, human life or safety would be endangered thereby; or

3. By the explosion of any explosive or the igniting of any incendiary device destroy, throw down, or injure any property of another person, or cause injury to another person; or

4. Manufacture, sell, transport, or possess any explosive, the component parts of an explosive, an incendiary device, or simulated bomb with knowledge or intent that it or they will be used to unlawfully kill, injure or intimidate any person, or unlawfully damage any real or personal property; or

5. Place in, upon, under, against or near to any building, car, truck, aircraft, motor or other vehicle, vessel, railroad, railway car, or locomotive or structure, any foul, poisonous, offensive or injurious substance or compound, explosive, incendiary device, or simulated bomb with intent to wrongfully injure, molest or coerce another person or to injure or damage the property of another person; or

6. Injure, damage or attempt to damage by an explosive or incendiary device any person, persons, or property, whether real or personal; or

7. Make any threat or convey information known to be false, concerning an attempt or alleged attempt to kill, injure or intimidate any person or unlawfully damage any real or personal property by means of an explosive, incendiary device, or simulated bomb; or

8. Manufacture, sell, deliver, mail or send an explosive, incendiary device, or simulated bomb to another person; or

9. While committing or attempting to commit any felony, possess, display, or threaten to use any explosive, incendiary device, or simulated bomb.

B. Nothing contained herein shall be construed to apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving no injurious firecrackers or devices commonly called "stink bombs".

Added by Laws 1951, p. 61, § 1. Amended by Laws 1971, c. 121, § 1, emerg. eff. May 4, 1971; Laws 1991, c. 54, § 1, emerg. eff. April 10, 1991; Laws 1997, c. 133, § 415, eff. July 1, 1999; Laws 2003, c. 168, § 1, eff. July 1, 2003; Laws 2004, c. 275, § 8, eff. July 1, 2004; Laws 2005, c. 1, § 14, emerg. eff. March 15, 2005.

NOTE: Laws 2004, c. 130, § 2 repealed by Laws 2005, c. 1, § 15, emerg. eff. March 15, 2005.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 415 from July 1, 1998, to July 1, 1999.

§21-1767.2. Violations of preceding section.

Any person violating any of the provisions of Section 1767.1 of this title shall be deemed guilty of a felony, and upon conviction

shall be punished by imprisonment in the State Penitentiary for not less than three (3) years nor more than ten (10) years, or by a fine not to exceed Ten Thousand Dollars ($10,000.00) or by both. If personal injury results, such person shall be punished by imprisonment in the State Penitentiary for not less than seven (7) years or life imprisonment.
Added by Laws 1951, p. 62, § 2. Amended by Laws 1971, c. 121, § 2, emerg. eff. May 4, 1971; Laws 1997, c. 133, § 416, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 302, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 416 from July 1, 1998, to July 1, 1999.

§21-1767.3. Definitions.

As used in Section 1767.1 of this title:

1. "Explosive" or "explosives" means any chemical compound, mixture or device, the primary or common purpose of which is to function by explosion or which, although not its primary or common purpose, has been modified, manipulated, altered, enhanced, or otherwise caused to function by explosion (that is, with substantial instantaneous release of gas, heat, debris, or concussive pressure or force, or any combination of such actions), unless such compound, mixture or device is otherwise specifically classified by the United States Department of Transportation. The term “explosive” or "explosives" shall include but not be limited to gunpowder, dynamite, any bomb, all materials as defined in paragraphs 1 and 2 of Section 121.1 of Title 63 of the Oklahoma Statutes, and all material which is classified as explosives by the United States Department of Transportation;

2. "Person" means any individual or individuals, firm, copartnership, corporation, company, association, joint stock association, and includes any trustee, receiver, assignee or personal representative thereof;

3. "Incendiary device" means any chemical compound, mixture or device, the primary purpose of which is to ignite on impact or as a result of chemical reaction such as a "Molotov cocktail" or "firebomb" which is ignited on impact, causing a mechanical reaction of the container's breaking and permitting the inflammable matter to spread or splatter and is ignited from the burning wick or hypergolic reaction of chemicals;

4. "Component parts" means separate parts which if assembled would form an explosive device. Component parts of an "incendiary device" shall consist of an inflammable material, a breakable container and a source of ignition; and

5. "Simulated bomb" means any device or object that by its design, construction, content, or characteristics appears to be, or to contain, an incendiary device, explosive, or explosives, as defined in this section, but is, in fact, an inoperative facsimile

or imitation of such a device or explosive.
Added by Laws 1971, c. 121, § 3, emerg. eff. May 4, 1971. Amended by Laws 1991, c. 54, § 2, emerg. eff. April 10, 1991; Laws 1992, c. 192, § 4, emerg. eff. May 11, 1992; Laws 2003, c. 168, § 2, eff. July 1, 2003; Laws 2004, c. 130, § 3, emerg. eff. April 20, 2004.

§21-1767.4. Tracing of telephone calls - Immunity.

Any telephone company, its officers, agents or employees, when acting upon any request by the state or any governing body of a political subdivision thereof, which shall expressly include school districts, shall make reasonable effort to identify the telephone from which any telephone communication claimed to be prohibited by this act is being or has been made. If identification of such telephone is made, the telephone company, its officers, agents or employees shall provide to state law enforcement officials the location of such telephone. Any telephone company, its officers, agents or employees, in acting pursuant to this section of this act, shall be immune from any civil or criminal action or liability under this or any other state or local act, rule, regulation or ordinance.
Added by Laws 1971, c. 121, § 4, emerg. eff. May 4, 1971.

§21-1767.5. Possession, manufacture, storage, or use of explosive without permit.

A. Any person who shall possess, manufacture, store, or use any explosive, as defined in Section 121.1 of Title 63 of the Oklahoma Statutes, without having in the possession of the person a permit, or a copy thereof, issued pursuant to the Oklahoma Explosives and Blasting Regulation Act, shall be deemed guilty of a misdemeanor.

B. This section shall not be construed to:

1. Apply to any person or activity expressly exempted from the Oklahoma Explosives and Blasting Regulation Act;

2. Apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving noninjurious firecrackers or devices commonly called "stink bombs";

3. Apply to explosives while in transit in, into, or through this state, if the operator of the vehicle transporting the explosives carries in the vehicle the shipping papers required by 49 C.F.R., Section 172.200 et seq., and displays such papers to any law enforcement officer upon request;

4. Apply to any person who may possess, store or use gunpowder in a quantity reasonably calculated to be necessary for hunting or shooting purposes; or

5. Apply to any certified bomb technician employed by a federally accredited bomb squad of an agency of the federal government, this state, or any political subdivision of this state.
Added by Laws 2003, c. 168, § 3, eff. July 1, 2003. Amended by Laws 2004, c. 130, § 4, emerg. eff. April 20, 2004.

§21-1768. Malicious injury to freehold - Carrying away earth, soil or stone.

Every person who willfully commits any trespass by either:

1. Cutting down or destroying any kind of wood or timber, standing or growing upon the lands of another; or, driving or riding through, into, or across any cultivated hedge or tree row, or any grove of ornamental trees or orchard of fruit trees growing upon the land of another, or in any other manner injurying the same; or,

2. Carrying away any kind of wood or timber that has been cut down, and is lying on such lands; or,

3. Maliciously severing from the freehold any produce thereof, or anything attached thereto; or,

4. Digging, taking, or carrying away from any lot situated within the bounds of any incorporated city, without the license of the owner, or legal occupant thereof, any earth, soil or stone, being a part of the freehold, or severed therefrom at some previous time, under such circumstances as would render the trespass a larceny, if the thing so severed or carried away were personal property; or,

5. Digging, taking, or carrying away from any land in any incorporated city or town of this state, laid down on the map or plan of said city or town as a street or avenue, or otherwise established or recognized as a street or avenue, without the license of the mayor and common council or other governing body of such city or town, or owner of the fee thereof, any earth, soil or stone under such circumstances as would render the trespass a larceny, if the thing so severed or carried away were personal property;

is guilty of a misdemeanor.

R.L.1910, § 2773.

§21-1770. Standing crops, injuring.

Every person who maliciously injures or destroys any standing crops, grain, cultivated fruits, or vegetables, the property of another, in any case for which a punishment is not otherwise prescribed by this chapter or by some other statute, is guilty of a misdemeanor.

R.L.1910, § 2775.

§21-1771. Injuring fruit, melons or flowers in the day time.

Every person who maliciously or mischievously enters in the day time, the enclosure, or goes upon the premises of another, with the intent to knock off, pick, destroy, or carry away, or having lawfully entered or gone upon does afterward wrongfully knock off, pick, destroy, or carry away any apples, peaches, pears, plums, grapes, or other fruit, melons, or flowers of any tree, shrub, bush, or vine, shall be punished by a fine not exceeding One Hundred

Dollars ($100.00) and not less than Five Dollars ($5.00), or by imprisonment in the county jail not exceeding thirty (30) days.
R.L.1910, § 2776.

§21-1772. Injuring fruit, melons or flowers in the night time.

Every person who shall maliciously or mischievously enter the enclosure, or go upon the premises of another in the night time, and knock off, pick, destroy, or carry away, any apples, peaches, pears plums, grapes, or other fruit, melons, or flowers of any tree, shrub, bush, or vine, or having entered the enclosure or gone upon the premises of another, in the night time, with the intent to knock off, pick, destroy, or carry away any fruit or flowers, as aforesaid, be actually found thereon, shall, on conviction thereof, be punished by fine not exceeding One Hundred Dollars ($100.00) and not less than Ten Dollars ($10.00), or by imprisonment in the county jail not exceeding thirty (30) days.
R.L.1910, § 2777.

§21-1773. Injuring fruit or ornamental trees.

Every person who shall maliciously or mischievously, bruise, break or pull up, cut down, carry away, destroy, or in anywise injure any fruit or ornamental tree, shrub, vine or material for hedge, being, growing, or standing on the land of another, shall be punished by fine not exceeding One Hundred and not less than Ten Dollars ($10.00), or by imprisonment in the county jail not exceeding thirty (30) days.
R.L.1910, § 2778.

§21-1774. Removing or altering landmarks.

Every person who either:

1. Maliciously removes any monuments of stone, wood, or other material, erected for the purpose of designating any point in the boundary of any lot or tract of land; or,

2. Maliciously defaces or alters the marks upon any tree, post or other monument, made for the purpose of designating any point, course, or line in any such boundary; or,

3. Maliciously cuts down or removes any tree upon which any such marks have been made for such purpose, with intent to destroy such marks;

Is guilty of a misdemeanor.
R.L.1910, § 2779.

§21-1775. Piers or dams, interfering with.

Every person who, without authority of law, interferes with any pier, booms or dams, lawfully erected or maintained upon any waters within this state, or hoists any gate in or about said dams, is guilty of a misdemeanor.

R.L.1910, § 2780.

§21-1776. Destroying dam.

Every person who maliciously destroys any dam or structure erected to create hydraulic power, or any embankment necessary for the support thereof, or maliciously makes, or causes to be made, any aperture in such dam or embankment, with intent to destroy the same, is guilty of a misdemeanor.
R.L.1910, § 2781.

§21-1777. Piles, removing or injuring.

Any person who maliciously draws up or removes or cuts or otherwise injures any piles fixed in the ground and used for securing any bank or dam of any river, canal, drain, aqueduct, marsh, reservoir, pool, port, dock, quay, jetty or lock, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years and not less than two (2) years, or by imprisonment in a 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.
R.L. 1910, § 2782. Amended by Laws 1997, c. 133, § 417, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 303, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 417 from July 1, 1998, to July 1, 1999.

§21-1778. Train signal light, removing or masking - False light or signal.

Any person who unlawfully masks, alters or removes any light or signal, or willfully exhibits any false light or signal, with intent to bring any locomotive or any railway car or train of cars into danger, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years and not less than three (3) years.
R.L. 1910, § 2783. Amended by Laws 1997, c. 133, § 418, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 304, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 418 from July 1, 1998, to July 1, 1999.

§21-1779. Injuring written instruments the false making of which would be forgery.

Every person who maliciously mutilates, tears, defaces, obliterates, or destroys any written instrument being the property of another, the false making of which would be forgery, is punishable in the same manner as the forgery of such instrument is made punishable.
R.L.1910, § 2784. d

§21-1781. Letters, opening and reading - Publishing letters.

Every person who willfully opens or reads, or causes to be read, any sealed letter not addressed to himself, without being authorized so to do, either by the writer of such letter or by the person to whom it is addressed, and every person who without like authority publishes any letter, knowing it to have been opened in violation of this section or any part thereof, is guilty of a misdemeanor.
R.L.1910, § 2786.

§21-1782. Messages - Disclosing contents of.

Any person who shall disclose the contents of any telegraphic dispatch or telephone message or communication, or any part thereof, addressed to or which he knows to be intended for another person without the permission of such person, except upon the lawful order of a court, or the judge thereof, with intent to cause injury, damage or disgrace to such other person, or which does in fact cause injury, damage or disgrace to such other person, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than Fifty Dollars ($50.00), nor more than Five Hundred Dollars($500.00), or by imprisonment in the county jail not less than thirty (30) days, nor more than one (1) year, or by both such imprisonment and fine. Provided, that nothing herein shall apply to public officers in the discharge of their duties.
R.L.1910, § 2787; Laws 1923, c. 46, p. 58, § 2.

§21-1783. Secreting telegraphic dispatches.

Every person who, having in his possession any telegraphic dispatch addressed to another, maliciously secretes, conceals or suppresses the same, is guilty of a misdemeanor.
R.L.1910, § 2788.

§21-1784. Works of art or ornamental improvements, injuring.

Every person who willfully injures, disfigures or destroys, not being the owner thereof, any monument work of art, or useful or ornamental improvement, within the limits of any town or city, or any shade tree or ornamental plant, growing therein, whether situated upon private ground, or on any street, sidewalk or public park or place, is guilty of a misdemeanor.
R.L.1910, § 2789.

§21-1785. Works of literature or art in public place, injuring.

Any person who maliciously cuts, tears, disfigures, soils, obliterates, breaks or destroys any book, map, chart, picture, engraving, statue, coin, model, apparatus, specimen or other work of literature or art, or object of curiosity deposited in any public library, gallery, museum, collection, fair or exhibition, shall be guilty of a felony punishable by imprisonment in the State

Penitentiary for not exceeding three (3) years, or in a county jail not exceeding one (1) year.
R.L. 1910, § 2790. Amended by Laws 1997, c. 133, § 419, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 305, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 419 from July 1, 1998, to July 1, 1999.

§21-1786. Injuries to pipes and wires.

Any person who willfully breaks, digs up or obstructs any pipes or mains for conducting gas or water, or any works erected for supplying buildings with gas or water, or any appurtenances or appendages therewith connected, or injures, cuts, breaks down or destroys any electric light wires, poles or appurtenances, or any telephone or telegraph wires, cable or appurtenances, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding three (3) years, or in the county jail not exceeding one (1) year, and by a fine of not more than Five Hundred Dollars ($500.00).
R.L. 1910, § 2791. Amended by Laws 1997, c. 133, § 420, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 306, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 420 from July 1, 1998, to July 1, 1999.

§21-1787. Automobile or motor vehicle, loitering in, injuring or molesting.

From and after the passage of this act, it shall be unlawful for any person or persons to loiter in or upon any automobile or motor vehicle, or to deface or injure such automobile or motor vehicle, or to "molest, drive, or attempt to drive any automobile, for joyriding or any other purpose, or" to manipulate or meddle with any machinery or appliances thereof without the consent of the owner of such automobile or motor vehicle.
Laws 1917, c. 149, p. 239, § 1.

§21-1788. Penalty.

Any person violating Section 1787 of this title, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) and not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.
Amended by Laws 1985, c. 93, § 1, eff. Nov. 1, 1985.

§21-1789. Caves or caverns, injuring.

A. It shall be unlawful for any person to willfully or knowingly break, break off, crack, carve upon, write or otherwise mark upon, or in any manner destroy, mutilate, deface, mar or harm

any natural material found in any cave or cavern located on any public lands or other lands owned by the United States, the State of Oklahoma, or any county, municipality, school district or other instrumentality of government, or on private property without the prior written consent of the owner; to kill, harm or disturb any plant or animal life found in any cave or cavern, and, whether inside or outside a cave, any fish of the genera chologaster, typhlicthys or amblyopsis (commonly known as cavefish, springfish or blindfish), any salamander of the genus typhlotriton (commonly known as the Ozark blind, grotto or spring grotto salamander), or the species eurycea lucifuga (commonly known as cave salamander); provided, nothing in this act shall be construed as prohibiting the commercial mining of bat guano or the destruction of any predatory terrestrial mammal or poisonous snake seeking shelter within a cave if such destruction is not otherwise unlawful.

B. Any person who deliberately places, throws, drops, deposits or discards any garbage, trash, waste, rubbish, refuse, debris or other deleterious substance in or near any cave, cavern or natural subterranean drainage system shall be subject to the provisions of Section 1 of this act.

Amended by Laws 1988, c. 115, § 5, eff. Nov. 1, 1988.

§21-1791. Damage to fence - Punishment - Exceptions.

A. Any person who, without good cause, maliciously and knowingly cuts or damages a fence used for the production or containment of cattle, bison, horses, sheep, swine, goats, domestic fowl, exotic livestock, exotic poultry or any game animals or domesticated game such that there is a loss or damage to the property is guilty of a misdemeanor. Any person convicted of a second or subsequent offense pursuant to this section shall be guilty of a felony punishable by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the custody of the Department of Corrections not exceeding two (2) years, or by both such fine and imprisonment.

B. The provisions of subsection A of this section shall not apply to any activities:

1. Performed pursuant to the Seismic Exploration Regulation Act;

2. Performed pursuant to Sections 318.2 through 318.9 of Title 52 of the Oklahoma Statutes; or

3. That are subject to the regulation of the Oklahoma Corporation Commission or the Federal Energy Regulatory Commission.

Added by Laws 2013, c. 284, § 1, eff. July 1, 2013.

§21-1831. Taking or injuring saw logs.

Any person who shall willfully and without authority take any saw logs that may be on any river or on the land adjoining or near a river, which may have floated down said river, or onto said land,

and shall remove or attempt to remove the same, or who shall cut or split such logs or otherwise destroy or injure them, shall be deemed guilty of a misdemeanor, and upon conviction, where the value of the logs exceeds One Hundred Dollars ($100.00), be punished by imprisonment not more than one (1) year nor less than three (3) months, and by fine not to exceed One Hundred and not less than Ten Dollars ($10.00); and where the value of the logs is One Hundred Dollars ($100.00) or less, the punishment shall be by fine not exceeding Eighty and not less than Twenty Dollars ($20.00). R.L. 1910 Sec. 2752.
R.L.1910, § 2752.

§21-1832. Receiving or injuring stolen logs.

Any person who shall purchase, receive or secrete saw logs so taken or removed, or who shall cut or otherwise injure logs so taken or removed, knowing them to have been so taken or removed, shall be punished as prescribed in the preceding section.
R.L.1910, § 2753.

§21-1834. Chattels encumbered by mortgage, conditional sales contract or security agreement - Removal or destruction.

Any mortgagor, conditional sales contract vendee, pledgor or debtor under a security agreement of personal property, or his or her legal representative, who, while such mortgage, security agreement or conditional sales contract remains in force and unsatisfied, conceals, sells or in any manner disposes of such property, or any part thereof, or removes such property, or any part thereof, beyond the limits of the county, or materially injures or willfully destroys such property, or any part thereof, without the written consent of the holder of such mortgage or conditional sales contract, secured party or pledgee under a security agreement shall, upon conviction, be guilty of a felony if the value of the property is One Thousand Dollars ($1,000.00) or more and shall be punished by imprisonment in the custody of the Department of Corrections for a period not exceeding three (3) years or in the county jail not exceeding one (1) year, or by a fine of not to exceed Five Hundred Dollars ($500.00). If the value of the property is less than One Thousand Dollars ($1,000.00), the person 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). Provided, however, the writing containing the consent of the holder of the mortgage or conditional sales contract, secured party or pledgee under a security agreement, as before specified, shall be the only competent evidence of such consent, unless it appears that such writing has been lost or destroyed.
R.L. 1910, § 2755. Amended by Laws 1957, p. 166, § 1; Laws 1965, c.

105, § 1; Laws 1997, c. 133, § 421, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 307, eff. July 1, 1999; Laws 2016, c. 221, § 20, eff. Nov. 1, 2016.
NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 421 from July 1, 1998, to July 1, 1999.

§21-1834.1. Sale of secured personal property - Debtor as trustee of funds received.

Every debtor owning personal property in this state in which a creditor has a security interest who, with the consent of the secured party or his assignee, shall sell such collateral, or any part thereof, while the security agreement remains in force and unsatisfied, shall be deemed and conclusively held to be the trustee of the funds received upon the sale thereof, for the benefit of such secured party, or assignee, to the extent of the indebtedness secured thereby or any balance due thereof.
Laws 1967, c. 155, § 1, emerg. eff. May 1, 1967.

§21-1834.2. Repealed by Laws 2002, c. 460, § 44, eff. Nov. 1, 2002.

§21-1835. Trespass on posted property after being forbidden or without permission - Penalties - Exceptions.

A. Whoever shall willfully or maliciously enter the garden, yard, pasture or field of another after being expressly forbidden to do so or without permission by the owner or lawful occupant thereof when such property is posted shall be deemed guilty of trespass and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Fifty Dollars ($250.00); provided, that this provision shall not apply to registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters any such garden, yard, pasture or field, and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment. For purposes of this section, "posted" means exhibiting signs to read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs which are displayed. Property that is fenced or not fenced must have such signs placed conspicuously and at all places where entry to the property is normally expected.

B. No provisions of this act shall conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

C. Whoever shall willfully enter the pecan grove of another

without the prior consent of the owner or occupant thereof to so do shall be deemed guilty of trespass and upon conviction thereof shall be fined in any sum not to exceed Twenty-five Dollars ($25.00); provided, that anyone who willfully enters any such pecan grove and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not more than Five Hundred Dollars ($500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

D. Whoever shall willfully or maliciously enter upon property owned or managed by the Grand River Dam Authority without permission when such property is posted shall be deemed guilty of misdemeanor trespass and upon conviction thereof shall be fined in any sum not to exceed Two Hundred Fifty Dollars ($250.00); provided, that this provision shall not apply to registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters upon property owned or managed by the Grand River Dam Authority without permission and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of misdemeanor trespass, and upon conviction thereof shall be fined in any sum not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment. For purposes of this section, "posted" means exhibiting signs to read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs which are displayed. Property that is fenced or not fenced must have such signs placed conspicuously and at all places where entry to the property is normally expected.

E. Notwithstanding the provisions of this section, the Governor’s Mansion and its grounds and appurtenances shall not be required to be posted with signs warning against trespass. Any person who shall willfully or maliciously enter the grounds of the Governor’s Mansion within the State Capitol Park, as defined in Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a place where entry to the property is normally expected shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not more than Five Hundred Dollars ($500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both fine and imprisonment. Added by Laws 1913, c. 51, p. 89, § 1. Amended by Laws 1923, c. 215, p. 377, § 1; Laws 1961, p. 234, § 1; Laws 1969, c. 229, § 1, emerg. eff. April 21, 1969; Laws 1983, c. 296, § 1, eff. Nov. 1, 1983; Laws 1999, c. 53, § 1, emerg. eff. April 5, 1999; Laws 2011, c. 251, § 1, eff. Nov. 1, 2011.

§21-1835.1. Entry or presence upon premises of place of business of persons convicted of certain crimes.

A. Every person, partnership, corporation or other legal entity engaged in any public business, trade, or profession of any kind wherein merchandise, goods or services are offered for sale may forbid the entry or presence of any person upon the premises of the place of business, if the person has been convicted of a crime involving entry onto or criminal acts occurring upon any real property owned, leased, or under the control of such person, partnership, corporation or other legal entity. Such crimes shall include, but are not limited to, shoplifting, vandalism, and disturbing the peace while upon the premises of any place of business of the person, partnership, corporation, or other legal entity.

B. In order to exercise the authority conferred by subsection A of this section, the owner or an agent of the owner of a public business, trade, or profession must notify the person whom the owner or agent desires to prohibit from such owner's place of business.

C. No person shall willfully enter or remain upon the premises after being expressly forbidden to do so in the manner provided for in this section. Any person convicted of violating the provisions of this section, upon conviction, shall be guilty of trespass and shall be punished by a fine of not more than Two Hundred Fifty Dollars ($250.00) or by confinement in the county jail for a term of not more than thirty (30) days, or by both such fine and imprisonment.

D. The provisions of this act shall not preclude any other remedy allowed by law.

Laws 1989, c. 246, § 1, eff. Nov. 1, 1989.

§21-1835.2. Trespass upon private land primarily devoted to farming, ranching, or forestry - Exceptions - Affirmative defense.

A. Notwithstanding the provisions of Section 1835 of this title, the following provisions apply to private land that is primarily devoted to farming, ranching, or forestry purposes:

1. Except as provided in this section, whoever willfully enters private land of another that is primarily devoted to farming, ranching, or forestry purposes without permission by the surface owner, surface lessee, hunting lessee, or lawful occupant thereof shall be deemed guilty of trespass and, upon conviction thereof, shall be fined in any sum not less than Five Hundred Dollars ($500.00) nor more than One Thousand Five Hundred Dollars ($1,500.00), and in addition, the court shall order restitution for actual damages incurred. Persons convicted of a second or subsequent offense under this paragraph shall be guilty of a misdemeanor and shall be punished by a fine in any sum not less than

One Thousand Five Hundred Dollars ($1,500.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment, and in addition, the court shall order restitution for actual damages incurred;

2. This provision shall not apply to peace officers as defined in Section 99 of this title or any federal, state, or local government employees engaged in the performance of their duties, or to any firefighters, emergency medical personnel, or public utility employees engaged in addressing an emergency that presents an imminent danger to health, safety, or the environment in the performance of their duties, or to parties engaged in oil and gas operations, which shall include, without limitation, exploration, drilling, production and sales activities, under authority of mineral ownership, an oil and gas lease, seismic agreement or permit, gas gathering, purchase, transportation, or treating contracts, Corporation Commission order, or other lawful authority from persons entitled to give the same. The provisions of this section shall not prohibit railroad employees and emergency equipment from entering such land to restore rail service following an accident, derailment or natural disaster; nor the entrance of utility employees or contractors while acting in the scope of their employment; nor employees or contractors of valid easement or license holders while acting in the scope of their employment;

3. The following persons may enter such land of another unless forbidden to do so, either orally or in writing, by the owner or lawful occupier thereof: registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services, persons making a delivery, selling a product or service, conducting a survey or poll, working on behalf of a candidate for political office, or who otherwise have a legitimate reason for entering and who, immediately upon entering, seek to conduct such business; and

4. Anyone who willfully or maliciously enters any such land of another and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than Two Hundred Fifty Dollars ($250.00) nor more than Five Hundred Dollars ($500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment, and in addition, the court shall order restitution for actual damages incurred. Persons convicted of a second or subsequent offense under this paragraph shall be guilty of a misdemeanor and shall be punished by a fine in any sum not less than Seven Hundred Dollars ($700.00) nor more than One Thousand Five Hundred Dollars ($1,500.00), or by confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine

and imprisonment, and in addition, the court shall order restitution for actual damages.

B. This section shall not be construed to prohibit acts that are permitted pursuant to Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

C. 1. It shall be an affirmative defense to prosecution under paragraph 1 of subsection A of this section that the accused had express or implied permission or legal authority to be on the property.

2. If an accused reasonably believed he or she was upon property for which they had permission to be upon, it shall be an affirmative defense to prosecution under paragraph 1 of subsection A of this section that the accused had with him or her, on his or her person, written permission from the surface owner, surface lessee, hunting lessee, or lawful occupant to be upon such person's land while the accused was upon any adjoining property. This defense shall not be available to the accused if:

a. the accused has previously pled guilty, nolo contendere, or has been convicted of any act of trespass or has been found civilly liable of any act of trespass, or

b. the accused, while the accused was upon the adjoining property, does not have with him or her, on his or her person, the written permission specified in this paragraph.

Added by Laws 2006, c. 268, § 4, eff. Nov. 1, 2006. Amended by Laws 2008, c. 85, § 1, eff. Nov. 1, 2008; Laws 2009, c. 458, § 2, emerg. eff. June 2, 2009; Laws 2011, c. 142, § 1, eff. Nov. 1, 2011; Laws 2012, c. 11, § 3, emerg. eff. April 4, 2012.

NOTE: Laws 2011, c. 39, § 1 repealed by Laws 2012, c. 11, § 4, emerg. eff. April 4, 2012.

§21-1835.3. Short title.

Sections 1 through 8 of this act shall be known and may be cited as the "Oklahoma Private Lands and Public Recreation Act".

Added by Laws 2011, c. 234, § 1.

§21-1835.4. Definitions.

As used in the Oklahoma Private Lands and Public Recreation Act:

1. “Land” means all private land that is primarily devoted to farming, ranching, or forestry purposes including real property, land and water, and all structures, fixtures, equipment, and machinery thereon;

2. “Owner” means any individual, legal entity, or governmental agency that has any ownership or security interest, or lease or right of possession in land;

3. “Recreational use” means any activity undertaken for

exercise, education, relaxation, or pleasure on land owned by another; and

4. "Recreational trespass" means remaining on land for a recreational use after being asked to leave by the owner, or the entry on land for a recreational use without the express or implied consent of the owner.

Added by Laws 2011, c. 234, § 2.

§21-1835.5. Trespass - Prima facie evidence.

It shall be prima facie evidence that a person is on land for a recreational use if the person is on the land of another without other explanation.

1. The absence of posting shall not by itself be sufficient to imply consent.

2. Consent shall not be implied if the land is posted.

3. It shall be the obligation of the recreational user to establish implied consent as an affirmative defense.

Added by Laws 2011, c. 234, § 3.

§21-1835.6. Prohibited acts.

The following acts are prohibited:

1. Recreational trespass;

2. Any activity in which a vehicle is used to engage in mud bogging. Mud bogging includes, without limitation, traveling across terrain:

   a. that has not been improved or designed to facilitate conventional vehicles, or

   b. that is chosen for such travel because of its wet or muddy characteristics;

3. The destruction or removal of any property of the owner or vandalism of any sort while engaged in recreational use of the land of another;

4. Littering while engaged in recreational use of the land of another; and

5. Failure to leave any gates, doors, fences, road blocks and obstacles or signs in the condition in which they were found, while engaged in the recreational use of the land of another.

Added by Laws 2011, c. 234, § 4.

§21-1835.7. Penalties.

Any person convicted of a trespass violation pursuant to Section 4 of this act shall be punished by a fine of Two Hundred Fifty Dollars ($250.00) or imprisonment for not more than ten (10) days; for a second conviction within one (1) year after the first conviction, a fine of Five Hundred Dollars ($500.00) or by imprisonment for not more than twenty (20) days; and upon a third or subsequent conviction within one (1) year after the first

conviction, a fine of Two Thousand Five Hundred Dollars ($2,500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. A violation of each paragraph of Section 4 of this act shall not be a separate offense.
Added by Laws 2011, c. 234, § 5.

§21-1835.8. Citations - Content - Payment.

A. Any local, county, or state law enforcement officer may issue a citation to a person believed with probable cause to have violated Section 4 of this act. The citation shall include the following information:

1. The name, address, and hunting or fishing license, driver license, or other recreational activity license number, if any, and the date of birth of the alleged violator;

2. The name of the issuing law enforcement officer and the name and address of the department;

3. The violations alleged to have been committed by the defendant, with specific reference to the paragraphs of Section 4 of this act involved and a brief description of the activities alleged to be in violation;

4. The amount of the penalty or forfeiture payable under Section 5 of this act, together with the costs that may be applicable;

5. A date, time, and place for the defendant to appear in court and notice to appear;

6. Provisions for a payment of the citation and stipulation by the defendant in lieu of a court appearance;

7. Notice that if the defendant neither pays the citation nor appears in court at the time fixed in the citation, the court may issue a summons or an arrest warrant; and

8. Any other pertinent information.

B. If a person is cited, the person may pay the amount specified in the citation any time, up to the date specified in the citation for court appearance, by:

1. Mailing the amount and a copy of the citation to the court clerk in the county where the offense occurred; or

2. Going to the court clerk in the county where the offense occurred.

C. The citation shall serve as the initial pleading and, notwithstanding any other provision of law, shall be deemed adequate process to give the appropriate court jurisdiction over the defendant upon filing of the citation with the court.
Added by Laws 2011, c. 234, § 6.

§21-1835.9. Aggravated violations.

A. A violation of paragraph 1 of Section 4 of this act shall be aggravated where in the course of the violation there occurs the

driving of any automobile, motorcycle, trail bicycle, or any other motorized vehicle in a way as to endanger others or to cause damage to the land.

B. The penalty for a violation of this section shall consist of a fine of Five Hundred Dollars ($500.00) or imprisonment for not more than ten (10) days; for a second conviction within one (1) year after the first conviction, by imprisonment for not more than twenty (20) days; and upon a third or subsequent conviction within one (1) year after the first conviction, by imprisonment for not more than six (6) months, or by both such fine and imprisonment. A person may not be charged for the same offense under this section and paragraph 1 of Section 4 of this act.

Added by Laws 2011, c. 234, § 7.

§21-1835.10. Revocation of license.

Under certification by a court that a conviction or a guilty or no contest plea respecting any violation of the Oklahoma Private Lands and Public Recreation Act has been recorded, any governmental entity which has issued a hunting, fishing, or other license for recreational activity may revoke the license and deny permission to reapply for a replacement license for a period of up to one (1) year from the date of the violation.

Added by Laws 2011, c. 234, § 8.

§21-1836. Filing purported conveyance without color of title - Instruments clouding title to restricted Indian lands.

Any person, firm or officer, representative, or agent of any firm or corporation, who shall execute and deliver, or who shall file for record or cause to be recorded in the office of any county clerk of any county in this state, any deed or other instrument in writing purporting to convey any right, title, or interest, or right to possession in and to any real estate situated in such county, to which the grantor, or grantors, therein did not have and hold a bona fide color of title, and any such person who shall file or cause to be filed for record in such office any such deed or other instrument which clouds the title of any real estate allotted to any member of one of the Five Civilized Tribes, or to the Osage Tribe of Indians, as a homestead, prior to the removal of the restrictions thereon by operation of law, or otherwise, knowing the land conveyed to be restricted homestead lands, shall be deemed guilty of a misdemeanor, and, upon conviction shall be punished by fine not to exceed One Hundred Dollars ($100.00), and by imprisonment in the county jail for a period not to exceed thirty (30) days.

Laws 1913, c. 78, p. 124, § 1; Laws 1945, p. 96, § 1.

§21-1836.1. Deed or conveyance removing cloud to be executed by violator.

Any person, firm, or officer, representative, or agent of any firm or corporation, who has at any time violated the provisions of the above section shall, upon the written request of any person who has and holds any right, title, or interest in such real estate, immediately execute and deliver such deed or conveyance as may be requisite to remove from the record the cloud on the right, title, and interest of such owner to the title and possession of said real estate.
Laws 1945, p. 96, § 2.

§21-1836.2. Failure to comply with demand a tort.

Any person, firm, or officer, representative, or agent of any firm or corporation, together with such firm or corporation, failing to comply with such demand to remove the said cloud upon the right to title and possession, shall be deemed to be guilty of a tort, and shall be held to respond in damages to the owner of any right, title, interest or right to possession of the real estate involved in a suit to quiet the title to said real estate in the amount of the cost, reasonable attorney's fees, and other damage suffered on account of the said tort.
Laws 1945, p. 97, § 3. d

§21-1837. Hard or solid substances in grain - Inflammable or explosive substances in cotton.

Any person who shall designedly place any hard or solid substance or article in any stack, shock, sheaf or load of unthreshed grain, or in any bin, bag, sack or load of unthreshed grain, or seed, or shall designedly place any matches or other inflammable, combustible or explosive substance in any unginned cotton with the intent to injure or destroy any such grain, seed, or cotton, or any machinery which may be used for threshing or grinding such grain or seed or ginning such cotton, shall be deemed guilty of a felony, and upon conviction shall be punished by confinement in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.
Added by Laws 1915, c. 5, § 1. Amended by Laws 1997, c. 133, § 423, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 309, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 423 from July 1, 1998, to July 1, 1999.

§21-1838. Attaching unauthorized objects upon utility poles prohibited.

It is unlawful to attach or insert any object with nails or tacks upon poles erected for the support of electric, telephone, utility or power lines; provided, however, the provisions of this act shall not interfere with the inherent rights of the owner.

Laws 1963, c. 356, § 1.

§21-1839. Penalties.

Any violation of the provisions of Section 1 of this act shall constitute a misdemeanor and upon conviction thereof shall be punishable by imprisonment in the county jail not to exceed thirty (30) days or by payment of a fine not to exceed One Hundred Dollars ($100.00) or by both such fine and imprisonment.
Laws 1963, c. 356, § 2.

§21-1840. Repealed by Laws 2014, c. 378, § 1, eff. Dec. 31, 2014.

§21-1841. Destruction, removal, altering, covering or defacing.

No person, firm, association or corporation shall destroy, remove, alter, cover or deface the manufacturer's serial number from any tractor, combine, corn picker, corn sheller or hay baler, or any other piece of farm machinery having a retail value of more than Twenty-five Dollars ($25.00) upon which the manufacturer has placed a serial number; nor shall any person, firm, corporation or association, sell, offer for sale, or lease, or otherwise dispose of any such equipment on which the serial numbers have been destroyed, removed, altered, covered or defaced.
Laws 1953, p. 96, § 1.

§21-1842. Exception to application of Act.

The provisions of this act shall not apply to any machine or part thereof now owned and used by a bona fide farmer who has had such equipment in his possession prior to the effective date of this act.
Laws 1953, p. 96, § 2.

§21-1843. Violations - Punishment.

Any person violating the provisions of Section 1 of this act, shall, upon conviction thereof, be fined not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars ($1,000.00), or imprisoned for not less than thirty (30) days nor more than one (1) year, or both, for each offense.
Laws 1953, p. 96, § 3.

§21-1844. Repealed by Laws 2016, c. 85, § 1, eff. Nov. 1, 2016.

§21-1845. Repealed by Laws 2016, c. 85, § 1, eff. Nov. 1, 2016.

§21-1846. Repealed by Laws 2016, c. 85, § 1, eff. Nov. 1, 2016.

§21-1847. Repealed by Laws 2016, c. 85, § 1, eff. Nov. 1, 2016.

§21-1847a. Using or allowing use of automatic dial announcing device - Exceptions - Penalties.

A. Except as provided by this subsection, no person shall use or knowingly allow the use of an automatic dial announcing device.

An automatic dial announcing device shall be used only when:

1. The device disconnects from the called person's line not later than twenty (20) seconds after the called person hangs up; and

2. For calls terminating in this state, the device is not used to make a call:

a. before 9 a.m. or after 9 p.m., or

b. at any hour that collection calls would be prohibited under the federal Fair Debt Collection Practices Act, 15 U.S.C., Section 1692(c), when the device is used for collection purposes; and

3. One of the following occur:

a. the calls are made or messages given solely in response to calls initiated by the person to whom the automatic calls or recorded messages are directed or who has made a written request to be called,

b. the calls made concern goods or services that have been previously ordered or purchased,

c. the calls are made by creditors or their assignees, or

d. the calls are initiated by a live operator who gives the caller the option to disconnect prior to the playing of a prerecorded or synthesized voice message.

B. A person who violates any provision of this section is guilty of a misdemeanor.

C. The Attorney General may seek injunctive relief to enforce this section pursuant to the Oklahoma Consumer Protection Act.

D. In the event that a civil action is filed pursuant to this subsection, the prevailing party shall be entitled to a reasonable attorney's fee.

E. A contract or agreement to purchase any goods or services for sale executed in violation of the provisions of this section shall be voidable at the option of the person who has subscribed to telephone services from a telephone company.

F. For purposes of this section, "automatic dial announcing device" means automatic equipment that:

1. Stores telephone numbers to be called, or has a random or sequential number generator capable of producing numbers to be called;

2. Conveys a prerecorded or synthesized voice message to the number called; and

3. Is used for the purpose of offering any goods or services for sale or conveying information regarding such goods or services. Added by Laws 1991, c. 279, § 1, eff. July 1, 1991. Amended by Laws 1992, c. 317, § 4, eff. July 1, 1992.

§21-1848. Definitions.

Definitions:

(1) The term "coin-operated machine" as used herein shall include any parking meter, vending machine, service meter, coin box telephone or other receptacle designed to receive or be operated by lawful coin of the United States of America.

(2) The term "spurious coin" as used herein, shall include any token, disk, blank, slug, washer, sweated, mutilated, false or counterfeited coin or other device, whether solid or otherwise used in substitution for lawful coin of the United States of America in the operation, use or enjoyment of any coin-operated machine.

Laws 1955, p. 197, § 1.

§21-1849. Operation of machines by spurious coins - Penalty.

Whoever by means of any spurious coin or by any other means, method, trick or device whatsoever not lawfully authorized by the owner, lessee, or licensee of any coin-operated machine operated in furtherance of or connection with the sale, use or enjoyment of any service, facility or privilege, knowingly shall operate or cause to be operated, or shall attempt to operate any such coin-operated machine or whoever shall take, obtain, accept or receive from or by means of any such coin-operated machine any article of value or service or the use or enjoyment of any service, facility or privilege by use of any spurious coin shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars ($100.00), or imprisoned not more than thirty (30) days, or both.

Laws 1955, p. 197, § 2.

§21-1850. Manufacture or sale of spurious coins for unlawful use - Penalty.

Every person who, with intent to cheat or defraud another of the use, enjoyment and benefit of property, service, facility or privilege, or whoever, knowingly or having cause to believe that same is intended for fraudulent or unlawful use on the part of the purchaser, donee or user thereof, shall manufacture, sell, offer to sell, advertise for sale, give away or possess any spurious coin as herein defined, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of One Hundred Dollars ($100.00), or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment. The manufacture, sale, offering for sale, advertising for sale, distribution or possession of any such spurious coin, as herein defined, shall be prima facie evidence of intent to cheat or defraud within the meaning of this act.

Laws 1955, p. 198, § 3.

§21-1851. False reporting.

It shall be unlawful for any person to report, or cause to be reported, directly or indirectly, the existence of a fire to a fire department, fire station or other agency charged with the responsibility of extinguishing fires, unless such person knows or reasonably believes that such fire is in existence.
Laws 1957, p. 166, § 1.

§21-1852. Posting of act.

The fire fhief or principal officer of every fire department shall post, or cause to be posted, a copy of this act at every fire alarm box or place specially designed for the reporting of fires in his jurisdiction.
Laws 1957, p. 166, § 2.

§21-1853. Penalty.

Any person violating any of the provisions of this act shall be guilty of a misdemeanor.
Laws 1957, p. 166, § 3.

§21-1861. Information to be furnished by solicitor - Calls exempt - Penalties.

A. The name and organizational or business affiliation of every person who by telephone engages in the solicitation or sale of any item, tangible or intangible, shall, by such person, be given to the person answering such telephone call. Such information shall be given immediately and prior to any solicitation or sales presentation. The telephone number of the person placing the call must be given upon request of the party being called. The person in whose name the telephone is registered is responsible for his agents and employees conforming with the provisions of this section. This section does not apply to calls between persons known to each other and to religious groups, or nonprofit organizations within their own membership, and political activities.

B. No person may solicit contributions by telephone for a charitable nonprofit organization unless that organization has complied with the provisions of the Oklahoma Solicitation of Charitable Contributions Act, Sections 552.1 et seq. of Title 18 of the Oklahoma Statutes. Such person may charge a reasonable fee for his services, which shall not exceed ten percent (10%) of the net receipts of the solicitation; provided, however, that in the event the fee charged is based upon a predetermined flat fee, then this provision shall not apply. Provided, further, that all sums shall be paid directly to the nonprofit organization.

C. Violation of this section by a person, business or organization shall constitute a misdemeanor. A third and subsequent

conviction under this section shall constitute a felony.
Added by Laws 1967, c. 187, § 1, emerg. eff. May 1, 1967. Amended by Laws 1976, c. 199, § 1, emerg. eff. June 4, 1976; Laws 1997, c. 133, § 424, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 424 from July 1, 1998, to July 1, 1999.

§21-1862. Commercial solicitation by facsimile device - Definitions.

As used in this act:

"Facsimile device" means a machine capable of receiving and reproducing facsimiles of text or images transmitted electronically or telephonically through telecommunication lines connecting to the machine; and

"Commercial solicitation" means an unsolicited electronic or telephonic transmission to a facsimile device to encourage the purchase of goods, realty, services or to advertise availability of such goods, realty or services. Commercial solicitation shall not include an electronic or telephonic transmission to a facsimile device:

a. made in the course of prior negotiations,

b. made to a party with whom there was a prior business relationship or an existing relationship,

c. made in the course of a follow up to a sales call, sales lead or other business-related contact; or

d. made after normal business hours and two pages or less in length.

Added by Laws 1990, c. 169, § 1, emerg. eff. May 2, 1990.

§21-1863. Commercial solicitation by facsimile device - Penalties.

A. A person shall not intentionally make an electronic or telephonic transmission to a facsimile device located in this state by means of any connection with a telephone network for the purpose of transmitting a commercial solicitation, as defined by Section 1 of this act. Each commercial solicitation prohibited by this act shall be a separate violation.

B. Any person violating the provisions of this act shall upon conviction be guilty of a misdemeanor punishable by a fine of not less than Five Hundred Dollars ($500.00) or more than One Thousand Dollars ($1,000.00) for each separate violation.

C. A person violating the provisions of this act shall be deemed to have committed the violation either at the place where the electronic or telephonic transmission is made or at the place where the transmission is received.

Added by Laws 1990, c. 169, § 2, emerg. eff. May 2, 1990.

§21-1865. Repealed by Laws 1991, c. 82, § 8, emerg. eff. April 18, 1991.

§21-1866. Repealed by Laws 1991, c. 82, § 8, emerg. eff. April 18, 1991.

§21-1867. Repealed by Laws 1991, c. 82, § 8, emerg. eff. April 18, 1991.

§21-1868. Repealed by Laws 1991, c. 82, § 8, emerg. eff. April 18, 1991.

§21-1869. Repealed by Laws 1991, c. 82, § 8, emerg. eff. April 18, 1991.

§21-1870. Definitions.

As used in this act:

1. "Access device" means any telecommunication device including the telephone calling card number, electronic serial number, account number, mobile identification number, or personal identification number that can be used to obtain telephone services;

2. "Clone cellular telephone" or "counterfeit cellular telephone" means a cellular telephone whose electronic serial number has been altered from the electronic serial number that was programmed in the telephone by the manufacturer by someone other than the manufacturer;

3. "Cloning paraphernalia" means materials that, when possessed in combination, could be used to create a cloned cellular telephone. These materials include scanners to intercept the electronic serial number and mobile identification number, cellular telephones, cables, EPROM chips, EPROM burners, software for programming the cloned telephone with a false electronic serial number and mobile identification number combination, a computer containing such software, and lists of electronic serial number and mobile identification number combinations;

4. "Electronic serial number" means the unique number that:

a. was programmed into a cellular telephone by its manufacturer,

b. is transmitted by the cellular telephone, and

c. is used by cellular telephone providers to validate radio transmissions to the system as having been made by an authorized device;

5. "EPROM" or "Erasable programmable read-only memory" means an integrated circuit memory that can be programmed from an external source and erased, for reprogramming, by exposure to ultraviolet light;

6. "Intercept" means to electronically capture, record, reveal, or otherwise access the signals emitted or received during the operation of a cellular telephone without the consent of the sender

or receiver, by means of any instrument, device or equipment;

7. "Manufacture of an unlawful telecommunication device" means to produce or assemble an unlawful telecommunication device, or to modify, alter, program, or reprogram a telecommunication device to be capable of acquiring or facilitating the acquisition of telecommunication service without the consent of the telecommunication service provider;

8. "Mobile identification number" means the cellular telephone number assigned to the cellular telephone by the cellular telephone carrier;

9. "Possess" means to have a physical possession or otherwise to exercise control over tangible property;

10. "Sell" means to offer to, agree to offer to, or to sell, exchange, give, or dispose of an unlawful telecommunications device to another;

11. "Telecommunication device" means:

a. any type of instrument, device, machine, or equipment which is capable of transmitting or receiving telephonic, electronic, or radio communications, or

b. any part of an instrument, device, machine, equipment, or other computer circuit, computer chip, electronic mechanism, or other component, which is capable of facilitating the transmission or reception of telephonic or electronic communications within the radio spectrum allocated to cellular radio telephone;

12. "Telecommunication service" means any service provided for a charge or compensation to facilitate the origination, transmission, emission, or receipt of signs, signals, writings, images, and sounds or intelligence of any nature by telephone, including cellular telephones, wire, radio, television option or other electromagnetic system;

13. "Telecommunication service provider" means any person or entity providing telecommunication service including a cellular telephone or paging company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching officer, or other equipment or telecommunication service; and

14. "Unlawful telecommunication device" means any telecommunication device that is capable of, or has been altered, modified, programmed, or reprogrammed, along or in conjunction with another access device, so as to be capable of acquiring or facilitating the acquisition of a telecommunication service without the consent of the telecommunication service provider. Unlawful devices include tumbler phones, counterfeit phones, tumbler microchips, counterfeit microchips, and other instruments capable of disguising their identity or location or of gaining access to a communications system operated by a telecommunication service provider.

Added by Laws 1998, c. 97, § 1, eff. July 1, 1998.

§21-1871. Use with intent to avoid payment of service charges.

A. Any person who uses a telecommunication device with the intent to avoid the payment of any lawful charge for telecommunication service or with the knowledge that it was to avoid the payment of any lawful charge for telecommunication service and the value of the telecommunication service is not more than One Thousand Dollars ($1,000.00) or such value cannot be ascertained shall, upon conviction, be guilty of a misdemeanor.

B. Any person who uses a telecommunication device with the intent to avoid the payment of any lawful charge for telecommunication service or with the knowledge that it was to avoid the payment of any lawful charge for telecommunication service and the value of the telecommunication service exceeds One Thousand Dollars ($1,000.00) shall, upon conviction, be guilty of a Schedule G felony, if the offense occurs on or after the effective date of Section 20.1 of this title. If the offense occurs before the effective date of Section 20.1 of this title, the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed two (2) years.

C. If the cloned cellular telephone used in violation of this section was used to facilitate the commission of a felony the person, upon conviction, shall be guilty of a Schedule F felony, if the offense occurs on or after the effective date of Section 20.1 of this title. If the offense occurs before the effective date of Section 20.1 of this title, the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed two (2) years.

D. Any person who has been convicted previously of an offense under this section shall be guilty of a Schedule E felony upon a second and any subsequent conviction, if the offense occurs on or after the effective date of Section 20.1 of this title. If the offense occurs before the effective date of Section 20.1 of this title the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed five (5) years.

Added by Laws 1998, c. 97, § 2, eff. July 1, 1998. Amended by Laws 1998, 1st Ex.Sess., c. 2, § 9, emerg. eff. June 19, 1998.

§21-1872. Possession of unlawful telecommunication or cloning devices.

A. Any person who knowingly possesses an unlawful telecommunication device shall, upon conviction, be guilty of a misdemeanor.

B. Any person who knowingly possesses five or more unlawful telecommunication devices at the same time shall, upon conviction,

be guilty of a Schedule F felony, if the offense occurs on or after the effective date of Section 20.1 of this title. If the offense occurs before the effective date of Section 20.1 of this title, the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed two (2) years.

C. Any person who:

1. Knowingly possesses an instrument capable of intercepting electronic serial number and mobile identification number combinations under circumstances evidencing an intent to clone; or

2. Knowingly possesses cloning paraphernalia under circumstances evidencing an intent to clone,

shall, upon conviction, be guilty of a schedule F felony, if the offense occurs on or after the effective date of Section 20.1 of this title. If the offense occurs before the effective date of Section 20.1 of this title, the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed two (2) years.

Added by Laws 1998, c. 97, § 3, eff. July 1, 1998. Amended by Laws 1998, 1st Ex.Sess., c. 2, § 10, emerg. eff. June 19, 1998.

§21-1873. Sale of unlawful telecommunication devices or material.

A. Any person who intentionally sells an unlawful telecommunication device or material, including hardware, data, computer software, or other information or equipment, knowing that the purchaser or a third person intends to use such material in the manufacture of an unlawful telecommunication device shall, upon conviction, be guilty of a schedule F felony, if the offense occurs on or after the effective date of Section 20.1 of this title. If the offense occurs before the effective date of Section 20.1 of this title, the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed two (2) years.

B. If the offense under this section involves the intentional sale of five or more unlawful telecommunication devices within a six-month period, the person committing the offense, upon conviction, shall be guilty of a Schedule E felony, if the offense occurs on or after the effective date of Section 20.1 of this title. If the offense occurs before the effective date of Section 20.1 of this title, the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed five (5) years.

Added by Laws 1998, c. 97, § 4, eff. July 1, 1998. Amended by Laws 1998, 1st Ex.Sess., c. 2, § 11, emerg. eff. June 19, 1998.

§21-1874. Manufacture of unlawful telecommunication devices.

A. Any person who intentionally manufacturers an unlawful telecommunication device shall, upon conviction, be guilty of a

Schedule F felony, if the offense occurs on or after the effective date of Section 20.1 of this title. If the offense occurs before the effective date of Section 20.1 of this title, the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed two (2) years.

B. If the offense under this section involves the intentional manufacture of five or more unlawful telecommunication devices within a six-month period, the person committing the offense shall, upon conviction, be guilty of a Schedule E felony, if the offense occurs on or after the effective date of Section 20.1 of this title. If the offense occurs before the effective date of Section 20.1 of this title, the crime shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed five (5) years.

Added by Laws 1998, c. 97, § 5, eff. July 1, 1998. Amended by Laws 1998, 1st Ex.Sess., c. 2, § 12, emerg. eff. June 19, 1998.

§21-1901. Short title.

This act may be cited as the "Bus Passenger Safety Act".

Laws 1980, c. 244, § 1, eff. Oct. 1, 1980.

§21-1902. Definitions.

As used in this act:

1. "Bus" shall be defined as provided in Section 1-105 of Title 47;

2. "Bus transportation company" or "company" means any person or governmental entity providing for-hire transport to passengers or cargo by bus upon the roads, streets, highways and turnpikes of this state, whether in interstate or intrastate travel;

3. "Deadly or dangerous weapon" includes all weapons listed in Sections 1287 and 1289.3 through 1289.5 of this title, and any other weapon capable of inflicting serious bodily injury;

4. "Passenger" means any person served by the transportation company and in addition to the ordinary meaning of passenger, the term shall include persons accompanying or meeting another who is transported by this company, any person shipping or receiving cargo and any person purchasing a ticket or receiving a pass; and

5. "Terminal" means a bus station or depot or any facility operated or leased by or operated on behalf of a bus transportation company. This term shall include a reasonable area immediately adjacent to any designated stop along the route traveled by any coach operated by a bus transportation company and parking lots or parking areas adjacent to a terminal.

Added by Laws 1980, c. 244, § 2, eff. Oct. 1, 1980.

§21-1903. Seizure of bus - Assault or battery - Use of dangerous weapon - Concealed weapon - Discharging firearm or hurling missile

at bus.

A. No person shall by force or violence, or threat of force or violence, seize or exercise control of any bus. Any person violating this subsection shall be guilty of a felony, and shall, upon conviction, be imprisoned for not more than twenty (20) years, or fined not more than Twenty Thousand Dollars ($20,000.00), or both.

B. In addition, no person shall intimidate, threaten, assault or batter any driver, attendant, guard or passenger of any bus with intent to violate subsection A of this section. Any person violating this subsection shall be guilty of a felony, and shall, upon conviction, be imprisoned for not more than ten (10) years, or fined not more than Five Thousand Dollars ($5,000.00), or both.

C. In addition, any person violating subsection A or B of this section using a dangerous or deadly weapon shall be guilty of a felony, and shall, upon conviction, be imprisoned for not more than twenty (20) years, or fined not more than Twenty Thousand Dollars ($20,000.00), or both.

D. No person, other than an authorized law enforcement officer, shall board a bus with a dangerous or deadly weapon concealed upon or about his person. Upon the discovery of any such item or material, the company may obtain possession and retain custody of such item or material until it is transferred to the custody of law enforcement officers. Any person convicted of violating this subsection shall be guilty of a felony, and shall, upon conviction, be imprisoned for not more than ten (10) years, or fined not more than Ten Thousand Dollars ($10,000.00), or both.

E. It shall be unlawful for any person to discharge any firearm or hurl or place in the path any missile at, into or within any bus, terminal or other transportation facility. Such person shall, upon conviction, be guilty of a felony punishable by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than five (5) years, or both.

Added by Laws 1980, c. 244, § 3, eff. Oct. 1, 1980. Amended by Laws 1997, c. 133, § 425, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 310, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 425 from July 1, 1998, to July 1, 1999.

§21-1904. Unauthorized removal of baggage, cargo or other item.

It shall be unlawful to remove any baggage, cargo or other item transported upon a bus or stored in a terminal without consent of the owner of such property or the company, or its duly authorized representative. Any person violating this section shall be guilty of a felony and, upon conviction, shall be punished by a fine of not more than Ten Thousand Dollars ($10,000.00) or imprisoned not more than five (5) years, or both.

The actual value of an item removed in violation of this section

shall not be material to the crime herein defined.
Added by Laws 1980, c. 244, § 4, eff. Oct. 1, 1980. Amended by Laws 1997, c. 133, § 426, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 311, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 426 from July 1, 1998, to July 1, 1999.

§21-1951. Short title.

This act shall be known and may be cited as the "Oklahoma Computer Crimes Act".
Added by Laws 1984, c. 70, § 1, emerg. eff. March 29, 1984.

§21-1952. Definitions.

As used in the Oklahoma Computer Crimes Act:

1. "Access" means to approach, gain entry to, instruct, communicate with, store data in, retrieve data from or otherwise use the logical, arithmetical, memory or other resources of a computer, computer system or computer network;

2. "Computer" means an electronic device which performs work using programmed instruction having one or more of the capabilities of storage, logic, arithmetic or communication. The term includes input, output, processing, storage, software and communication facilities which are connected or related to a device in a system or network;

3. "Computer network" means the interconnection of terminals by communication modes with a computer, or a complex consisting of two or more interconnected computers;

4. "Computer program" means a set or series of instructions or statements and related data which when executed in actual or modified form directs or is intended to direct the functioning of a computer system in a manner designed to perform certain operations;

5. "Computer software" means one or more computer programs, procedures and associated documentation used in the operation of a computer system;

6. "Computer system" means a set of related, connected or unconnected, computer equipment, devices including support devices, one or more of which contain computer programs, electronic instructions, input data, and output data, that performs functions including, but not limited to, logic, arithmetic, data storage and retrieval, communication, and control and software. "Computer system" does not include calculators which are not programmable and are not capable of being connected to or used to access other computers, computer networks, computer systems or support devices;

7. "Data" means a representation of information, knowledge, facts, concepts, computer software, computer programs or instructions. Data may be in any form, in storage media, or as stored in the memory of the computer or in transit or presented on a

display device;

8. "Property" means any tangible or intangible item of value and includes, but is not limited to, financial instruments, geophysical data or the interpretation of that data, information, computer software, computer programs, electronically-produced data and computer-produced or stored data, supporting documentation, computer software in either machine or human readable form, electronic impulses, confidential, copyrighted or proprietary information, private identification codes or numbers which permit access to a computer by authorized computer users or generate billings to consumers for purchase of goods and services, including but not limited to credit card transactions and telecommunications services or permit electronic fund transfers and any other tangible or intangible item of value;

9. "Services" includes, but is not limited to, computer time, data processing and storage functions and other uses of a computer, computer system or computer network to perform useful work;

10. "Supporting documentation" includes, but is not limited to, all documentation in any form used in the construction, design, classification, implementation, use or modification of computer software, computer programs or data; and

11. "Victim expenditure" means any expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program or data was or was not altered, deleted, disrupted, damaged or destroyed by the access.

Added by Laws 1984, c. 70, § 2, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 1, eff. Nov. 1, 1989.

§21-1953. Prohibited acts.

A. It shall be unlawful to:

1. Willfully, and without authorization, gain or attempt to gain access to and damage, modify, alter, delete, destroy, copy, make use of, disclose or take possession of a computer, computer system, computer network or any other property;

2. Use a computer, computer system, computer network or any other property as hereinbefore defined for the purpose of devising or executing a scheme or artifice with the intent to defraud, deceive, extort or for the purpose of controlling or obtaining money, property, services or other thing of value by means of a false or fraudulent pretense or representation;

3. Willfully exceed the limits of authorization and damage, modify, alter, destroy, copy, delete, disclose or take possession of a computer, computer system, computer network or any other property;

4. Willfully and without authorization, gain or attempt to gain access to a computer, computer system, computer network or any other property;

5. Willfully and without authorization use or cause to be used computer services;

6. Willfully and without authorization disrupt or cause the disruption of computer services or deny or cause the denial of access or other computer services to an authorized user of a computer, computer system or computer network;

7. Willfully and without authorization provide or assist in providing a means of accessing a computer, computer system or computer network in violation of this section;

8. Willfully use a computer, computer system, or computer network to annoy, abuse, threaten, or harass another person; and

9. Willfully use a computer, computer system, or computer network to put another person in fear of physical harm or death.

B. Any person convicted of violating paragraph 1, 2, 3, 6, 7 or 9 of subsection A of this section shall be guilty of a felony punishable as provided in Section 1955 of this title.

C. Any person convicted of violating paragraph 4, 5 or 8 of subsection A of this section shall be guilty of a misdemeanor.

D. Nothing in the Oklahoma Computer Crimes Act shall be construed to prohibit the monitoring of computer usage of, or the denial of computer or Internet access to, a child by a parent, legal guardian, legal custodian, or foster parent. As used in this subsection, "child" shall mean any person less than eighteen (18) years of age.

Added by Laws 1984, c. 70, § 3, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 2, eff. Nov. 1, 1989; Laws 1997, c. 133, § 427, eff. July 1, 1999; Laws 2000, c. 105, § 1, eff. Nov. 1, 2000; Laws 2002, c. 97, § 2, emerg. eff. April 17, 2002; Laws 2013, c. 66, § 1, eff. Nov. 1, 2013.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 427 from July 1, 1998, to July 1, 1999.

§21-1954. Certain acts as prima facie evidence of violation of act.

Proof that any person has accessed, damaged, disrupted, deleted, modified, altered, destroyed, caused to be accessed, copied, disclosed or taken possession of a computer, computer system, computer network or any other property, or has attempted to perform any of these enumerated acts without authorization or exceeding the limits of authorization, shall be prima facie evidence of the willful violation of the Oklahoma Computer Crimes Act.

Added by Laws 1984, c. 70, § 4, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 3, eff. Nov. 1, 1989.

§21-1955. Penalties - Civil actions.

A. Upon conviction of a felony under the provisions of the Oklahoma Computer Crimes Act, punishment shall be by a fine of not less than Five Thousand Dollars ($5,000.00) and not more than One

Hundred Thousand Dollars ($100,000.00), or by confinement in the State Penitentiary for a term of not more than ten (10) years, or by both such fine and imprisonment.

B. Upon conviction of a misdemeanor under the provisions of the Oklahoma Computer Crimes Act, punishment shall be by a fine of not more than Five Thousand Dollars ($5,000.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

C. In addition to any other civil remedy available, the owner or lessee of the computer, computer system, computer network, computer program or data may bring a civil action against any person convicted of a violation of the Oklahoma Computer Crimes Act for compensatory damages, including any victim expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program or data was or was not altered, damaged, deleted, disrupted or destroyed by the access. In any action brought pursuant to this subsection the court may award reasonable attorneys fees to the prevailing party.

Added by Laws 1984, c. 70, § 5, emerg. eff. March 29, 1984. Amended by Laws 1989, c. 151, § 4, eff. Nov. 1, 1989; Laws 1997, c. 133, § 428, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 312, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 428 from July 1, 1998, to July 1, 1999.

§21-1957. Access of computer, computer system or computer network in one jurisdiction from another jurisdiction - Bringing of action.

For purposes of bringing a civil or a criminal action pursuant to the Oklahoma Computer Crimes Act, a person who causes, by any means, the access of a computer, computer system or computer network in one jurisdiction from another jurisdiction is deemed to have personally accessed the computer, computer system or computer network in each jurisdiction.

Added by Laws 1989, c. 151, § 5, eff. Nov. 1, 1989. Amended by Laws 2002, c. 97, § 3, emerg. eff. April 17, 2002.

§21-1958. Access to computers, computer systems and computer networks prohibited for certain purposes - Penalty.

No person shall communicate with, store data in, or retrieve data from a computer system or computer network for the purpose of using such access to violate any of the provisions of the Oklahoma Statutes.

Any person convicted of violating the provisions of this section shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

Added by Laws 1986, c. 26, § 1, eff. Nov. 1, 1986. Renumbered from § 1124 of this title by Laws 1989, c. 151, § 6, eff. Nov. 1, 1989. Amended by Laws 1997, c. 133, § 429, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 313, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 429 from July 1, 1998, to July 1, 1999.

§21-1959. Subpoenas prior to commencement of proceedings – Noncompliance – Misdemeanor.

A. When any person has engaged in, is engaged in, or is attempting or conspiring to engage in any conduct constituting a violation of any of the provisions of Section 1953 of Title 21 of the Oklahoma Statutes, the Oklahoma Attorney General or any district attorney in Oklahoma may conduct an investigation of the activity. On approval of the district judge, the Attorney General or district attorney, in accordance with the provisions of Section 258 of Title 22 of the Oklahoma Statutes and pursuant to the provisions of the Oklahoma Computer Crimes Act, is authorized before the commencement of any civil or criminal proceeding to subpoena witnesses, compel their attendance, examine them under oath, or require the production of any business papers or records by subpoena duces tecum. Evidence collected pursuant to this section shall not be admissible in any civil proceeding.

B. Any business papers and records subpoenaed by the Attorney General or district attorney shall be available for examination by the person who produced the material or by any duly authorized representative of the person. Transcripts of oral testimony shall be available for examination by the person who produced such testimony and their counsel.

Except as otherwise provided for in this section, no business papers, records, or transcripts or oral testimony, or copies of it, subpoenaed by the Attorney General or district attorney shall be available for examination by an individual other than another law enforcement official without the consent of the person who produced the business papers, records or transcript.

C. All persons served with a subpoena by the Attorney General or district attorney pursuant to the provisions of the Oklahoma Computer Crimes Act shall be paid the same fees and mileage as paid witnesses in the courts of this state.

D. No person shall, with intent to avoid, evade, prevent, or obstruct compliance in whole or in part by any person with any duly served subpoena of the Attorney General or district attorney pursuant to the provisions of this section, knowingly remove from any place, conceal, withhold, destroy, mutilate, alter, or by any other means falsify any business papers or records that are the subject of the subpoena duces tecum.

E. Any person violating the provisions of this section shall be

guilty, upon conviction, of a misdemeanor.
Added by Laws 2003, c. 98, § 1, eff. Nov. 1, 2003.

§21-1975. Definitions.

A. As used in this act:

1. "Sound recording" and "article" means a phonograph record, disc, tape, film, audio or video cassette, compact video disc, or other material now known or later developed on which sounds or images are or can be recorded or otherwise stored;

2. "Owner" means the owner of the master sound recording and, with respect to Section 4 of this act, shall mean the owner of the rights to record or authorize the recording of any performance not yet fixed in a tangible medium of expression;

3. "Manufacturer" means the entity authorizing the duplication of the specific recording in question, but shall not include the manufacturer of the cartridge or casing which encloses the recording or the manufacturer of the recording medium;

4. "Counterfeit label" means an identifying label, markings serving the purpose of a label, or container that appears to be genuine but is not genuine;

5. "Audiovisual work" means a series of related images intended to be shown through the use of mechanical or electronic devices, together with accompanying sounds, if any; and

6. "Motion picture" means an audiovisual work consisting of a series of images which, when shown in succession, impart an impression of motion together with accompanying sounds, if any.

B. This act shall not apply to player piano tapes or rolls or the sound occasioned by the use thereof on player pianos, nor shall this act apply to any person engaged in radio, cable television, or television broadcasting who transfers, or causes to be transferred, any such sounds, other than from the sound track of a motion picture, intended for, or in connection with broadcast or telecast transmission or related uses, or for archival purposes.
Added by Laws 1991, c. 82, § 1, emerg. eff. April 18, 1991.

§21-1976. Unlawful reproduction for sale of sound recording or audiovisual work - Exemptions - Penalties.

A. It shall be unlawful for any person to knowingly reproduce for sale any sound recording produced without the written consent of the owner of the original recording, provided, however, that this section shall only apply to sound recordings initially fixed prior to February 15, 1972, and shall not apply to motion pictures or other audiovisual works.

B. A violation of this section involving less than one hundred articles shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment in the State Penitentiary for a term not to exceed five (5) years, or both such fine and imprisonment.

D. A second or subsequent conviction for a violation of this section shall constitute a felony and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00), or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment.

Added by Laws 1991, c. 82, § 2, emerg. eff. April 18, 1991. Amended by Laws 1997, c. 133, § 430, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 314, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 430 from July 1, 1998, to July 1, 1999.

§21-1977. Unlawful sale or offer for sale of sound recording - Penalties.

A. It shall be unlawful for any person to knowingly sell or offer for sale any sound recording that has been produced or reproduced in violation of the provisions of Sections 1975 through 1981 of this title, knowing, or having reasonable grounds to know, that the sounds or images thereon have been produced or reproduced without the consent of the owner.

B. A violation of this section involving less than one hundred articles shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment.

D. A second or subsequent conviction for a violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00), or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment.

Added by Laws 1991, c. 82, § 3, emerg. eff. April 18, 1991. Amended by Laws 1997, c. 133, § 431, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 315, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 431 from July 1, 1998, to July 1, 1999.

§21-1978. Unlawful transfer of article or sound recording or performance for unauthorized sale - Penalties.

A. It shall be unlawful for any person to knowingly and without the written consent of the owner, transfer or cause to be transferred to any article or sound recording or otherwise reproduce for sale, any performance, whether live before an audience or transmitted by wire or through the air by radio or television, with the intent to sell or cause to be sold for profit or used to promote the sale of any article or product.

B. A violation of this section involving less than one hundred articles shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment.

D. A second or subsequent conviction for a violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00) or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment.

Added by Laws 1991, c. 82, § 4, emerg. eff. April 18, 1991. Amended by Laws 1997, c. 133, § 432, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 316, eff. July 1, 1999.

NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 432 from July 1, 1998, to July 1, 1999.

§21-1979. Advertisement, rental, sale, resale, distribution or circulation of article without actual true name and address of manufacturer - Penalties.

A. It shall be unlawful for any person to advertise, or offer for rental, sale, resale, distribution or circulation, or rent, sell, resell, distribute or circulate, or cause to be sold, resold, distributed or circulated, or possess for such purposes any article, which does not clearly and conspicuously display thereon in clearly readable print the actual true name and address of the manufacturer thereof.

B. A violation of this section involving less than seven articles upon which motion pictures or other audiovisual works are recorded or less than one hundred other articles or sound recordings, shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand

Dollars ($5,000.00).

C. A violation of this section involving seven or more articles upon which motion pictures or other audiovisual works are recorded or one hundred or more other articles or sound recordings, shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment.

D. A second or subsequent conviction for a violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00) or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment.

Added by Laws 1991, c. 82, § 5, emerg. eff. April 18, 1991. Amended by Laws 1997, c. 133, § 433, eff. July 1, 1999; Laws 1999, 1st Ex. Sess., c. 5, § 317, eff. July 1, 1999; Laws 2007, c. 4, § 1, eff. Nov. 1, 2007.

NOTE: Laws 1998, 1st Ex. Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 433 from July 1, 1998, to July 1, 1999.

§21-1980. Counterfeit labels - Penalties.

A. It shall be unlawful for any person to make, manufacture, sell, distribute, offer for sale, issue or place in circulation or knowingly have in his possession for purposes of commercial advantage or private financial gain, a counterfeit label affixed or designed to be affixed to a phonorecord, a copy of a motion picture or other audiovisual work, recording or article.

B. A violation of this section involving less than seven articles upon which motion pictures or other audiovisual works are recorded or less than one hundred other articles or sound recordings, shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving seven or more articles upon which motion pictures or other audiovisual works are recorded or one hundred or more other articles or sound recordings, shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment.

D. A second or subsequent conviction for a violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00) or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment.

Added by Laws 1991, c. 82, § 6, emerg. eff. April 18, 1991. Amended by Laws 1997, c. 133, § 434, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 318, eff. July 1, 1999.
NOTE: Laws 1998, 1st Ex.Sess., c. 2, § 23 amended the effective date of Laws 1997, c. 133, § 434 from July 1, 1998, to July 1, 1999.

§21-1981. Confiscation, preservation and disposition of sound recording or article and implements, devices and equipment used in unauthorized manufacture.

A. If a person is convicted of any violation of this act, the court in its judgment of conviction shall order the forfeiture and destruction or other disposition of any sound recording or article which does not conform to the requirements of this act and all implements, devices and equipment used or intended to be used in the manufacture of such sound recordings or articles. The court may enter an order preserving any such articles or items for use in other cases or pending the final determination of an appeal.

B. It shall be the duty of all law enforcement officers, upon discovery, to confiscate all recordings and articles that do not conform to the requirements of this act. The nonconforming recordings and articles shall be delivered to the district attorney of the county in which the confiscation was made, who shall, by court order, destroy or otherwise dispose of such recordings and articles. This section shall apply to any nonconforming recording or article, regardless of the knowledge or intent of the person in possession.

C. The penalties provided in this act are not exclusive and are in addition to any other penalties provided by law.
Added by Laws 1991, c. 82, § 7, emerg. eff. April 18, 1991.

§21-1990. Short title.

This act shall be known and may be cited as the "Trademark Anti-Counterfeiting Act".
Added by Laws 1999, c. 54, § 1, eff. July 1, 1999.

§21-1990.1. Definitions.

For the purposes of this act:

1. "Counterfeit mark" means:
   a. any unauthorized reproduction or copy of intellectual property, and
   b. intellectual property that is affixed to any item that is knowingly sold, offered for sale, manufactured or distributed or to any identifying services offered or rendered without the authority of the intellectual property owner;

2. "Intellectual property" means any trademark, service mark, trade name, label, term, device, design or word that is adopted or

used by a person to identify that person's goods or services; and

3. "Retail value" means:

a. for items that bear a counterfeit mark and that are components of a finished product, the counterfeiter's regular selling price of the finished product on or in which the component would be utilized, or

b. for all other items that bear a counterfeit mark or services that are identified by a counterfeit mark, the counterfeiter's regular selling price for those items or services.

Added by Laws 1999, c. 54, § 2, eff. July 1, 1999.

§21-1990.2. Use, possession, distribution, manufacture, etc. of item bearing counterfeit mark – Penalties – Seizure and forteiture – Civil actions – Damages and attorney fees.

A. Except as provided in subsections B and C of this section, a person who knowingly and with intent to sell or distribute, uses, displays, advertises, distributes, offers for sale, sells or possesses any item that bears a counterfeit mark or any service that is identified by a counterfeit mark 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 One Thousand Dollars ($1,000.00) or by both such fine and imprisonment.

B. Any person who commits any prohibited act proscribed in subsection A of this section shall, upon conviction, be guilty of a Schedule G felony punishable as provided in the state's sentencing matrix, or by a fine of not more than the retail value of such items or services or both such fine and imprisonment, if either:

1. The person has one previous conviction under any provision of this section; or

2. At least one of the following exists:

a. the violation involves more than one hundred but fewer than one thousand items that bear the counterfeit mark, or

b. the total retail value of all of the items or services that bear or are identified by the counterfeit mark is more than One Thousand Dollars ($1,000.00) but less than Ten Thousand Dollars ($10,000.00).

C. Any person who knowingly manufactures or produces with intent to sell or distribute any item that bears a counterfeit mark or any service that is identified by a counterfeit mark shall, upon conviction, be guilty of a Schedule F felony punishable as provided in the state's sentencing matrix, or by a fine not exceeding three times the retail value of such items or services, or by both such fine and imprisonment.

D. Any person who commits any prohibited act proscribed by subsection A of this section shall, upon conviction, be guilty of a

Schedule E felony punishable as provided in the state's sentencing matrix, or by a fine not exceeding three times the retail value of such items or services, or by both such fine and imprisonment if either:

1. The person has two or more previous convictions under this section; or

2. At least one of the following exists:

a. the violation involves at least one thousand items that bear the counterfeit mark, or

b. the total retail value of all of the items or services that bear or are identified by the counterfeit mark is at least Ten Thousand Dollars ($10,000.00).

E. For purposes of this section, any person who knowingly has possession, custody or control of at least twenty-six items that bear a counterfeit mark is presumed to possess the items with intent to sell or distribute the items.

F. In any criminal proceeding in which a person is convicted of a violation of any provision of this section, the court may order the convicted person to pay restitution to the intellectual property owner in addition to any other provision allowed by law.

G. The investigating law enforcement officer may seize any item that bears a counterfeit mark and all other personal property that is employed or used in connection with a violation of this section, including any items, objects, tools, machines, equipment, instrumentalities or vehicles. All personal property seized pursuant to this section shall be subject to forfeiture according to Section 1738 of Title 21 of the Oklahoma Statutes.

H. After a forfeiture has been ordered by the district court, a law enforcement officer shall destroy all seized items that bear a counterfeit mark; however, if the counterfeit mark is removed from the seized items, the intellectual property owner may recommend to the court that the seized items be donated to a charitable organization.

I. Any certificate of registration of any intellectual property pursuant to state or federal law is prima facie evidence of the facts stated in the certificate of registration and may be used at trial.

J. In addition to other remedies allowed by law, an intellectual property owner who sustains a loss as a result of any violation of this section may file a civil action against the defendant for recovery of up to treble damages and the costs of the suit including reasonable attorney fees.

K. The remedies provided in this section are cumulative to all other civil and criminal remedies provided by law.

L. For the purposes of this section, the quantity or retail value of items or services includes the aggregate quantity or retail value of all items that the defendant manufactures, uses, displays,

advertises, distributes, offers for sale, sells or possesses and that bear a counterfeit mark or that are identified by a counterfeit mark.
Added by Laws 1999, c. 54, § 3, eff. July 1, 1999.

§21-1992. Short title – Penalties - Definitions.

A. This section shall be known and may be cited as the "Laser Safety Act".

B. Any person who knowingly and maliciously projects a laser, as defined in this section, on or at a law enforcement officer without the consent of the officer while the officer is acting within the scope of the official duties of the officer shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than One Hundred Dollars ($100.00). Any person who commits a second or subsequent violation of this section shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00), a term of imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

C. Anyone who knowingly aims the beam of a laser pointer at an aircraft in flight or at the flight path of an aircraft shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than One Hundred Dollars ($100.00). Any person who commits a second or subsequent violation of this section shall be guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00), a term of imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

D. This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft by:

1. An authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct research and development or flight test operations;

2. Members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing or training; or

3. By an individual using a laser emergency signaling device to send an emergency distress signal.

E. As used in this section:

1. "Laser" or "laser pointer" means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark or identify a specific position, place, item or object; and

2. "Law enforcement officer" means any police officer, peace officer, sheriff, deputy sheriff, correctional officer, probation or parole officer, emergency management employee, judge, magistrate, or any employee of a governmental agency who is authorized by law to engage in the investigation, arrest, prosecution, or supervision of the incarceration of any person for any violation of law and has statutory powers of arrest.
Added by Laws 2000, c. 32, § 1, eff. Nov. 1, 2000. Amended by Laws 2015, c. 18, § 1, eff. Nov. 1, 2015.

§21-1993. Tampering with or disabling security or surveillance camera or security system.

A. It shall be unlawful for any unauthorized person to refocus, reposition, cover, manipulate, disconnect, or otherwise tamper with or disable a security or surveillance camera or security system. Any person violating the provisions of this subsection shall be guilty, upon conviction, of a misdemeanor punishable by a fine of not more than Five Thousand Dollars ($5,000.00).

B. It shall be unlawful for any person to use, refocus, reposition, cover, manipulate, disconnect, or otherwise tamper with or disable a security or surveillance camera or security system for the purpose of avoiding detection when committing, attempting to commit, or aiding another person to commit or attempt to commit any misdemeanor. Any person violating the provisions of this section shall be guilty, upon conviction, of a misdemeanor punishable by imprisonment for not more than one year in the county jail, or a fine of not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

C. It shall be unlawful for any person to use, refocus, reposition, cover, manipulate, disconnect, or otherwise tamper with or disable a security or surveillance camera or security system for the purpose of avoiding detection when committing, attempting to commit, or aiding another person to commit or attempt to commit any felony. Any person violating the provisions of this section shall be guilty, upon conviction, of a felony, punishable by imprisonment for not more than five (5) years, or a fine of not more than Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine.
Added by Laws 2002, c. 234, § 1, eff. July 1, 2002. Amended by Laws 2003, c. 99, § 1, eff. Nov. 1, 2003.

§21-2001. Unlawful proceeds - Transactions with counsel - Bank transactions - Criminal and civil penalties.

A. It is unlawful for any person knowingly or intentionally to receive or acquire proceeds and to conceal such proceeds, or engage in transactions involving such proceeds, known to be derived from a specified unlawful activity, as defined in subsection F of this section. This subsection does not apply to any transaction between

an individual and the counsel of the individual necessary to preserve the right to representation of the individual, as guaranteed by the Oklahoma Constitution and by the Sixth Amendment of the United States Constitution. However, this exception does not create any presumption against or prohibition of the right of the state to seek and obtain forfeiture of any proceeds derived from a violation of the Oklahoma Statutes.

B. It is unlawful for any person knowingly or intentionally to give, sell, transfer, trade, invest, conceal, transport, or maintain an interest in or otherwise make available anything of value which that person knows is intended to be used for the purpose of committing or furthering the commission of a specified unlawful activity, as defined in subsection F of this section.

C. It is unlawful for any person knowingly or intentionally to direct, plan, organize, initiate, finance, manage, supervise, or facilitate the transportation or transfer of proceeds known to be derived from a specified unlawful activity, as defined in subsection F of this section.

D. It is unlawful for any person knowingly or intentionally to conduct a financial transaction involving proceeds derived from a specified unlawful activity, as defined in subsection F of this section, when the transaction is designed in whole or in part to conceal or disguise the nature, location, source, ownership, or control of the proceeds known to be derived from a violation of the Oklahoma Statutes, or to avoid a transaction reporting requirement under state or federal law.

E. Notwithstanding any other provision of this section, it shall be lawful for an organization engaged in the business of banking to receive deposits and payments, to pay checks and other withdrawals, and to process any other financial transaction for its customers in the ordinary course of business if it has no actual knowledge of any violation of the Oklahoma Statutes by that customer. If an organization engaged in the business of banking, acting in good faith and without actual knowledge of any violation of the Oklahoma Statutes by its customer, acquires a security interest or statutory lien with respect to a customer's funds, that customer's funds which are subject to the security interest or lien shall not be subject to forfeiture action, to the extent of the amount of that customer's indebtedness to the banking organization.

F. For purposes of this section, "specified unlawful activity" means an act or omission, including any initiatory, preparatory, or completed offense or omission that is punishable as a misdemeanor or felony under the laws of Oklahoma, or if the act occurred outside Oklahoma would be punishable as a misdemeanor or felony under the laws of the state in which it occurred and under the laws of Oklahoma.

G. Any person convicted of violating any of the provisions of

this section is guilty of:

1. A misdemeanor, if the violation involves Two Thousand Five Hundred Dollars ($2,500.00) or less;

2. A felony, punishable by imprisonment for not more than two (2) years if the violation involves more than Two Thousand Five Hundred Dollars ($2,500.00), but not more than Ten Thousand Dollars ($10,000.00);

3. A felony, punishable by imprisonment for not less than two (2) years and not more than ten (10) years if the violation involves more than Ten Thousand Dollars ($10,000.00), but not more than Fifty Thousand Dollars ($50,000.00); or

4. A felony, punishable by imprisonment for not less than five (5) years and not more than twenty (20) years if the violation involves more than Fifty Thousand Dollars ($50,000.00).

H. In addition to any criminal penalty, a person who violates any provision of this section shall be subject to a civil penalty of three (3) times the value of the property involved in the transaction. The civil penalty provided in this subsection shall be split evenly between the prosecuting agency and the investigating law enforcement agency.

Added by Laws 2002, c. 381, § 2, eff. July 1, 2002. Amended by Laws 2014, c. 409, § 1.

§21-2002. Seizures - Forfeiture or release - Hearing - Bona fide claims - Liens - Attorney fees - Proceeds of sale - Common carriers.

A. Any commissioned peace officer of this state is authorized to seize any currency, negotiable instrument, monetary instrument, equipment or property used or involved in, used to facilitate, delivered from or traceable to a violation of Section 2001 of this title. The seized item may be held as evidence until a forfeiture has been declared or a release ordered. Forfeiture actions under this section may be brought by the district attorney or Attorney General in the proper county of venue as petitioner; provided, in the event the district attorney or Attorney General elects not to file such action, or fails to file such action within ninety (90) days of the date of the seizure of the item, the item shall be returned to the owner.

B. Notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county wherein the item is seized and shall be given all owners and parties in interest.

C. Notice shall be given according to one of the following methods:

1. Upon each owner, lienholder, or party in interest whose name and address is known, served in the manner of service of process in civil cases prescribed by Section 2004 of Title 12 of the Oklahoma Statutes; or

2. Upon all other owners, whose addresses are unknown, but who are believed to have an interest in the property by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing or publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the item described in the notice of seizure and of the intended forfeiture proceeding.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of the unlawful use and may order the item forfeited to the state, if such fact is proven.

F. If a verified answer is filed, the forfeiture proceeding shall be set for hearing.

G. Proceedings under this section shall be special proceedings.

H. At the hearing the petitioner shall prove by a preponderance of the evidence that property was used in the attempt or commission of an act specified in subsection A of this section with knowledge by the owner of the item.

I. The claimant of any right, title, or interest in the item may prove the lien, mortgage, or conditional sales contract to be bona fide and that the right, title, or interest created by the item was created without any knowledge or reason to believe that the item was being, or was to be, used for the purpose charged.

J. In the event of such proof, the court may order the item released to the bona fide or innocent owner, lienholder, mortgagee, or vendor if the amount due such person is equal to, or in excess of, the value of the item as of the date of the seizure, it being the intention of this section to forfeit only the right, title, or interest of the purchaser.

K. If the amount due to such person is less than the value of the item, or if no bona fide claim is established, the item may be forfeited to the state and may be sold pursuant to judgment of the court, as on sale upon execution, and as provided in Section 2-508 of Title 63 of the Oklahoma Statutes, except as otherwise provided for by law.

L. A seized item taken or detained pursuant to this section shall not be repleviable, but shall be deemed to be in the custody of the petitioner or in the custody of the law enforcement agency. The petitioner shall release the seized item to the owner of the item if it is determined that the owner had no knowledge of the illegal use of the item or if there is insufficient evidence to sustain the burden of showing illegal use of the item. If the owner of the property stipulates to the forfeiture and waives the hearing, the petitioner may determine if the value of the item is equal to or less than the outstanding lien. If such lien exceeds the value of

the item, the item may be released to the lienholder. A seized item which has not been released by the petitioner shall be subject to the orders and decrees of the court or the official having jurisdiction thereof.

M. Attorney fees shall not be assessed against the state or the petitioner for any actions or proceeding pursuant to this section.

N. The proceeds of the sale of any property shall be distributed as follows, in the order indicated:

1. To the bona fide or innocent purchaser, conditional sales vendor, or mortgagee of the item, if any, up to the amount of the interest of that person in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual reasonable expenses of preserving the item;

3. To the victim of the crime to compensate the victim for any loss incurred as a result of the act for which the item was forfeited; and

4. The balance to a revolving fund in the office of the county treasurer of the county wherein the property was seized, to be distributed as follows: one-half (1/2) to the investigating law enforcement agency and one-half (1/2) to the district attorney to be used to defray any lawful expenses of the office of the district attorney. If the petitioner is not the district attorney, then the one-half (1/2) which would have been designated to that office shall be distributed to the petitioner.

O. If the court finds that the item was not used in the attempt or commission of an act specified in subsection A of this section and was not an item subject to forfeiture pursuant to subsection B of this section, the court shall order the item released to the owner as the right, title, or interest as determined by the court.

P. No vehicle, airplane, or vessel used by a person as a common carrier in the transaction of business as a common carrier shall be forfeited pursuant to the provisions of this section unless it shall be proven that the owner or other person in charge of such conveyance was a consenting party or privy to the attempt or commission of an act specified in subsection A or B of this section. No item shall be forfeited pursuant to the provisions of this section by reason of any act or omission established by the owner thereof to have been committed or omitted without the knowledge or consent of such owner, and by any person other than such owner while the item was unlawfully in the possession of a person other than the owner in violation of the criminal laws of the United States or of any state.

Q. Whenever any item is forfeited pursuant to this section, the district court having jurisdiction of the proceeding may order that the forfeited item may be retained for its official use by the state, county, or municipal law enforcement agency which seized the

item.
Added by Laws 2002, c. 381, § 3, eff. July 1, 2002. Amended by Laws 2011, c. 132, § 2, eff. Nov. 1, 2011; Laws 2014, c. 409, § 2.

§21-2100. Definitions.

A. For purposes of this act:

1. "Ice cream" means any frozen dairy or water-based food product;

2. "Ice cream truck" means any motor vehicle used for selling, displaying or offering to sell ice cream or any other frozen dairy or frozen water-based food product; and

3. "Ice cream truck vending" means the selling, displaying or offering to sell ice cream, water-based food product or any other prepackaged food product from an ice cream truck.

Added by Laws 2009, c. 457, § 5, eff. July 1, 2009.

§21-2100.1. Registered sex offender ice cream truck vending.

Any sex offender required to be registered pursuant to the Oklahoma Sex Offenders Registration Act who engages in ice cream truck vending, whether or not licensed in this state as a mobile food unit, shall be, upon conviction, punished by imprisonment in the custody of the Department of Corrections for a term up to two and one-half (2 1/2) years, or by a fine in an amount not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. A sheriff or police officer may arrest without a warrant any person who the officer has probable cause to believe has violated the provisions of this section.

Added by Laws 2009, c. 457, § 6, eff. July 1, 2009.

§21-2100.2. Ice cream truck vending businesses - Annual Oklahoma Sex Offender Registry name search - Sole proprietors notarized statement.

A. Any company engaged in the business of ice cream truck vending shall conduct an annual name search against the Oklahoma Sex Offender Registry for each ice cream truck operator prior to allowing such person to engage in the business of ice cream truck vending in this state. Each business shall maintain records or other proof that a name search was conducted on each ice cream truck operator, and each person searched has no requirement to register as a sex offender. Any business entity discovering that a person has operated, or has attempted to operate, an ice cream truck shall report such information to the district attorney. Any person who fails to report information of violations or to comply with records or name search requirements shall be guilty, upon conviction, of a misdemeanor.

B. Individuals engaged in the business of ice cream truck vending who are sole proprietors shall be required to sign, and have

in the person's possession while operating an ice cream truck, a notarized statement signed under oath stating that the person is not required to register as a sex offender. The statement shall be renewed annually. Any person who fails to comply with the requirement to have a signed and notarized statement in the person's possession while operating an ice cream truck shall be guilty, upon conviction, of a misdemeanor.
Added by Laws 2009, c. 457, § 7, eff. July 1, 2009.