

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 1053

By: Montgomery

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5  
6 AS INTRODUCED

7 An Act relating to fraud; amending 21 O.S. 2021,  
8 Section 1533, which relates to false personation of  
9 public officers; prohibiting certain acts to  
10 wrongfully transfer real property; creating felony  
11 offense; establishing punishment; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1533, is  
15 amended to read as follows:

16 Section 1533. A. Except as provided in subsection B of this  
17 section, every person who falsely personates any public officer,  
18 civil or military, any firefighter, any law enforcement officer, any  
19 emergency medical technician or other emergency medical care  
20 provider, or any private individual having special authority by law  
21 to perform any act affecting the rights or interests of another, or  
22 who assumes, without authority, any uniform or badge by which such  
23 officers or persons are usually distinguished, and in such assumed  
24 character does any act whereby another person is injured, defrauded,  
harassed, vexed or annoyed, upon conviction, is guilty of a

1 misdemeanor punishable by imprisonment in the county jail not  
2 exceeding six (6) months, or by a fine not exceeding Two Thousand  
3 Dollars (\$2,000.00), or by both such fine and imprisonment.

4 B. Every person who falsely personates any public officer or  
5 any law enforcement officer in connection with or relating to any  
6 sham legal process shall, upon conviction, be guilty of a felony,  
7 punishable by imprisonment in the custody of the Department of  
8 Corrections for not more than two (2) years, or a fine not exceeding  
9 Five Thousand Dollars (\$5,000.00), or both such fine and  
10 imprisonment.

11 C. Every person who falsely asserts authority of law not  
12 provided for by federal or state law in connection with any sham  
13 legal process shall, upon conviction, be guilty of a felony,  
14 punishable by imprisonment in the custody of the Department of  
15 Corrections for not more than two (2) years, or a fine not exceeding  
16 Five Thousand Dollars (\$5,000.00), or both such fine and  
17 imprisonment.

18 D. Every person who, while acting falsely in asserting  
19 authority of law, attempts to intimidate or hinder a public official  
20 or law enforcement officer in the discharge of official duties by  
21 means of threats, harassment, physical abuse, or use of sham legal  
22 process shall, upon conviction, be guilty of a felony punishable by  
23 imprisonment in the custody of the Department of Corrections for not  
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1 more than two (2) years, or a fine not exceeding Five Thousand  
2 Dollars (\$5,000.00), or both such fine and imprisonment.

3 E. Any person who, without authority under federal or state  
4 law, acts as a supreme court justice, a district court judge, an  
5 associate district judge, a special judge, a magistrate, a clerk of  
6 the court or deputy, a notary public, a juror or other official  
7 holding authority to determine a controversy or adjudicate the  
8 rights or interests of others, or signs a document in such capacity,  
9 shall, upon conviction, be guilty of a felony punishable by  
10 imprisonment in the custody of the Department of Corrections for not  
11 more than two (2) years, or a fine not exceeding Five Thousand  
12 Dollars (\$5,000.00), or both such fine and imprisonment.

13 F. Any person who, without authority under federal or state  
14 law, acts as a supreme court justice, a district court judge, an  
15 associate district judge, a special judge, a magistrate, a clerk of  
16 the court or deputy, a notary public, a juror, or other official  
17 holding authority signs a document in such capacity to wrongfully  
18 transfer real property which is the personal residence of another,  
19 shall, upon conviction, be guilty of a felony punishable by  
20 imprisonment in the custody of the Department of Corrections for not  
21 more than ten (10) years, or a fine not exceeding Fifty Thousand  
22 Dollars (\$50,000.00), or both such fine and imprisonment.

23 G. Every person who uses any motor vehicle or motor-driven  
24 cycle usually distinguished as a law enforcement vehicle or equips

1 any motor vehicle or motor-driven cycle with any spot lamps, audible  
2 sirens, or flashing lights, in violation of Section 12-217, 12-218  
3 or 12-227 of Title 47 of the Oklahoma Statutes, or in any other  
4 manner uses any motor vehicle or motor-driven cycle:

5 1. Which, by markings that conform to or imitate the markings  
6 required or authorized in subsection B of Section 151 of Title 47 of  
7 the Oklahoma Statutes and used by the Oklahoma Highway Patrol  
8 Division of the Department of Public Safety, conveys to any person  
9 the impression or appearance that it is a vehicle of the Oklahoma  
10 Highway Patrol shall, upon conviction, be guilty of a misdemeanor  
11 punishable by imprisonment in the county jail for not more than one  
12 (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00),  
13 or both fine and imprisonment; provided, nothing in this paragraph  
14 shall be construed to prohibit the use of such a vehicle for  
15 exhibitions, club activities, parades, and other functions of public  
16 interest and which is not used on the public roads, streets, and  
17 highways for regular transportation; or

18 2. For the purpose of falsely personating a law enforcement  
19 officer and who in such assumed character commits any act whereby  
20 another person is injured, defrauded, harassed, vexed or annoyed  
21 shall, upon conviction, be guilty of a felony punishable by  
22 imprisonment in the custody of the Department of Corrections not  
23 exceeding ten (10) years, or by a fine not exceeding Ten Thousand  
24 Dollars (\$10,000.00), or by both such fine and imprisonment.



1 by the laws of this state, a law enforcement officer  
2 commissioned pursuant to state or federal law or the  
3 law of a federally recognized Indian tribe, or a  
4 legislative, executive, or administrative agency  
5 established by state or federal law or the law of a  
6 federally recognized Indian tribe,

7 b. to assert jurisdiction or authority over or determine  
8 or adjudicate the legal or equitable status, rights,  
9 duties, powers, or privileges of any person or  
10 property, or

11 c. to require or authorize the search, seizure,  
12 indictment, arrest, trial, or sentencing of any person  
13 or property; and

14 2. "Lawfully issued" means adopted, issued, or rendered in  
15 accordance with the applicable statutes, rules, regulations, and  
16 ordinances of the United States, a state, or a political subdivision  
17 of a state.

18 ~~I.~~ J. It shall not be a defense to a prosecution under  
19 subsection B, C, D or E of this section that:

20 1. The recipient of the sham legal process did not accept or  
21 believe in the authority falsely asserted in the sham legal process;

22 2. The person violating subsection B, C, D or E of this section  
23 does not believe in the jurisdiction or authority of this state or  
24 of the United States government; or

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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.

SECTION 2. This act shall become effective November 1, 2023.

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