

1 **SENATE FLOOR VERSION**

2 February 18, 2019

3 SENATE BILL NO. 448

By: Quinn

4  
5  
6 An Act relating to the State Department of Health;  
7 amending 21 O.S. 2011, Section 1550.41, which relates  
8 to offenses; authorizing the State Commissioner of  
9 Health to take certain actions; amending 63 O.S.  
2011, Section 1-324.1, which relates to prohibited  
acts; correcting reference; modifying applicability  
of section; and providing an effective date.

10  
11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1550.41, is  
14 amended to read as follows:

15 Section 1550.41. A. As used in this section and Section  
16 1550.42 of this title, "identification document", "identification  
17 card", or "identification certificate" means any printed form which  
18 contains:

- 19 1. The name and photograph of a person;  
20 2. The name and any physical description of a person;  
21 3. The name and social security number of a person; or  
22 4. Any combination of information provided for in paragraphs 1  
23 through 3 of this subsection; and

1 which by its format, is capable of leading a person to believe said  
2 document, card, or certificate has been issued for the purpose of  
3 identifying the person named thereon, but shall not include any  
4 printed form which, on its face, conspicuously bears the term "NOT  
5 FOR IDENTIFICATION" in not less than six-point type.

6 B. It is a misdemeanor for any person:

7 1. To purchase an identification document, identification card,  
8 or identification certificate which bears altered or fictitious  
9 information concerning the date of birth, sex, height, eye color,  
10 weight, a fictitious or forged name or signature or a photograph of  
11 any person, other than the person named thereon;

12 2. To display or cause or permit to be displayed or to  
13 knowingly possess an identification document, identification card or  
14 identification certificate which bears altered or fictitious  
15 information concerning the date of birth, sex, height, eye color,  
16 weight, or fictitious or forged name or signature or a photograph of  
17 any person, other than the person named thereon;

18 3. To display or cause or permit to be displayed or to  
19 knowingly possess any counterfeit or fictitious identification  
20 document, identification card, or identification certificate; or

21 4. To use the "Great Seal of the State of Oklahoma" or  
22 facsimile thereof, on any identification document, identification  
23 card, or identification certificate which is not issued by an entity  
24 of this state or political subdivision thereof, or by the United

1 States. Provided, nothing in this paragraph shall be construed to  
2 prohibit the use of the "Great Seal of the State of Oklahoma" for  
3 authorized advertising, including, but not limited to, business  
4 cards, calling cards and stationery.

5 C. It is a felony for any person:

6 1. To create, publish or otherwise manufacture an  
7 identification document, identification card or identification  
8 certificate or facsimile thereof, or to create, manufacture or  
9 possess an engraved plate or other such device for the printing of  
10 an identification document, identification card or identification  
11 certificate or facsimile thereof, which purports to identify the  
12 bearer of such document, card, or certificate whether or not  
13 intended for use as identification, and includes, but is not limited  
14 to, documents, cards, and certificates purporting to be driver  
15 licenses, nondriver identification cards, birth certificates, social  
16 security cards, and employee identification cards, except as  
17 authorized by state or federal law;

18 2. To sell or offer for sale an identification document,  
19 identification card, or identification certificate or facsimile  
20 thereof, which purports to identify the bearer of such document,  
21 card, or certificate whether or not intended for use as  
22 identification, and includes, but is not limited to, documents,  
23 cards, and certificates purporting to be driver licenses, nondriver  
24 identification cards, birth certificates, social security cards, and

1 employee identification cards, except as authorized by state or  
2 federal law; or

3 3. To display or present an identification document,  
4 identification card or identification certificate which bears  
5 altered, false or fictitious information for the purpose of:

6 a. committing or aiding in the commission of a felony in  
7 any commercial or financial transaction,

8 b. misleading a peace officer in the performance of  
9 duties, or

10 c. avoiding prosecution.

11 D. 1. The violation of any of the provisions of subsection B  
12 of this section shall constitute a misdemeanor and, upon conviction  
13 thereof, shall be punishable by a fine of not less than Twenty-five  
14 Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00).

15 2. The violation of any of the provisions of subsection C of  
16 this section shall constitute a felony and, upon conviction thereof,  
17 shall be punishable by a fine not exceeding Ten Thousand Dollars  
18 (\$10,000.00) or a term of imprisonment in the State Penitentiary not  
19 to exceed seven (7) years, or by both such fine and imprisonment.

20 E. Notwithstanding any provision of this section, the chief  
21 administrator of a federal or state law enforcement, military, or  
22 intelligence agency may request the Commissioner of the Department  
23 of Public Safety or State Commissioner of Health to authorize the  
24 issuance of an identification document, identification card, or

1 identification certificate within the scope of their authority which  
2 would otherwise be a violation of this section, to identify a law  
3 enforcement officer or agent as another person for the sole purpose  
4 of aiding in a criminal investigation or a military or intelligence  
5 operation. A person displaying or possessing such identification  
6 shall not be prosecuted for a violation of this section. Upon  
7 termination of the investigation or operation, the person to whom  
8 such identification document, identification card or identification  
9 certificate was issued shall return such identification to the  
10 Department of Public Safety or State Department of Health, as  
11 appropriate.

12 SECTION 2. AMENDATORY 63 O.S. 2011, Section 1-324.1, is  
13 amended to read as follows:

14 Section 1-324.1. A. It shall be unlawful for any person to  
15 commit any of the following specified acts in relation to birth,  
16 death or stillbirth certificates issued by this state:

17 1. Create, issue, present or possess a fictitious birth, death  
18 or stillbirth certificate;

19 2. Apply for a birth, death or stillbirth certificate under  
20 false pretenses;

21 3. Alter information contained on a birth, death or stillbirth  
22 certificate;

23

24

1 4. Obtain, display or represent a birth certificate of any  
2 person as one's own by any person, other than the person named on  
3 the birth certificate;

4 5. Obtain, display or represent a fictitious death or  
5 stillbirth certificate for the purpose of fraud;

6 6. Make a false statement or knowingly conceal a material fact  
7 or otherwise commit fraud in an application for a birth, death or  
8 stillbirth certificate; or

9 7. Knowingly presenting a false or forged certificate for  
10 filing.

11 B. Except as otherwise provided in subsection € D of this  
12 section, it is a felony for any employee or person authorized to  
13 issue or create a birth, death or stillbirth certificate or related  
14 record under this title to knowingly issue such certificate or  
15 related record to a person not entitled thereto, or to knowingly  
16 create or record such certificate bearing erroneous information  
17 thereon.

18 C. A violation of any of the provisions of this section shall  
19 constitute a felony.

20 D. Notwithstanding any provision of this section, the State  
21 Commissioner of Health or a designated agent, upon the request of a  
22 chief administrator of a health or law enforcement agency, may  
23 authorize the issuance, display or possession of a birth, death or  
24 stillbirth certificate, which would otherwise be in violation of

1 this section, for the sole purpose of education with regard to  
2 public health or safety; provided, however, any materials used for  
3 such purposes shall be marked "void".

4 E. The provisions of this section shall not apply to any  
5 request made to the State Department of Health pursuant to  
6 subsection E of Section 1550.41 of Title 21 of the Oklahoma  
7 Statutes.

8 SECTION 3. This act shall become effective November 1, 2019.

9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
10 February 18, 2019 - DO PASS

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24