

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 585

By: Loveless

4  
5  
6 AS INTRODUCED

7 An Act relating to asset forfeiture; creating the  
8 Personal Asset Protection Act; providing short title;  
9 amending 12 O.S. 2011, Section 66, which relates to  
10 state as a party; modifying certain exception;  
11 amending 51 O.S. 2011, Section 24A.8, as last amended  
12 by Section 2, Chapter 370, O.S.L. 2015 (51 O.S. Supp.  
13 2016, Section 24A.8), which relates to law  
14 enforcement records; requiring certain reports to be  
15 available for public inspection; amending 63 O.S.  
16 2011, Sections 2-503, as amended by Section 5,  
17 Chapter 154, O.S.L. 2014, 2-506, as last amended by  
18 Section 1, Chapter 225, O.S.L. 2016 and 2-508, as  
19 last amended by Section 2, Chapter 284, O.S.L. 2014  
20 (63 O.S. Supp. 2016, Sections 2-503, 2-506 and 2-  
21 508), which relate to property subject to forfeiture,  
22 seizure of property and disposition of seized  
23 property; modifying certain burdens of proof;  
24 providing for jury trial in certain actions;  
establishing requirements for certain actions; making  
language gender neutral; requiring return of seized  
property within specified time period under certain  
circumstances; providing exception; deleting  
definition; clarifying entity to distribute certain  
funds; requiring submission of certain report;  
requiring certain reports be available to the public;  
prohibiting certain transfer; updating language;  
providing for noncodification; and providing an  
effective date.

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

1 SECTION 1. NEW LAW A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Personal Asset  
4 Protection Act".

5 SECTION 2. AMENDATORY 12 O.S. 2011, Section 66, is  
6 amended to read as follows:

7 Section 66. A. Whenever an action is filed in any of the  
8 courts of this state where the State of Oklahoma or any of its  
9 departments or agencies, as defined in Section 152 of Title 51 of  
10 the Oklahoma Statutes, is a party, no bonds or other obligation of  
11 security shall be required from the state or from any party acting  
12 under the direction of the state, either to prosecute, answer, or  
13 appeal the action. The execution of a judgment or final order of  
14 any judicial tribunal against the state or any of its departments or  
15 agencies is automatically stayed without the execution of a  
16 supersedeas bond until any appeal of such judgment or final order  
17 has finally been determined.

18 In case of an adverse decision, such costs as by law are taxable  
19 against the state, or against the party acting by its direction,  
20 shall be paid out of the funds of the department under whose  
21 direction the proceedings were instituted or defended.

22 B. Costs shall be paid to the court fund of the district court  
23 in which an action is filed from the first funds collected in  
24 satisfaction of any judgment obtained by this state or any party

1 acting under the direction of this state, except when the funds are  
2 collected pursuant to a child support order, or judgment, ~~or~~  
3 ~~pursuant to any civil forfeiture action.~~ No action filed by this  
4 state or by any party acting under the direction of this state shall  
5 be dismissed with unpaid costs of the action without the prior  
6 notification of the district court clerk of the county in which the  
7 action was filed.

8 SECTION 3. AMENDATORY 51 O.S. 2011, Section 24A.8, as  
9 last amended by Section 2, Chapter 370, O.S.L. 2015 (51 O.S. Supp.  
10 2016, Section 24A.8), is amended to read as follows:

11 Section 24A.8. A. Law enforcement agencies shall make  
12 available for public inspection and copying, if kept, the following  
13 records:

14 1. An arrestee description, including the name, date of birth,  
15 address, race, sex, physical description, and occupation of the  
16 arrestee;

17 2. Facts concerning the arrest, including the cause of arrest  
18 and the name of the arresting officer;

19 3. A chronological list of all incidents, including initial  
20 offense report information showing the offense, date, time, general  
21 location, officer, and a brief summary of what occurred;

22 4. Radio logs, including a chronological listing of the calls  
23 dispatched;

24

1 5. Conviction information, including the name of any person  
2 convicted of a criminal offense;

3 6. Disposition of all warrants, including orders signed by a  
4 judge of any court commanding a law enforcement officer to arrest a  
5 particular person;

6 7. A crime summary, including an agency summary of crimes  
7 reported and public calls for service by classification or nature  
8 and number;

9 8. Jail registers, including jail blotter data or jail booking  
10 information recorded on persons at the time of incarceration showing  
11 the name of each prisoner with the date and cause of commitment, the  
12 authority committing the prisoner, whether committed for a criminal  
13 offense, a description of the prisoner, and the date or manner of  
14 discharge or escape of the prisoner;

15 9. Annual reports submitted pursuant to subsection T of Section  
16 2-506 of Title 63 of the Oklahoma Statutes;

17 10. Audio and video recordings from recording equipment  
18 attached to law enforcement vehicles or associated audio recordings  
19 from recording equipment on the person of a law enforcement officer;  
20 provided, the law enforcement agency may, before releasing any audio  
21 or video recording provided for in this paragraph, redact or obscure  
22 specific portions of the recording which:

23 a. depict the death of a person or a dead body, unless  
24 the death was effected by a law enforcement officer,

- 1           b.   depict nudity,
- 2           c.   would identify minors under the age of sixteen (16)
- 3                 years or would undermine any requirement to keep
- 4                 certain juvenile records confidential as provided for
- 5                 in Title 10A of the Oklahoma Statutes,
- 6           d.   depict acts of severe violence resulting in great
- 7                 bodily injury, as defined in Section 11-904 of Title
- 8                 47 of the Oklahoma Statutes, against persons that are
- 9                 clearly visible, unless the act of severe violence was
- 10                effected by a law enforcement officer,
- 11          e.   depict great bodily injury, as defined in Section 11-
- 12                904 of Title 47 of the Oklahoma Statutes, unless the
- 13                great bodily injury was effected by a law enforcement
- 14                officer,
- 15          f.   include personal medical information that is not
- 16                already public,
- 17          g.   would undermine the assertion of a privilege provided
- 18                in Section 1-109 or Section 3-428 of Title 43A of the
- 19                Oklahoma Statutes for detention or transportation for
- 20                mental health evaluation or treatment or drug or
- 21                alcohol detoxification purposes,
- 22          h.   include personal information other than the name or
- 23                license plate number of a person not arrested, cited,
- 24                charged or issued a written warning.  Such personal

1 information shall include any government-issued  
2 identification number, date of birth, address or  
3 financial information, or

- 4 i. reveal the identity of law enforcement officers who  
5 have become subject to internal investigation by the  
6 law enforcement agency as a result of an event  
7 depicted in the recording. The option to protect the  
8 identity of a law enforcement officer shall not be  
9 available to the law enforcement agency after the law  
10 enforcement agency has concluded the investigation and  
11 rendered a decision as to final disciplinary action.  
12 At such time when an investigation has concluded and  
13 the law enforcement agency has rendered its decision  
14 as to final disciplinary action, the portions of the  
15 recordings previously withheld as provided for in this  
16 subparagraph shall be available for public inspection  
17 and copying. The audio and video recordings withheld  
18 as provided for in this subparagraph shall be  
19 available for public inspection and copying before the  
20 conclusion of the investigation if the investigation  
21 lasts for an unreasonable amount of time; and

22 ~~10.~~

1        11. a.    Audio and video recordings from recording equipment  
2                    attached to the person of a law enforcement officer  
3                    that depict:

4                    (1)    the use of any physical force or violence by a  
5                                law enforcement officer,

6                    (2)    pursuits of any kind,

7                    (3)    traffic stops,

8                    (4)    any person being arrested, cited, charged or  
9                                issued a written warning,

10                   (5)    events that directly led to any person being  
11                                arrested, cited, charged or receiving a written  
12                                warning,

13                   (6)    detentions of any length for the purpose of  
14                                investigation,

15                   (7)    any exercise of authority by a law enforcement  
16                                officer that deprives a citizen of his or her  
17                                liberty,

18                   (8)    actions by a law enforcement officer that have  
19                                become the cause of an investigation or charges  
20                                being filed,

21                   (9)    recordings in the public interest that may  
22                                materially aid a determination of whether law  
23                                enforcement officers are appropriately performing  
24                                their duties as public servants, or

1 (10) any contextual events occurring before or after  
2 the events depicted in divisions (1) through (9)  
3 of this subparagraph.

4 b. Notwithstanding the provisions of subparagraph a of  
5 this paragraph, the law enforcement agency may, before  
6 releasing any audio or video recording provided for in  
7 this paragraph, redact or obscure specific portions of  
8 the recording that:

9 (1) depict the death of a person or a dead body,  
10 unless the death was effected by a law  
11 enforcement officer,

12 (2) depict nudity,

13 (3) would identify minors under the age of sixteen  
14 (16) years or would undermine any requirement to  
15 keep certain juvenile records confidential as  
16 provided for in Title 10A of the Oklahoma  
17 Statutes,

18 (4) depict acts of severe violence resulting in great  
19 bodily injury, as defined in Section 11-904 of  
20 Title 47 of the Oklahoma Statutes, against  
21 persons that are clearly visible, unless the act  
22 of severe violence was effected by a law  
23 enforcement officer,  
24

- 1 (5) depict great bodily injury, as defined in Section  
2 11-904 of Title 47 of the Oklahoma Statutes,  
3 unless the great bodily injury was effected by a  
4 law enforcement officer,
- 5 (6) include personal medical information that is not  
6 already public,
- 7 (7) undermine the assertion of a privilege as  
8 provided in Section 1-109 or Section 3-428 of  
9 Title 43A of the Oklahoma Statutes for detention  
10 or transportation for mental health evaluation or  
11 treatment or drug or alcohol detoxification  
12 purposes,
- 13 (8) identify alleged victims of sex crimes or  
14 domestic violence,
- 15 (9) identify any person who provides information to  
16 law enforcement or the information provided by  
17 that person when that person requests anonymity  
18 or where disclosure of the identity of the person  
19 or the information provided could reasonably be  
20 expected to threaten or endanger the physical  
21 safety or property of the person or the physical  
22 safety or property of others,
- 23 (10) undermine the assertion of a privilege to keep  
24 the identity of an informer confidential as

1 provided for in Section 2510 of Title 12 of the  
2 Oklahoma Statutes,

3 (11) include personal information other than the name  
4 or license plate number of a person not  
5 officially arrested, cited, charged or issued a  
6 written warning. Such personal information shall  
7 include any government-issued identification  
8 number, date of birth, address or financial  
9 information,

10 (12) include information that would materially  
11 compromise an ongoing criminal investigation or  
12 ongoing criminal prosecution, provided that:

13 (a) ten (10) days following the formal  
14 arraignment or initial appearance, whichever  
15 occurs first, of a person charged in the  
16 case in question, the recording shall be  
17 made available for public inspection and  
18 copying with no redaction of the portions  
19 that were temporarily withheld by reliance  
20 on this division. Provided, before  
21 potential release of a recording as provided  
22 for in this subdivision, the prosecutor or  
23 legal representative of the person charged  
24 may request from the appropriate district

1 court an extension of time during which the  
2 recording may be withheld under the  
3 provisions of this division. When a request  
4 for an extension of time has been filed with  
5 the court, the recording in question may be  
6 withheld until the court has issued a  
7 ruling. Such requests for an extension of  
8 the time during which the recording may be  
9 withheld may be made on the grounds that  
10 release of the recording will materially  
11 compromise an ongoing criminal investigation  
12 or criminal prosecution or on the grounds  
13 that release of the recording will  
14 materially compromise the right of an  
15 accused to a fair trial that has yet to  
16 begin. Courts considering such requests  
17 shall conduct a hearing and consider whether  
18 the interests of the public outweigh the  
19 interests asserted by the parties. In  
20 response to such requests, the court shall  
21 order that the recording be made available  
22 for public inspection and copying with no  
23 redaction of the portions that were  
24 temporarily withheld by reliance on this

1 division or order an extension of time  
2 during which the recording may be withheld  
3 under the provisions of this division.  
4 Provided further, each such time extension  
5 shall only be ordered by the court for an  
6 additional six-month period of time or less  
7 and cumulative time extensions shall not add  
8 up to more than eighteen (18) months, or

9 (b) in the event that one hundred twenty (120)  
10 days expire from the date of the events  
11 depicted in the recording without any person  
12 being criminally charged in the case in  
13 question and release of a recording or  
14 portions of a recording have been denied on  
15 the grounds provided for in this division,  
16 an appeal of such denial may be made to the  
17 appropriate district court. In situations  
18 where one hundred twenty (120) days have  
19 expired since the creation of the recording,  
20 criminal charges have not been filed against  
21 a person and the recording is being withheld  
22 on the grounds provided for in this  
23 division, courts considering appeals to the  
24 use of the provisions of this division for

1 temporarily withholding a recording shall  
2 conduct a hearing and consider whether the  
3 interests of the public outweigh the  
4 interests of the parties protected by this  
5 division. In response to such appeals, the  
6 district court shall order that the  
7 recording be made available for public  
8 inspection and copying with no redaction of  
9 the portions that were temporarily withheld  
10 by reliance on this division or order an  
11 extension of time during which the recording  
12 may be withheld under the provisions of this  
13 division. An order granting an extension of  
14 time shall be applicable to the recording  
15 against all appellants for the duration of  
16 the extension. Provided, each such time  
17 extension shall only be ordered by the  
18 district court for an additional twelve-  
19 month period of time or less and cumulative  
20 time extensions shall not add up to more  
21 than three (3) years. Provided, charges  
22 being filed against a person in the case in  
23 question automatically cancels any extension  
24 of time. A new request for an extension of

1 time following an arraignment or initial  
2 appearance may be requested by the parties  
3 on the grounds and under the terms provided  
4 for in subdivision (a) of this division.

5 The options presented in this division to  
6 potentially withhold a recording or portions of a  
7 recording on the grounds provided for in this  
8 division shall expire in totality four (4) years  
9 after the recording was made at which time all  
10 recordings previously withheld on the grounds  
11 provided for in this division shall be made  
12 available for public inspection and copying, or

13 (13) reveal the identity of law enforcement officers  
14 who have become subject to internal investigation  
15 by the law enforcement agency as a result of an  
16 event depicted in the recording. The option to  
17 protect the identity of a law enforcement officer  
18 shall not be available to the law enforcement  
19 agency after the law enforcement agency has  
20 concluded the investigation and rendered a  
21 decision as to final disciplinary action. At  
22 such time when an investigation has concluded and  
23 the law enforcement agency has rendered its  
24 decision as to final disciplinary action, the

1 portions of the recordings previously withheld as  
2 provided for in this division shall be available  
3 for public inspection and copying. The audio and  
4 video recordings withheld on the grounds provided  
5 for in this division shall be available for  
6 public inspection and copying before the  
7 conclusion of the investigation if the  
8 investigation lasts for an unreasonable amount of  
9 time.

10 B. Except for the records listed in subsection A of this  
11 section and those made open by other state or local laws, law  
12 enforcement agencies may deny access to law enforcement records  
13 except where a court finds that the public interest or the interest  
14 of an individual outweighs the reason for denial. The provisions of  
15 this section shall not operate to deny access to law enforcement  
16 records if such records have been previously made available to the  
17 public as provided in the Oklahoma Open Records Act or as otherwise  
18 provided by law.

19 C. Nothing contained in this section imposes any new  
20 recordkeeping requirements. Law enforcement records shall be kept  
21 for as long as is now or may hereafter be specified by law. Absent  
22 a legal requirement for the keeping of a law enforcement record for  
23 a specific time period, law enforcement agencies shall maintain  
24 their records for so long as needed for administrative purposes.

1 D. Registration files maintained by the Department of  
2 Corrections pursuant to the provisions of the Sex Offenders  
3 Registration Act shall be made available for public inspection in a  
4 manner to be determined by the Department.

5 E. The Council on Law Enforcement Education and Training  
6 (C.L.E.E.T.) shall keep confidential all records it maintains  
7 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and  
8 deny release of records relating to any employed or certified full-  
9 time officer, reserve officer, retired officer or other person;  
10 teacher lesson plans, tests and other teaching materials; and  
11 personal communications concerning individual students except under  
12 the following circumstances:

13 1. To verify the current certification status of any peace  
14 officer;

15 2. As may be required to perform the duties imposed by Section  
16 3311 of Title 70 of the Oklahoma Statutes;

17 3. To provide to any peace officer copies of the records of  
18 that peace officer upon submitting a written request;

19 4. To provide, upon written request, to any law enforcement  
20 agency conducting an official investigation, copies of the records  
21 of any peace officer who is the subject of such investigation;

22 5. To provide final orders of administrative proceedings where  
23 an adverse action was taken against a peace officer; and  
24

1           6. Pursuant to an order of the district court of the State of  
2 Oklahoma.

3           F. The Department of Public Safety shall keep confidential:

4           1. All records it maintains pursuant to its authority under  
5 Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway  
6 Patrol Division, the Communications Division, and other divisions of  
7 the Department relating to:

8           a. training, lesson plans, teaching materials, tests, and  
9 test results,

10          b. policies, procedures, and operations, any of which are  
11 of a tactical nature, and

12          c. the following information from radio logs:

13           (1) telephone numbers,

14           (2) addresses other than the location of incidents to  
15 which officers are dispatched, and

16           (3) personal information which is contrary to the  
17 provisions of the Driver's Privacy Protection  
18 Act, 18 United States Code, Sections 2721 through  
19 2725; and

20          2. For the purpose of preventing identity theft and invasion of  
21 law enforcement computer systems, except as provided in Title 47 of  
22 the Oklahoma Statutes, all driving records.

23

24

1 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2-503, as  
2 amended by Section 5, Chapter 154, O.S.L. 2014 (63 O.S. Supp. 2016,  
3 Section 2-503), is amended to read as follows:

4 Section 2-503. A. The following shall be subject to  
5 forfeiture:

6 1. All controlled dangerous substances and synthetic controlled  
7 substances which have been manufactured, distributed, dispensed,  
8 acquired, concealed or possessed in violation of the Uniform  
9 Controlled Dangerous Substances Act;

10 2. All raw materials, products and equipment of any kind and  
11 all drug paraphernalia as defined by the Uniform Controlled  
12 Dangerous Substances Act, which are used, or intended for use, in  
13 manufacturing, compounding, processing, delivering, importing or  
14 exporting, injecting, ingesting, inhaling, or otherwise introducing  
15 into the human body any controlled dangerous substance or synthetic  
16 controlled substance in violation of the provisions of the Uniform  
17 Controlled Dangerous Substances Act;

18 3. All property which is used, or intended for use, as a  
19 container for property described in paragraphs 1, 2, 5 and 6 of this  
20 subsection;

21 4. All conveyances, including aircraft, vehicles, vessels, or  
22 farm implements which are used to transport, conceal, or cultivate  
23 for the purpose of distribution as defined in the Uniform Controlled  
24 Dangerous Substances Act, or which are used in any manner to

1 facilitate the transportation or cultivation for the purpose of sale  
2 or receipt of property described in paragraphs 1 or 2 of this  
3 subsection or when the property described in paragraphs 1 or 2 of  
4 this subsection is unlawfully possessed by an occupant thereof,  
5 except that:

6 a. no conveyance used by a person as a common carrier in  
7 the transaction of business as a common carrier shall  
8 be forfeited under the provisions of the Uniform  
9 Controlled Dangerous Substances Act unless it shall  
10 appear that the owner or other person in charge of  
11 such conveyance was a consenting party or privy to a  
12 violation of the Uniform Controlled Dangerous  
13 Substances Act, and

14 b. no conveyance shall be forfeited under the provisions  
15 of this section by reason of any act or omission  
16 established by the owner thereof to have been  
17 committed or omitted without the knowledge or consent  
18 of such owner, and if the act is committed by any  
19 person other than such owner the owner shall establish  
20 further that the conveyance was unlawfully in the  
21 possession of a person other than the owner in  
22 violation of the criminal laws of the United States,  
23 or of any state;

24

1       5. All books, records and research, including formulas,  
2 microfilm, tapes and data which are used in violation of the Uniform  
3 Controlled Dangerous Substances Act;

4       6. All things of value furnished, or intended to be furnished,  
5 in exchange for a controlled dangerous substance in violation of the  
6 Uniform Controlled Dangerous Substances Act, all proceeds traceable  
7 to such an exchange, and all monies, negotiable instruments, and  
8 securities used, or intended to be used, to facilitate any violation  
9 of the Uniform Controlled Dangerous Substances Act;

10       7. All monies, coin and currency found in close proximity to  
11 any amount of forfeitable substances, to forfeitable drug  
12 manufacturing or distribution paraphernalia or to forfeitable  
13 records of the importation, manufacture or distribution of  
14 substances, ~~which are rebuttably presumed to be forfeitable under~~  
15 ~~the Uniform Controlled Dangerous Substances Act. The burden of~~  
16 ~~proof is upon claimants of the property to rebut this presumption;~~

17       8. All real property, including any right, title, and interest  
18 in the whole of any lot or tract of land and any appurtenance or  
19 improvement thereto, which is used, or intended to be used, in any  
20 manner or part, to commit, or to facilitate the commission of, a  
21 violation of the Uniform Controlled Dangerous Substances Act which  
22 is punishable by imprisonment for more than one (1) year, except  
23 that no property right, title or interest shall be forfeited  
24 pursuant to this paragraph, by reason of any act or omission

1 established by the owner thereof to have been committed or omitted  
2 without the knowledge or consent of that owner; and

3 9. All weapons possessed, used or available for use in any  
4 manner to facilitate a violation of the Uniform Controlled Dangerous  
5 Substances Act.

6 B. Any property or thing of value of a person is subject to  
7 forfeiture if it is established by a ~~preponderance of the~~ clear and  
8 convincing evidence that such property or thing of value was  
9 acquired by such person during the period of the violation of the  
10 Uniform Controlled Dangerous Substances Act or within a reasonable  
11 time after such period and there was no likely source for such  
12 property or thing of value other than the violation of the Uniform  
13 Controlled Dangerous Substances Act. A party to forfeiture action  
14 under this section shall be entitled to a trial by jury. A trial  
15 related to a forfeiture action shall be held in a single proceeding  
16 with the trial of the related alleged crime unless the court grants  
17 the defendant's motion for a separate trial on the forfeiture issue.

18 C. Any property or thing of value of a person is subject to  
19 forfeiture if it is established by a ~~preponderance of the~~ clear and  
20 convincing evidence that the person has not paid all or part of a  
21 fine imposed pursuant to the provisions of Section 2-415 of this  
22 title.

23 D. All items forfeited in this section shall be forfeited under  
24 the procedures established in Section 2-506 of this title. Whenever

1 any item is forfeited pursuant to this section except for items  
2 confiscated by the Oklahoma State Bureau of Narcotics and Dangerous  
3 Drugs Control, the Department of Public Safety, the Oklahoma State  
4 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
5 Commission, the Department of Corrections, or the Office of the  
6 Attorney General, the district court of the district shall order  
7 that such item, money, or monies derived from the sale of such item  
8 be deposited by the state, county or city law enforcement agency  
9 which seized the item in the revolving fund provided for in Section  
10 2-506 of this title; provided, such item, money or monies derived  
11 from the sale of such item forfeited due to nonpayment of a fine  
12 imposed pursuant to the provisions of Section 2-415 of this title  
13 shall be apportioned as provided in Section 2-416 of this title.  
14 Items, money or monies seized pursuant to subsections A and B of  
15 this section shall not be applied or considered toward satisfaction  
16 of the fine imposed by Section 2-415 of this title. All raw  
17 materials used or intended to be used by persons to unlawfully  
18 manufacture or attempt to manufacture any controlled dangerous  
19 substance in violation of the Uniform Controlled Dangerous  
20 Substances Act shall be summarily forfeited pursuant to the  
21 provisions of Section 2-505 of this title.

22 E. All property taken or detained under this section by the  
23 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the  
24 Department of Public Safety, the Oklahoma State Bureau of

1 Investigation, the Alcoholic Beverage Laws Enforcement Commission,  
2 the Department of Corrections, or the Office of the Attorney  
3 General, shall not be repleviable, but shall remain in the custody  
4 of the Bureaus, Departments, Commission, or Office, respectively,  
5 subject only to the orders and decrees of a court of competent  
6 jurisdiction. The Director of the Oklahoma State Bureau of  
7 Narcotics and Dangerous Drugs Control, the Commissioner of Public  
8 Safety, the Director of the Oklahoma State Bureau of Investigation,  
9 the Director of the Alcoholic Beverage Laws Enforcement Commission,  
10 the Director of the Department of Corrections, and the Attorney  
11 General shall follow the procedures outlined in Section 2-506 of  
12 this title dealing with notification of seizure, intent of  
13 forfeiture, final disposition procedures, and release to innocent  
14 claimants with regard to all property included in this section  
15 detained by the Department of Public Safety, the Oklahoma State  
16 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
17 Commission, the Department of Corrections, or the Office of the  
18 Attorney General. Property taken or detained by the Oklahoma State  
19 Bureau of Narcotics and Dangerous Drugs Control, the Department of  
20 Public Safety, the Oklahoma State Bureau of Investigation, the  
21 Alcoholic Beverage Laws Enforcement Commission, the Department of  
22 Corrections, or the Office of the Attorney General shall be disposed  
23 of or sold pursuant to the provisions of Section 2-508 of this  
24 title. Any money, coins, and currency, taken or detained pursuant

1 to this section may be deposited in an interest bearing account by  
2 or at the direction of the State Treasurer if the seizing agency  
3 determines the currency is not to be held as evidence. All interest  
4 earned on such monies shall be returned to the claimant or forfeited  
5 with the money, coins, and currency which was taken or detained as  
6 provided by law.

7 F. The proceeds of any forfeiture of items seized by the  
8 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall  
9 be distributed as follows:

10 1. To the bona fide or innocent purchaser, conditional sales  
11 vendor or mortgagee of the property, if any, up to the amount of his  
12 or her interest in the property, when the court declaring a  
13 forfeiture orders a distribution to such person; and

14 2. The balance to the Bureau of Narcotics Revolving Fund  
15 established pursuant to Section 2-107 of this title, provided the  
16 Bureau may enter into agreements with municipal, tribal, county,  
17 state or federal law enforcement agencies, or other state agencies  
18 with CLEET-certified law enforcement officers, assisting in the  
19 forfeiture or underlying criminal investigation, to return to such  
20 an agency a percentage of ~~said~~ the proceeds.

21 G. Any agency that acquires seized or forfeited property or  
22 money shall maintain a true and accurate inventory and record of all  
23 such property seized pursuant to this section.

24

1 SECTION 5. AMENDATORY 63 O.S. 2011, Section 2-506, as  
2 last amended by Section 1, Chapter 225, O.S.L. 2016 (63 O.S. Supp.  
3 2016, Section 2-506), is amended to read as follows:

4 Section 2-506. A. Any peace officer of this state shall seize  
5 the following property:

6 1. Any property described in subsection A of Section 2-503 of  
7 this title. Such property shall be held as evidence until a  
8 forfeiture has been declared or release ordered, except for property  
9 described in paragraphs 1, 2 and 3 of subsection A of Section 2-503  
10 of this title, or in the case of money, coins, and currency,  
11 deposited as provided in subsection E of Section 2-503 of this  
12 title; provided, any money, coins and currency taken or detained  
13 pursuant to this section may be deposited in an interest-bearing  
14 account by or at the direction of the district attorney in the  
15 office of the county treasurer if the district attorney determines  
16 the currency is not to be held as evidence. All interest earned on  
17 such monies shall be returned to the claimant or forfeited with the  
18 money, coins and currency which was taken or detained as provided by  
19 law;

20 2. Any property described in subsection B of Section 2-503 of  
21 this title; or

22 3. Any property described in subsection C of Section 2-503 of  
23 this title.

24

1        B. All property taken or detained pursuant to this section  
2 shall be returned to the claimant if no charges are filed within  
3 thirty (30) days of the seizure; provided, however, the property may  
4 be held an additional thirty (30) days if the seizing authority can  
5 show good cause for the property to remain in its custody. Notice  
6 of seizure and intended forfeiture proceeding shall be filed in the  
7 office of the clerk of the district court for the county wherein  
8 such property is seized and shall be given all owners and parties in  
9 interest. ~~Notwithstanding any other provision of law, no filing~~  
10 ~~fees shall be assessed by the court clerk for the filing of any~~  
11 ~~forfeiture action.~~

12        C. Notice shall be given by the agency seeking forfeiture  
13 according to one of the following methods:

14        1. Upon each owner or party in interest whose right, title or  
15 interest is of record in the Tax Commission, by mailing a copy of  
16 the notice by certified mail to the address as given upon the  
17 records of the Tax Commission;

18        2. Upon each owner or party in interest whose name and address  
19 is known to the attorney in the office of the agency prosecuting the  
20 action to recover unpaid fines, by mailing a copy of the notice by  
21 registered mail to the last-known address; or

22        3. Upon all other owners or interested parties, whose addresses  
23 are unknown, but who are believed to have an interest in the  
24

1 property, by one publication in a newspaper of general circulation  
2 in the county where the seizure was made.

3 D. Within forty-five (45) days after the mailing or publication  
4 of the notice, the owner of the property and any other party in  
5 interest or claimant may file a verified answer and claim to the  
6 property described in the notice of seizure and of the intended  
7 forfeiture proceeding.

8 E. If at the end of forty-five (45) days after the notice has  
9 been mailed or published there is no verified answer on file, the  
10 court shall hear evidence upon the fact of the unlawful use and  
11 shall order the property forfeited to the state, if such fact is  
12 proved. Except as otherwise provided for in Section 2-503 of this  
13 title, any such property shall be forfeited to the state and sold  
14 under judgment of the court pursuant to the provisions of Section 2-  
15 508 of this title.

16 F. If a verified answer is filed, the forfeiture proceeding  
17 shall be set for hearing.

18 G. At a hearing in a proceeding against property described in  
19 paragraphs 3 through 9 of subsection A or subsections B and C of  
20 Section 2-503 of this title, the requirements set forth in ~~said~~ the  
21 paragraph or subsection, respectively, shall be satisfied by the  
22 state by ~~a preponderance of the~~ clear and convincing evidence.

23 H. The claimant of any right, title, or interest in the  
24 property may prove a lien, mortgage, or conditional sales contract

1 to be a bona fide or innocent ownership interest and that such  
2 right, title, or interest was created without any knowledge or  
3 reason to believe that the property was being, or was to be, used  
4 for the purpose charged.

5 I. In the event of such proof, the court shall order the  
6 property released to the bona fide or innocent owner, lien holder,  
7 mortgagee or vendor if the amount due him is equal to, or in excess  
8 of, the value of the property as of the date of the seizure, it  
9 being the intention of this section to forfeit only the right, title  
10 or interest of the purchaser.

11 J. If the amount due to such person is less than the value of  
12 the property, or if no bona fide claim is established, the property  
13 shall be forfeited to the state and sold under judgment of the  
14 court, as provided for in Section 2-508 of this title, except as  
15 otherwise provided for in Section 2-503 of this title.

16 K. Property taken or detained under this section shall not be  
17 repleviable, but shall be deemed to be in the custody of the office  
18 of the district attorney of the county wherein the property was  
19 seized, subject only to the orders and decrees of the court or the  
20 official having jurisdiction thereof; ~~said~~ the official shall  
21 maintain a true and accurate inventory and record of all such  
22 property seized under the provisions of this section. The  
23 provisions of this subsection shall not apply to property taken or  
24 detained by the Oklahoma State Bureau of Narcotics and Dangerous

1 Drugs Control, the Department of Public Safety, the Oklahoma State  
2 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
3 Commission, the Department of Corrections or the Office of the  
4 Attorney General. Property taken or detained by the Oklahoma State  
5 Bureau of Narcotics and Dangerous Drugs Control, the Department of  
6 Public Safety, the Oklahoma State Bureau of Investigation, the  
7 Alcoholic Beverage Laws Enforcement Commission, the Department of  
8 Corrections or the Office of the Attorney General shall be subject  
9 to the provisions of subsections E and F of Section 2-503 of this  
10 title.

11 L. The proceeds of the sale of any property not taken or  
12 detained by the Oklahoma State Bureau of Narcotics and Dangerous  
13 Drugs Control, the Department of Public Safety, the Oklahoma State  
14 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
15 Commission, the Department of Corrections or the Office of the  
16 Attorney General shall be distributed as follows, in the order  
17 indicated:

18 1. To the bona fide or innocent purchaser, conditional sales  
19 vendor or mortgagee of the property, if any, up to the amount of his  
20 or her interest in the property, when the court declaring the  
21 forfeiture orders a distribution to such person;

22 2. To the payment of the actual expenses of preserving the  
23 property and legitimate costs related to the civil forfeiture  
24 proceedings. ~~For purposes of this paragraph, the term "legitimate~~

1 ~~costs" shall not include court costs associated with any civil~~  
2 ~~forfeiture proceeding; and~~

3 3. The balance to a revolving fund in the office of the county  
4 treasurer of the county wherein the property was seized to be  
5 distributed by the county governing body with budget oversight, said  
6 the fund to be used as a revolving fund solely for enforcement of  
7 controlled dangerous substances laws, drug abuse prevention and drug  
8 abuse education, and maintained by the district attorney in his or  
9 her discretion for those purposes with a yearly accounting to the  
10 board of county commissioners in whose county the fund is  
11 established and to the District Attorneys Council; provided, one  
12 hundred percent (100%) of the balance of the proceeds of such sale  
13 of property forfeited due to nonpayment of a fine imposed pursuant  
14 to the provisions of Section 2-415 of this title shall be  
15 apportioned as provided in Section 2-416 of this title. The  
16 revolving fund shall be audited by the State Auditor and Inspector  
17 at least every two (2) years in the manner provided in Section 171  
18 of Title 19 of the Oklahoma Statutes. ~~Said~~ The audit shall include,  
19 but not be limited to, a compliance audit. A district attorney may  
20 enter into agreements with municipal, tribal, county or state  
21 agencies to return to such an agency a percentage of proceeds of the  
22 sale of any property seized by the agency and forfeited under the  
23 provisions of this section. The District Attorneys Council shall  
24 adopt guidelines which ensure that such agencies receive a

1 reasonable percentage of such proceeds, considering the relative  
2 contribution of each agency to the drug enforcement and prosecution  
3 operations relating to the seizure. In formulating ~~said~~ the  
4 guidelines, the District Attorneys Council shall examine federal  
5 guidelines on asset distribution and use ~~said~~ the guidelines as a  
6 basis for establishing guidelines for this state. The Attorney  
7 General is hereby authorized to mediate disputes between district  
8 attorneys and such agencies concerning the application of ~~said~~ the  
9 guidelines in particular instances. Any agency that receives  
10 proceeds from an asset distribution shall maintain a true and  
11 accurate record of all such assets.

12 M. Whenever any vehicle, airplane or vessel is forfeited under  
13 the Uniform Controlled Dangerous Substances Act, the district court  
14 of jurisdiction may order that the vehicle, airplane or vessel  
15 seized may be retained by the state, county or city law enforcement  
16 agency which seized the vehicle, airplane or vessel for its official  
17 use.

18 N. If the court finds that the state failed to satisfy the  
19 required showing provided for in subsection G of this section, the  
20 court shall order the property released to the owner or owners.

21 O. Except as provided for in subsection Q of this section, a  
22 bona fide or innocent owner, lien holder, mortgagee or vendor that  
23 recovers property pursuant to this section shall not be liable for  
24 storage fees.

1 P. Except as provided for in subsection Q of this section,  
2 storage fees shall be paid by the agency which is processing the  
3 seizure and forfeiture from funds generated by seizure and  
4 forfeiture actions.

5 Q. The bona fide or innocent owner, lien holder, mortgagee or  
6 vendor shall reclaim subject seized property within thirty (30) days  
7 of written notice from the seizing agency. If such person fails to  
8 reclaim the property within the thirty-day time period, then storage  
9 fees may be assessed against their secured interest.

10 R. 1. At any hearing held relevant to this section, a report  
11 of the findings of the laboratory of the Oklahoma State Bureau of  
12 Investigation, the medical examiner's report of investigation or  
13 autopsy report, or a laboratory report from a forensic laboratory  
14 operated by the State of Oklahoma or any political subdivision  
15 thereof, which has been made available to the accused by the office  
16 of the district attorney or other party to the forfeiture at least  
17 five (5) days prior to the hearing, with reference to all or part of  
18 the evidence submitted, when certified as correct by the persons  
19 making the report shall be received as evidence of the facts and  
20 findings stated, if relevant and otherwise admissible in evidence.  
21 If such report is deemed relevant by the forfeiture applicant or the  
22 respondent, the court shall admit such report without the testimony  
23 of the person making the report, unless the court, pursuant to this  
24 subsection, orders such person to appear.

1           2. When any alleged controlled dangerous substance has been  
2 submitted to the laboratory of the OSBI for analysis, and such  
3 analysis shows that the submitted material is a controlled dangerous  
4 substance, the distribution of which constitutes a felony under the  
5 laws of this state, no portion of such substance shall be released  
6 to any other person or laboratory except to the criminal justice  
7 agency originally submitting the substance to the OSBI for analysis,  
8 absent an order of a district court. The defendant shall  
9 additionally be required to submit to the court a procedure for  
10 transfer and analysis of the subject material to ensure the  
11 integrity of the sample and to prevent the material from being used  
12 in any illegal manner.

13           3. The court, upon motion of either party, shall order the  
14 attendance of any person preparing a report submitted as evidence in  
15 the hearing when it appears there is a substantial likelihood that  
16 material evidence not contained in ~~said~~ the report may be produced  
17 by the testimony of any person having prepared a report. The  
18 hearing shall be held and, if sustained, an order issued not less  
19 than five (5) days prior to the time when the testimony shall be  
20 required.

21           4. If within five (5) days prior to the hearing or during a  
22 hearing, a motion is made pursuant to this section requiring a  
23 person having prepared a report to testify, the court may hear a  
24 report or other evidence but shall continue the hearing until such

1 time notice of the motion and hearing is given to the person making  
2 the report, the motion is heard, and, if sustained, the testimony  
3 ordered can be given.

4 S. In any forfeiture proceeding under this chapter in which the  
5 defendant or claimant prevails, the court may order the plaintiff  
6 processing the seizure and forfeiture to pay from funds generated by  
7 seizure and forfeiture actions:

8 1. Reasonable attorney fees and other litigation costs  
9 reasonably incurred by the defendant or claimant directly related to  
10 the claim on which the defendant or claimant prevailed;

11 2. Postjudgment interest; and

12 3. In cases involving currency or other negotiable instruments:

13 a. interest actually paid to the state from the date of  
14 seizure or arrest of the property that resulted from  
15 the investment of the property in an interest-bearing  
16 account or instrument, and

17 b. an imputed amount of interest that such currency,  
18 instruments, or proceeds would have earned at the rate  
19 applicable to the thirty-day Treasury Bill, for any  
20 period during which no interest was paid, not  
21 including any period when the property reasonably was  
22 in use as evidence in an official proceeding or in  
23 conducting scientific tests for the purpose of  
24 collecting evidence, commencing fifteen (15) days

1 after the property was seized by a law enforcement  
2 agency or was turned over to a law enforcement agency  
3 by a federal law enforcement authority.

4 T. Any law enforcement agency seizing property pursuant to this  
5 section shall submit an annual report identifying the property  
6 seized and the disposition of such property to the Governor, the  
7 President Pro Tempore of the Senate, the Speaker of the House of  
8 Representatives and the Office of the State Auditor and Inspector.  
9 All reports submitted pursuant to this subsection shall be made  
10 available to the public.

11 SECTION 6. AMENDATORY 63 O.S. 2011, Section 2-508, as  
12 last amended by Section 2, Chapter 284, O.S.L. 2014 (63 O.S. Supp.  
13 2016, Section 2-508), is amended to read as follows:

14 Section 2-508. A. Except as otherwise provided, all property  
15 described in paragraphs 1 and 2 of subsection A of Section 2-503 of  
16 this title which is seized or surrendered pursuant to the provisions  
17 of the Uniform Controlled Dangerous Substances Act shall be  
18 destroyed. The destruction shall be done by or at the direction of  
19 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
20 (OSBNDD), who shall have the discretion prior to destruction to  
21 preserve samples of the substance for testing. In any county with a  
22 population of four hundred thousand (400,000) or more according to  
23 the latest Federal Decennial Census, there shall be a located site,  
24 approved by the OSBNDD, for the destruction of the property. Any

1 such property submitted to the OSBNDD which it deems to be of use  
2 for investigative training, educational, or analytical purposes may  
3 be retained by the OSBNDD in lieu of destruction.

4 B. 1. With respect to controlled dangerous substances seized  
5 or surrendered pursuant to the provisions of the Uniform Controlled  
6 Dangerous Substances Act, municipal police departments, sheriffs,  
7 the Oklahoma Bureau of Narcotics and Dangerous Drugs Control  
8 Commission, the Oklahoma Highway Patrol, and the Oklahoma State  
9 Bureau of Investigation shall have the authority to destroy seized  
10 controlled dangerous substances when the amount seized in a single  
11 incident exceeds ten (10) pounds. The destroying agency shall:

- 12 a. photograph the seized substance with identifying case  
13 numbers or other means of identification,
- 14 b. prepare a report describing the seized substance prior  
15 to the destruction,
- 16 c. retain at least one (1) pound of the substance  
17 randomly selected from the seized substance for the  
18 purpose of evidence, and
- 19 d. obtain and retain samples of the substance from enough  
20 containers, bales, bricks, or other units of substance  
21 seized to establish the presence of a weight of the  
22 substance necessary to establish a violation of the  
23 Trafficking in Illegal Drugs Act pursuant to  
24 subsection C of Section 2-415 of this title, if such a

1 weight is present. If such weight is not present,  
2 samples of the substance from each container, bale,  
3 brick or other unit of substance seized shall be  
4 taken. Each sample taken pursuant to this section  
5 shall be large enough for the destroying agency and  
6 the defendant or suspect to have an independent test  
7 performed on the substance for purposes of  
8 identification.

9 2. If a defendant or suspect is known to the destroying agency,  
10 the destroying agency shall give at least seven (7) days' written  
11 notice to the defendant, suspect or counsel for the defendant or  
12 suspect of:

- 13 a. the date, the time, and the place where the  
14 photographing will take place and notice of the right  
15 to attend the photographing, and
- 16 b. the right to obtain samples of the controlled  
17 dangerous substance for independent testing and use as  
18 evidence.

19 3. The written notice shall also inform the defendant, suspect  
20 or counsel for the defendant or suspect that the destroying agency  
21 must be notified in writing within seven (7) days from receipt of  
22 the notice of the intent of the suspect or defendant to obtain  
23 random samples and make arrangements for the taking of samples. The  
24 samples for the defendant or suspect must be taken by a person

1 licensed by the Drug Enforcement Administration. If the defendant  
2 or counsel for the defendant fails to notify the destroying agency  
3 in writing of an intent to obtain samples and fails to make  
4 arrangements for the taking of samples, a sample taken pursuant to  
5 subparagraph d of paragraph 1 of this subsection shall be made  
6 available upon request of the defendant or suspect.

7 The representative samples, the photographs, the reports, and  
8 the records made under this section and properly identified shall be  
9 admissible in any court or administrative proceeding for any  
10 purposes for which the seized substance itself would have been  
11 admissible.

12 C. All other property not otherwise provided for in the Uniform  
13 Controlled Dangerous Substances Act which has come into the  
14 possession of the Oklahoma State Bureau of Narcotics and Dangerous  
15 Drugs Control, the Department of Public Safety, the Oklahoma State  
16 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
17 Commission, the Department of Corrections, the Office of the  
18 Attorney General, or a district attorney may be disposed of by order  
19 of the district court when no longer needed in connection with any  
20 litigation. If the owner of the property is unknown to the agency  
21 or district attorney, the agency or district attorney shall hold the  
22 property for at least six (6) months prior to filing a petition for  
23 disposal with the district court except for laboratory equipment  
24 which may be forfeited when no longer needed in connection with

1 litigation, unless the property is perishable. The Director or  
2 Commissioner of the agency, the Attorney General, or district  
3 attorney shall file a petition in the district court of Oklahoma  
4 County or in the case of a district attorney, the petition shall be  
5 filed in a county within the jurisdiction of the district attorney  
6 requesting the authority to:

7 1. Conduct a sale of the property at a public auction or use an  
8 Internet auction, which may include online bidding; or

9 2. Convert title of the property to the Oklahoma State Bureau  
10 of Narcotics and Dangerous Drugs Control, the Department of Public  
11 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic  
12 Beverage Laws Enforcement Commission, the Department of Corrections,  
13 the Office of the Attorney General, or to the district attorney's  
14 office for the purposes provided for in subsection J, K or L of this  
15 section.

16 The Director, Commissioner, Attorney General or district  
17 attorney shall attach to the petition:

- 18 a. a list describing the property, including all  
19 identifying numbers and marks, if any,  
20 b. the date the property came into the possession of the  
21 agency or district attorney, and  
22 c. the name and address of the owner, if known.

23 For any item having an apparent value in excess of One Hundred  
24 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the

1 notice of the hearing of the petition for the sale of the property,  
2 except laboratory equipment used in the processing, manufacturing or  
3 compounding of controlled dangerous substances in violation of the  
4 provisions of the Uniform Controlled Dangerous Substances Act, shall  
5 be given to every known owner, as set forth in the petition, by  
6 first-class mail to the last-known address of the owner at least ten  
7 (10) days prior to the date of the hearing. An affidavit of notice  
8 being sent shall be filed with the court by a representative of the  
9 agency, the Director or Commissioner of the agency, the Attorney  
10 General or district attorney. For items in excess of Five Hundred  
11 Dollars (\$500.00), a notice of the hearing of the petition for the  
12 sale of ~~said~~ the property shall be delivered to every known owner as  
13 set forth in the petition by certified mail. Notice of a hearing on  
14 a petition for forfeiture or sale of laboratory equipment used in  
15 the processing, manufacturing or compounding of controlled dangerous  
16 substances in violation of the Uniform Controlled Dangerous  
17 Substances Act shall not be required.

18 The notice shall contain a brief description of the property,  
19 and the location and date of the hearing. In addition, notice of  
20 the hearing shall be posted in three public places in the county,  
21 one such place being the county courthouse at the regular place  
22 assigned for the posting of legal notices. At the hearing, if no  
23 owner appears and establishes ownership of the property, the court  
24 may enter an order authorizing the Director, Commissioner, Attorney

1 General, or district attorney to donate the property pursuant to  
2 subsection J, K or L of this section, to sell the property at a  
3 public auction, including an Internet auction, which may include  
4 online bidding, to the highest bidder, or to convert title of the  
5 property to the Oklahoma State Bureau of Narcotics and Dangerous  
6 Drugs Control, the Department of Public Safety, the Oklahoma State  
7 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
8 Commission, the Department of Corrections, or the Office of the  
9 Attorney General for the purposes provided for in subsection J, K or  
10 L of this section after at least ten (10) days of notice has been  
11 given by publication in one issue of a legal newspaper of the  
12 county. If the property is offered for sale at public auction,  
13 including an Internet auction, and no bid is received that exceeds  
14 fifty percent (50%) of the value of the property, such value to be  
15 announced prior to the sale, the Director, Commissioner, Attorney  
16 General, or district attorney may refuse to sell the item pursuant  
17 to any bid received. The Director, Commissioner, Attorney General,  
18 or district attorney shall make a return of the sale and, when  
19 confirmed by the court, the order confirming the sale shall vest in  
20 the purchaser title to the property so purchased.

21 D. The money received from the sale of property by the Oklahoma  
22 State Bureau of Narcotics and Dangerous Drugs Control shall be used  
23 for general drug enforcement purposes. These funds shall be  
24 transferred to the Bureau of Narcotics Revolving Fund established

1 pursuant to Section 2-107 of this title or in the case of a district  
2 attorney, the revolving fund provided for in paragraph 3 of  
3 subsection L of Section 2-506 of this title.

4 E. At the request of the Department of Public Safety, the  
5 district attorney or a designee of the district attorney may conduct  
6 any forfeiture proceedings as described in Section 2-503 of this  
7 title on any property subject to forfeiture as described in  
8 subsection A, B or C of Section 2-503 of this title. The money  
9 received from the sale of property by the Department of Public  
10 Safety shall be deposited in the Department of Public Safety  
11 Restricted Revolving Fund and shall be expended for law enforcement  
12 purposes.

13 F. The money received from the sale of property by the  
14 Alcoholic Beverage Laws Enforcement Commission shall be deposited in  
15 the General Revenue Fund of the state.

16 G. The money received from the sale of property from the  
17 Oklahoma State Bureau of Investigation shall be deposited in the  
18 OSBI Revolving Fund and shall be expended for law enforcement  
19 purposes.

20 H. The Director of the Department of Corrections shall make a  
21 return of the sale and when confirmed by the court, the order  
22 confirming the sale shall vest in the purchaser title to the  
23 property so purchased. Twenty-five percent (25%) of the money  
24 received from the sale shall be disbursed to a revolving fund in the

1 office of the county treasurer of the county wherein the property  
2 was seized, ~~said~~ the fund to be used as a revolving fund solely for  
3 enforcement of controlled dangerous substances laws, drug abuse  
4 prevention and drug abuse education. The remaining seventy-five  
5 percent (75%) shall be deposited in the Department of Corrections  
6 Revolving Fund to be expended for equipment for probation and parole  
7 officers and correctional officers.

8 I. The money received from the sale of property from the Office  
9 of the Attorney General shall be deposited in the Attorney General  
10 Law Enforcement Revolving Fund and shall be expended for law  
11 enforcement purposes. The Office of the Attorney General may enter  
12 into agreements with municipal, county or state agencies to return  
13 to such an agency a percentage of proceeds of the sale of any  
14 property seized by the agency and forfeited under the provisions of  
15 this section.

16 J. Any property, including but not limited to uncontaminated  
17 laboratory equipment used in the processing, manufacturing or  
18 compounding of controlled dangerous substances in violation of the  
19 provisions of the Uniform Controlled Dangerous Substances Act, upon  
20 a court order, may be donated for classroom or laboratory use by the  
21 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,  
22 Department of Public Safety, district attorney, the Alcoholic  
23 Beverage Laws Enforcement Commission, the Department of Corrections,  
24 or the Office of the Attorney General to any public secondary school

1 or technology center school in this state or any institution of  
2 higher education within The Oklahoma State System of Higher  
3 Education.

4 K. Any vehicle or firearm which has come into the possession  
5 and title vested in the Oklahoma State Bureau of Narcotics and  
6 Dangerous Drugs Control, the Department of Public Safety, the  
7 Oklahoma State Bureau of Investigation, the Office of the Attorney  
8 General or a district attorney, may be transferred, donated or  
9 offered for lease to any sheriff's office, tribal law enforcement  
10 agency, campus police department pursuant to the provisions of the  
11 Oklahoma Campus Security Act, or police department in this state on  
12 an annual basis to assist with the enforcement of the provisions of  
13 the Uniform Controlled Dangerous Substances Act. Each agency shall  
14 promulgate rules, regulations and procedures for leasing vehicles  
15 and firearms. No fully automatic weapons will be subject to the  
16 leasing agreement. All firearms leased may be utilized only by  
17 C.L.E.E.T.-certified officers who have received training in the type  
18 and class of weapon leased. Every lessee shall be required to  
19 submit an annual report to the leasing agency stating the condition  
20 of all leased property. A lease agreement may be renewed annually  
21 at the option of the leasing agency. Upon termination of a lease  
22 agreement, the property shall be returned to the leasing agency for  
23 sale or other disposition. All funds derived from lease agreements  
24 or other disposition of property no longer useful to law enforcement

1 shall be deposited in the agency's revolving fund, or in the case of  
2 the Department of Public Safety, the Department of Public Safety  
3 Restricted Revolving Fund, and shall be expended for law enforcement  
4 purposes.

5 L. Before disposing of any property pursuant to subsections C  
6 through I of this section, the Oklahoma State Bureau of Narcotics  
7 and Dangerous Drugs Control, the Department of Public Safety, the  
8 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State  
9 Bureau of Investigation, the Department of Corrections, the Office  
10 of the Attorney General, or a district attorney may transfer or  
11 donate the property to another state agency, tribal law enforcement  
12 agency, or school district for use upon request. In addition to the  
13 provisions of this section, the Oklahoma State Bureau of Narcotics  
14 and Dangerous Drugs Control may transfer or donate property for any  
15 purpose pursuant to Section 2-106.2 of this title. The agencies and  
16 any district attorney that are parties to any transfer of property  
17 pursuant to this subsection shall enter into written agreements to  
18 carry out any such transfer of property. Any such agreement may  
19 also provide for the granting of title to any property being  
20 transferred as the parties deem appropriate. If the transfer of  
21 property is to a school district, a written agreement shall be  
22 entered into with the superintendent of the school district. No  
23 weapons may be transferred to a school district except as provided  
24 for in subsection K of this section.

1        M. No property seized pursuant to the provisions of the Uniform  
2 Dangerous Controlled Substances Act or money received from the sale  
3 of such property shall be transferred directly or indirectly to any  
4 federal law enforcement authority or other federal agency unless the  
5 property seized includes cash of Fifty Thousand Dollars (\$50,000.00)  
6 or more.

7            SECTION 7. This act shall become effective November 1, 2017.

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9            56-1-214            TEK            1/19/2017 6:21:14 PM

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