

1 STATE OF OKLAHOMA

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

3 SENATE BILL 523

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 requiring conviction for certain property forfeiture;  
providing exceptions; 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.

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.~~ 11. a. Audio and video recordings from recording  
23 equipment attached to the person of a law enforcement  
24 officer that depict:

- (1) the use of any physical force or violence by a law enforcement officer,
- (2) pursuits of any kind,
- (3) traffic stops,
- (4) any person being arrested, cited, charged or issued a written warning,
- (5) events that directly led to any person being arrested, cited, charged or receiving a written warning,
- (6) detentions of any length for the purpose of investigation,
- (7) any exercise of authority by a law enforcement officer that deprives a citizen of his or her liberty,
- (8) actions by a law enforcement officer that have become the cause of an investigation or charges being filed,
- (9) recordings in the public interest that may materially aid a determination of whether law enforcement officers are appropriately performing their duties as public servants, or
- (10) any contextual events occurring before or after the events depicted in divisions (1) through (9) of this subparagraph.

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

6           (1)   depict the death of a person or a dead body,  
7                    unless the death was effected by a law  
8                    enforcement officer,

9           (2)   depict nudity,

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

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

21          (5)   depict great bodily injury, as defined in Section  
22                   11-904 of Title 47 of the Oklahoma Statutes,  
23                   unless the great bodily injury was effected by a  
24                   law enforcement officer,



- 1 (6) include personal medical information that is not  
2 already public,
- 3 (7) undermine the assertion of a privilege as  
4 provided in Section 1-109 or Section 3-428 of  
5 Title 43A of the Oklahoma Statutes for detention  
6 or transportation for mental health evaluation or  
7 treatment or drug or alcohol detoxification  
8 purposes,
- 9 (8) identify alleged victims of sex crimes or  
10 domestic violence,
- 11 (9) identify any person who provides information to  
12 law enforcement or the information provided by  
13 that person when that person requests anonymity  
14 or where disclosure of the identity of the person  
15 or the information provided could reasonably be  
16 expected to threaten or endanger the physical  
17 safety or property of the person or the physical  
18 safety or property of others,
- 19 (10) undermine the assertion of a privilege to keep  
20 the identity of an informer confidential as  
21 provided for in Section 2510 of Title 12 of the  
22 Oklahoma Statutes,
- 23 (11) include personal information other than the name  
24 or license plate number of a person not

1                   officially arrested, cited, charged or issued a  
2                   written warning. Such personal information shall  
3                   include any government-issued identification  
4                   number, date of birth, address or financial  
5                   information,

6                   (12) include information that would materially  
7                   compromise an ongoing criminal investigation or  
8                   ongoing criminal prosecution, provided that:

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

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

1 shall only be ordered by the court for an  
2 additional six-month period of time or less  
3 and cumulative time extensions shall not add  
4 up to more than eighteen (18) months, or

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

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

1 The options presented in this division to  
2 potentially withhold a recording or portions of a  
3 recording on the grounds provided for in this  
4 division shall expire in totality four (4) years  
5 after the recording was made at which time all  
6 recordings previously withheld on the grounds  
7 provided for in this division shall be made  
8 available for public inspection and copying, or  
9 (13) reveal the identity of law enforcement officers  
10 who have become subject to internal investigation  
11 by the law enforcement agency as a result of an  
12 event depicted in the recording. The option to  
13 protect the identity of a law enforcement officer  
14 shall not be available to the law enforcement  
15 agency after the law enforcement agency has  
16 concluded the investigation and rendered a  
17 decision as to final disciplinary action. At  
18 such time when an investigation has concluded and  
19 the law enforcement agency has rendered its  
20 decision as to final disciplinary action, the  
21 portions of the recordings previously withheld as  
22 provided for in this division shall be available  
23 for public inspection and copying. The audio and  
24 video recordings withheld on the grounds provided

1 for in this division shall be available for  
2 public inspection and copying before the  
3 conclusion of the investigation if the  
4 investigation lasts for an unreasonable amount of  
5 time.

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

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

21 D. Registration files maintained by the Department of  
22 Corrections pursuant to the provisions of the Sex Offenders  
23 Registration Act shall be made available for public inspection in a  
24 manner to be determined by the Department.

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

- 9 1. To verify the current certification status of any peace  
10 officer;
- 11 2. As may be required to perform the duties imposed by Section  
12 3311 of Title 70 of the Oklahoma Statutes;
- 13 3. To provide to any peace officer copies of the records of  
14 that peace officer upon submitting a written request;
- 15 4. To provide, upon written request, to any law enforcement  
16 agency conducting an official investigation, copies of the records  
17 of any peace officer who is the subject of such investigation;
- 18 5. To provide final orders of administrative proceedings where  
19 an adverse action was taken against a peace officer; and
- 20 6. Pursuant to an order of the district court of the State of  
21 Oklahoma.

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

- 23 1. All records it maintains pursuant to its authority under  
24 Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway



1 Patrol Division, the Communications Division, and other divisions of  
2 the Department relating to:

3 a. training, lesson plans, teaching materials, tests, and  
4 test results,

5 b. policies, procedures, and operations, any of which are  
6 of a tactical nature, and

7 c. the following information from radio logs:

8 (1) telephone numbers,

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

11 (3) personal information which is contrary to the  
12 provisions of the Driver's Privacy Protection  
13 Act, 18 United States Code, Sections 2721 through  
14 2725; and

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

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

21 Section 2-503. A. The Except for the conditions described in  
22 paragraph 10 of this subsection, the following property of a person  
23 who has been convicted for a violation of the Uniform Controlled  
24 Dangerous Substances Act shall be subject to forfeiture:

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

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

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

16           4. All conveyances, including aircraft, vehicles, vessels, or  
17 farm implements which are used to transport, conceal, or cultivate  
18 for the purpose of distribution as defined in the Uniform Controlled  
19 Dangerous Substances Act, or which are used in any manner to  
20 facilitate the transportation or cultivation for the purpose of sale  
21 or receipt of property described in paragraphs 1 or 2 of this  
22 subsection or when the property described in paragraphs 1 or 2 of  
23 this subsection is unlawfully possessed by an occupant thereof,  
24 except that:

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

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

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

22 6. All things of value furnished, or intended to be furnished,  
23 in exchange for a controlled dangerous substance in violation of the  
24 Uniform Controlled Dangerous Substances Act, all proceeds traceable

1 to such an exchange, and all monies, negotiable instruments, and  
2 securities used, or intended to be used, to facilitate any violation  
3 of the Uniform Controlled Dangerous Substances Act;

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

11 8. All real property, including any right, title, and interest  
12 in the whole of any lot or tract of land and any appurtenance or  
13 improvement thereto, which is used, or intended to be used, in any  
14 manner or part, to commit, or to facilitate the commission of, a  
15 violation of the Uniform Controlled Dangerous Substances Act which  
16 is punishable by imprisonment for more than one (1) year, except  
17 that no property right, title or interest shall be forfeited  
18 pursuant to this paragraph, by reason of any act or omission  
19 established by the owner thereof to have been committed or omitted  
20 without the knowledge or consent of that owner; ~~and~~

21 9. All weapons possessed, used or available for use in any  
22 manner to facilitate a violation of the Uniform Controlled Dangerous  
23 Substances Act; and

24

1        10. A conviction shall not be required for forfeiture of a  
2 person's property pursuant to this section if:

3            a. the person dies,

4            b. the person is deported by the federal government,

5            c. the person is unavailable after being arrested,

6            charged with a crime for which forfeiture applies and  
7            released on bail,

8            d. the person is granted immunity in exchange for

9            providing testimony or other assistance to a law

10           enforcement investigation or prosecution,

11           e. the property is abandoned personal property left by an

12           owner who intentionally relinquishes all rights to its

13           control, or

14           f. the property is valued in excess of Fifty Thousand

15           Dollars (\$50,000.00).

16        B. Any property or thing of value of a person is subject to  
17 forfeiture if it is established by ~~a preponderance of the~~ clear and  
18 convincing evidence that such property or thing of value was  
19 acquired by such person during the period of the violation of the  
20 Uniform Controlled Dangerous Substances Act or within a reasonable  
21 time after such period and there was no likely source for such  
22 property or thing of value other than the violation of the Uniform  
23 Controlled Dangerous Substances Act. A party to forfeiture action  
24 under this section shall be entitled to a trial by jury. A trial

1 related to a forfeiture action shall be held in a single proceeding  
2 with the trial of the related alleged crime unless the court grants  
3 the defendant's motion for a separate trial on the forfeiture issue.

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

9 D. All items forfeited in this section shall be forfeited under  
10 the procedures established in Section 2-506 of this title. Whenever  
11 any item is forfeited pursuant to this section except for items  
12 confiscated 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, the district court of the district shall order  
17 that such item, money, or monies derived from the sale of such item  
18 be deposited by the state, county or city law enforcement agency  
19 which seized the item in the revolving fund provided for in Section  
20 2-506 of this title; provided, such item, money or monies derived  
21 from the sale of such item forfeited due to nonpayment of a fine  
22 imposed pursuant to the provisions of Section 2-415 of this title  
23 shall be apportioned as provided in Section 2-416 of this title.  
24 Items, money or monies seized pursuant to subsections A and B of

1 this section shall not be applied or considered toward satisfaction  
2 of the fine imposed by Section 2-415 of this title. All raw  
3 materials used or intended to be used by persons to unlawfully  
4 manufacture or attempt to manufacture any controlled dangerous  
5 substance in violation of the Uniform Controlled Dangerous  
6 Substances Act shall be summarily forfeited pursuant to the  
7 provisions of Section 2-505 of this title.

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

1 detained by 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 disposed  
9 of or sold pursuant to the provisions of Section 2-508 of this  
10 title. Any money, coins, and currency, taken or detained pursuant  
11 to this section may be deposited in an interest bearing account by  
12 or at the direction of the State Treasurer if the seizing agency  
13 determines the currency is not to be held as evidence. All interest  
14 earned on such monies shall be returned to the claimant or forfeited  
15 with the money, coins, and currency which was taken or detained as  
16 provided by law.

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

20 1. To the bona fide or innocent purchaser, conditional sales  
21 vendor or mortgagee of the property, if any, up to the amount of his  
22 or her interest in the property, when the court declaring a  
23 forfeiture orders a distribution to such person; and  
24



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

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

11           SECTION 5.           AMENDATORY           63 O.S. 2011, Section 2-506, as  
12 last amended by Section 1, Chapter 225, O.S.L. 2016 (63 O.S. Supp.  
13 2016, Section 2-506), is amended to read as follows:

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

16           1. Any property described in subsection A of Section 2-503 of  
17 this title. Such property shall be held as evidence until a  
18 forfeiture has been declared or release ordered, except for property  
19 described in paragraphs 1, 2 and 3 of subsection A of Section 2-503  
20 of this title, or in the case of money, coins, and currency,  
21 deposited as provided in subsection E of Section 2-503 of this  
22 title; provided, any money, coins and currency taken or detained  
23 pursuant to this section may be deposited in an interest-bearing  
24 account by or at the direction of the district attorney in the

1 office of the county treasurer if the district attorney determines  
2 the currency is not to be held as evidence. All interest earned on  
3 such monies shall be returned to the claimant or forfeited with the  
4 money, coins and currency which was taken or detained as provided by  
5 law;

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

8 3. Any property described in subsection C of Section 2-503 of  
9 this title.

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

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

23 1. Upon each owner or party in interest whose right, title or  
24 interest is of record in the Tax Commission, by mailing a copy of

1 the notice by certified mail to the address as given upon the  
2 records of the Tax Commission;

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

7 3. Upon all other owners or interested parties, whose addresses  
8 are unknown, but who are believed to have an interest in the  
9 property, by one publication in a newspaper of general circulation  
10 in the county where the seizure was made.

11 D. Within forty-five (45) days after the mailing or publication  
12 of the notice, the owner of the property and any other party in  
13 interest or claimant may file a verified answer and claim to the  
14 property described in the notice of seizure and of the intended  
15 forfeiture proceeding.

16 E. If at the end of forty-five (45) days after the notice has  
17 been mailed or published there is no verified answer on file, the  
18 court shall hear evidence upon the fact of the unlawful use and  
19 shall order the property forfeited to the state, if such fact is  
20 proved. Except as otherwise provided for in Section 2-503 of this  
21 title, any such property shall be forfeited to the state and sold  
22 under judgment of the court pursuant to the provisions of Section 2-  
23 508 of this title.

24

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

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

8 H. The claimant of any right, title, or interest in the  
9 property may prove a lien, mortgage, or conditional sales contract  
10 to be a bona fide or innocent ownership interest and that such  
11 right, title, or interest was created without any knowledge or  
12 reason to believe that the property was being, or was to be, used  
13 for the purpose charged.

14 I. In the event of such proof, the court shall order the  
15 property released to the bona fide or innocent owner, lien holder,  
16 mortgagee or vendor if the amount due him is equal to, or in excess  
17 of, the value of the property as of the date of the seizure, it  
18 being the intention of this section to forfeit only the right, title  
19 or interest of the purchaser.

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

1 K. Property taken or detained under this section shall not be  
2 repleviable, but shall be deemed to be in the custody of the office  
3 of the district attorney of the county wherein the property was  
4 seized, subject only to the orders and decrees of the court or the  
5 official having jurisdiction thereof; ~~said~~ the official shall  
6 maintain a true and accurate inventory and record of all such  
7 property seized under the provisions of this section. The  
8 provisions of this subsection shall not apply to property taken or  
9 detained by the Oklahoma State Bureau of Narcotics and Dangerous  
10 Drugs Control, the Department of Public Safety, the Oklahoma State  
11 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
12 Commission, the Department of Corrections or the Office of the  
13 Attorney General. Property taken or detained by the Oklahoma State  
14 Bureau of Narcotics and Dangerous Drugs Control, the Department of  
15 Public Safety, the Oklahoma State Bureau of Investigation, the  
16 Alcoholic Beverage Laws Enforcement Commission, the Department of  
17 Corrections or the Office of the Attorney General shall be subject  
18 to the provisions of subsections E and F of Section 2-503 of this  
19 title.

20 L. The proceeds of the sale of any property not taken or  
21 detained by the Oklahoma State Bureau of Narcotics and Dangerous  
22 Drugs Control, the Department of Public Safety, the Oklahoma State  
23 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
24 Commission, the Department of Corrections or the Office of the

1 Attorney General shall be distributed as follows, in the order  
2 indicated:

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

7 2. To the payment of the actual expenses of preserving the  
8 property and legitimate costs related to the civil forfeiture  
9 proceedings. ~~For purposes of this paragraph, the term "legitimate~~  
10 ~~costs" shall not include court costs associated with any civil~~  
11 ~~forfeiture proceeding; and~~

12 3. The balance to a revolving fund in the office of the county  
13 treasurer of the county wherein the property was seized to be  
14 distributed by the county governing body with budget oversight, said  
15 the fund to be used as a revolving fund solely for enforcement of  
16 controlled dangerous substances laws, drug abuse prevention and drug  
17 abuse education, and maintained by the district attorney in his or  
18 her discretion for those purposes with a yearly accounting to the  
19 board of county commissioners in whose county the fund is  
20 established and to the District Attorneys Council; provided, one  
21 hundred percent (100%) of the balance of the proceeds of such sale  
22 of property forfeited due to nonpayment of a fine imposed pursuant  
23 to the provisions of Section 2-415 of this title shall be  
24 apportioned as provided in Section 2-416 of this title. The

1 revolving fund shall be audited by the State Auditor and Inspector  
2 at least every two (2) years in the manner provided in Section 171  
3 of Title 19 of the Oklahoma Statutes. ~~Said~~ The audit shall include,  
4 but not be limited to, a compliance audit. A district attorney may  
5 enter into agreements with municipal, tribal, county or state  
6 agencies to return to such an agency a percentage of proceeds of the  
7 sale of any property seized by the agency and forfeited under the  
8 provisions of this section. The District Attorneys Council shall  
9 adopt guidelines which ensure that such agencies receive a  
10 reasonable percentage of such proceeds, considering the relative  
11 contribution of each agency to the drug enforcement and prosecution  
12 operations relating to the seizure. In formulating ~~said~~ the  
13 guidelines, the District Attorneys Council shall examine federal  
14 guidelines on asset distribution and use ~~said~~ the guidelines as a  
15 basis for establishing guidelines for this state. The Attorney  
16 General is hereby authorized to mediate disputes between district  
17 attorneys and such agencies concerning the application of ~~said~~ the  
18 guidelines in particular instances. Any agency that receives  
19 proceeds from an asset distribution shall maintain a true and  
20 accurate record of all such assets.

21 M. Whenever any vehicle, airplane or vessel is forfeited under  
22 the Uniform Controlled Dangerous Substances Act, the district court  
23 of jurisdiction may order that the vehicle, airplane or vessel  
24 seized may be retained by the state, county or city law enforcement

1 agency which seized the vehicle, airplane or vessel for its official  
2 use.

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

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

10 P. Except as provided for in subsection Q of this section,  
11 storage fees shall be paid by the agency which is processing the  
12 seizure and forfeiture from funds generated by seizure and  
13 forfeiture actions.

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

19 R. 1. At any hearing held relevant to this section, a report  
20 of the findings of the laboratory of the Oklahoma State Bureau of  
21 Investigation, the medical examiner's report of investigation or  
22 autopsy report, or a laboratory report from a forensic laboratory  
23 operated by the State of Oklahoma or any political subdivision  
24 thereof, which has been made available to the accused by the office



1 of the district attorney or other party to the forfeiture at least  
2 five (5) days prior to the hearing, with reference to all or part of  
3 the evidence submitted, when certified as correct by the persons  
4 making the report shall be received as evidence of the facts and  
5 findings stated, if relevant and otherwise admissible in evidence.  
6 If such report is deemed relevant by the forfeiture applicant or the  
7 respondent, the court shall admit such report without the testimony  
8 of the person making the report, unless the court, pursuant to this  
9 subsection, orders such person to appear.

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

22       3. The court, upon motion of either party, shall order the  
23 attendance of any person preparing a report submitted as evidence in  
24 the hearing when it appears there is a substantial likelihood that

1 material evidence not contained in ~~said~~ the report may be produced  
2 by the testimony of any person having prepared a report. The  
3 hearing shall be held and, if sustained, an order issued not less  
4 than five (5) days prior to the time when the testimony shall be  
5 required.

6 4. If within five (5) days prior to the hearing or during a  
7 hearing, a motion is made pursuant to this section requiring a  
8 person having prepared a report to testify, the court may hear a  
9 report or other evidence but shall continue the hearing until such  
10 time notice of the motion and hearing is given to the person making  
11 the report, the motion is heard, and, if sustained, the testimony  
12 ordered can be given.

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

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

20 2. Postjudgment interest; and

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

22 a. interest actually paid to the state from the date of  
23 seizure or arrest of the property that resulted from  
24

1 the investment of the property in an interest-bearing  
2 account or instrument, and

3 b. an imputed amount of interest that such currency,  
4 instruments, or proceeds would have earned at the rate  
5 applicable to the thirty-day Treasury Bill, for any  
6 period during which no interest was paid, not  
7 including any period when the property reasonably was  
8 in use as evidence in an official proceeding or in  
9 conducting scientific tests for the purpose of  
10 collecting evidence, commencing fifteen (15) days  
11 after the property was seized by a law enforcement  
12 agency or was turned over to a law enforcement agency  
13 by a federal law enforcement authority.

14 T. Any law enforcement agency seizing property pursuant to this  
15 section shall submit an annual report identifying the property  
16 seized and the disposition of such property to the Governor, the  
17 President Pro Tempore of the Senate, the Speaker of the House of  
18 Representatives and the Office of the State Auditor and Inspector.  
19 All reports submitted pursuant to this subsection shall be made  
20 available to the public.

21 SECTION 6. AMENDATORY 63 O.S. 2011, Section 2-508, as  
22 last amended by Section 2, Chapter 284, O.S.L. 2014 (63 O.S. Supp.  
23 2016, Section 2-508), is amended to read as follows:  
24

1 Section 2-508. A. Except as otherwise provided, all property  
2 described in paragraphs 1 and 2 of subsection A of Section 2-503 of  
3 this title which is seized or surrendered pursuant to the provisions  
4 of the Uniform Controlled Dangerous Substances Act shall be  
5 destroyed. The destruction shall be done by or at the direction of  
6 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
7 (OSBNDD), who shall have the discretion prior to destruction to  
8 preserve samples of the substance for testing. In any county with a  
9 population of four hundred thousand (400,000) or more according to  
10 the latest Federal Decennial Census, there shall be a located site,  
11 approved by the OSBNDD, for the destruction of the property. Any  
12 such property submitted to the OSBNDD which it deems to be of use  
13 for investigative training, educational, or analytical purposes may  
14 be retained by the OSBNDD in lieu of destruction.

15 B. 1. With respect to controlled dangerous substances seized  
16 or surrendered pursuant to the provisions of the Uniform Controlled  
17 Dangerous Substances Act, municipal police departments, sheriffs,  
18 the Oklahoma Bureau of Narcotics and Dangerous Drugs Control  
19 Commission, the Oklahoma Highway Patrol, and the Oklahoma State  
20 Bureau of Investigation shall have the authority to destroy seized  
21 controlled dangerous substances when the amount seized in a single  
22 incident exceeds ten (10) pounds. The destroying agency shall:

23 a. photograph the seized substance with identifying case  
24 numbers or other means of identification,

- 1           b.   prepare a report describing the seized substance prior  
2           to the destruction,
- 3           c.   retain at least one (1) pound of the substance  
4           randomly selected from the seized substance for the  
5           purpose of evidence, and
- 6           d.   obtain and retain samples of the substance from enough  
7           containers, bales, bricks, or other units of substance  
8           seized to establish the presence of a weight of the  
9           substance necessary to establish a violation of the  
10          Trafficking in Illegal Drugs Act pursuant to  
11          subsection C of Section 2-415 of this title, if such a  
12          weight is present.  If such weight is not present,  
13          samples of the substance from each container, bale,  
14          brick or other unit of substance seized shall be  
15          taken.  Each sample taken pursuant to this section  
16          shall be large enough for the destroying agency and  
17          the defendant or suspect to have an independent test  
18          performed on the substance for purposes of  
19          identification.

20           2.  If a defendant or suspect is known to the destroying agency,  
21 the destroying agency shall give at least seven (7) days' written  
22 notice to the defendant, suspect or counsel for the defendant or  
23 suspect of:  
24

1 a. the date, the time, and the place where the  
2 photographing will take place and notice of the right  
3 to attend the photographing, and

4 b. the right to obtain samples of the controlled  
5 dangerous substance for independent testing and use as  
6 evidence.

7 3. The written notice shall also inform the defendant, suspect  
8 or counsel for the defendant or suspect that the destroying agency  
9 must be notified in writing within seven (7) days from receipt of  
10 the notice of the intent of the suspect or defendant to obtain  
11 random samples and make arrangements for the taking of samples. The  
12 samples for the defendant or suspect must be taken by a person  
13 licensed by the Drug Enforcement Administration. If the defendant  
14 or counsel for the defendant fails to notify the destroying agency  
15 in writing of an intent to obtain samples and fails to make  
16 arrangements for the taking of samples, a sample taken pursuant to  
17 subparagraph d of paragraph 1 of this subsection shall be made  
18 available upon request of the defendant or suspect.

19 The representative samples, the photographs, the reports, and  
20 the records made under this section and properly identified shall be  
21 admissible in any court or administrative proceeding for any  
22 purposes for which the seized substance itself would have been  
23 admissible.

1 C. All other property not otherwise provided for in the Uniform  
2 Controlled Dangerous Substances Act which has come into the  
3 possession of the Oklahoma State Bureau of Narcotics and Dangerous  
4 Drugs Control, the Department of Public Safety, the Oklahoma State  
5 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
6 Commission, the Department of Corrections, the Office of the  
7 Attorney General, or a district attorney may be disposed of by order  
8 of the district court when no longer needed in connection with any  
9 litigation. If the owner of the property is unknown to the agency  
10 or district attorney, the agency or district attorney shall hold the  
11 property for at least six (6) months prior to filing a petition for  
12 disposal with the district court except for laboratory equipment  
13 which may be forfeited when no longer needed in connection with  
14 litigation, unless the property is perishable. The Director or  
15 Commissioner of the agency, the Attorney General, or district  
16 attorney shall file a petition in the district court of Oklahoma  
17 County or in the case of a district attorney, the petition shall be  
18 filed in a county within the jurisdiction of the district attorney  
19 requesting the authority to:

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

22 2. Convert title of the property to the Oklahoma State Bureau  
23 of Narcotics and Dangerous Drugs Control, the Department of Public  
24 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic

1 Beverage Laws Enforcement Commission, the Department of Corrections,  
2 the Office of the Attorney General, or to the district attorney's  
3 office for the purposes provided for in subsection J, K or L of this  
4 section.

5 The Director, Commissioner, Attorney General or district  
6 attorney shall attach to the petition:

- 7 a. a list describing the property, including all  
8 identifying numbers and marks, if any,
- 9 b. the date the property came into the possession of the  
10 agency or district attorney, and
- 11 c. the name and address of the owner, if known.

12 For any item having an apparent value in excess of One Hundred  
13 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the  
14 notice of the hearing of the petition for the sale of the property,  
15 except laboratory equipment used in the processing, manufacturing or  
16 compounding of controlled dangerous substances in violation of the  
17 provisions of the Uniform Controlled Dangerous Substances Act, shall  
18 be given to every known owner, as set forth in the petition, by  
19 first-class mail to the last-known address of the owner at least ten  
20 (10) days prior to the date of the hearing. An affidavit of notice  
21 being sent shall be filed with the court by a representative of the  
22 agency, the Director or Commissioner of the agency, the Attorney  
23 General or district attorney. For items in excess of Five Hundred  
24 Dollars (\$500.00), a notice of the hearing of the petition for the



1 sale of ~~said~~ the property shall be delivered to every known owner as  
2 set forth in the petition by certified mail. Notice of a hearing on  
3 a petition for forfeiture or sale of laboratory equipment used in  
4 the processing, manufacturing or compounding of controlled dangerous  
5 substances in violation of the Uniform Controlled Dangerous  
6 Substances Act shall not be required.

7 The notice shall contain a brief description of the property,  
8 and the location and date of the hearing. In addition, notice of  
9 the hearing shall be posted in three public places in the county,  
10 one such place being the county courthouse at the regular place  
11 assigned for the posting of legal notices. At the hearing, if no  
12 owner appears and establishes ownership of the property, the court  
13 may enter an order authorizing the Director, Commissioner, Attorney  
14 General, or district attorney to donate the property pursuant to  
15 subsection J, K or L of this section, to sell the property at a  
16 public auction, including an Internet auction, which may include  
17 online bidding, to the highest bidder, or to convert title of the  
18 property to the Oklahoma State Bureau of Narcotics and Dangerous  
19 Drugs Control, the Department of Public Safety, the Oklahoma State  
20 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
21 Commission, the Department of Corrections, or the Office of the  
22 Attorney General for the purposes provided for in subsection J, K or  
23 L of this section after at least ten (10) days of notice has been  
24 given by publication in one issue of a legal newspaper of the

1 county. If the property is offered for sale at public auction,  
2 including an Internet auction, and no bid is received that exceeds  
3 fifty percent (50%) of the value of the property, such value to be  
4 announced prior to the sale, the Director, Commissioner, Attorney  
5 General, or district attorney may refuse to sell the item pursuant  
6 to any bid received. The Director, Commissioner, Attorney General,  
7 or district attorney shall make a return of the sale and, when  
8 confirmed by the court, the order confirming the sale shall vest in  
9 the purchaser title to the property so purchased.

10 D. The money received from the sale of property by the Oklahoma  
11 State Bureau of Narcotics and Dangerous Drugs Control shall be used  
12 for general drug enforcement purposes. These funds shall be  
13 transferred to the Bureau of Narcotics Revolving Fund established  
14 pursuant to Section 2-107 of this title or in the case of a district  
15 attorney, the revolving fund provided for in paragraph 3 of  
16 subsection L of Section 2-506 of this title.

17 E. At the request of the Department of Public Safety, the  
18 district attorney or a designee of the district attorney may conduct  
19 any forfeiture proceedings as described in Section 2-503 of this  
20 title on any property subject to forfeiture as described in  
21 subsection A, B or C of Section 2-503 of this title. The money  
22 received from the sale of property by the Department of Public  
23 Safety shall be deposited in the Department of Public Safety

24

1 Restricted Revolving Fund and shall be expended for law enforcement  
2 purposes.

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

6 G. The money received from the sale of property from the  
7 Oklahoma State Bureau of Investigation shall be deposited in the  
8 OSBI Revolving Fund and shall be expended for law enforcement  
9 purposes.

10 H. The Director of the Department of Corrections shall make a  
11 return of the sale and when confirmed by the court, the order  
12 confirming the sale shall vest in the purchaser title to the  
13 property so purchased. Twenty-five percent (25%) of the money  
14 received from the sale shall be disbursed to a revolving fund in the  
15 office of the county treasurer of the county wherein the property  
16 was seized, ~~said~~ the fund to be used as a revolving fund solely for  
17 enforcement of controlled dangerous substances laws, drug abuse  
18 prevention and drug abuse education. The remaining seventy-five  
19 percent (75%) shall be deposited in the Department of Corrections  
20 Revolving Fund to be expended for equipment for probation and parole  
21 officers and correctional officers.

22 I. The money received from the sale of property from the Office  
23 of the Attorney General shall be deposited in the Attorney General  
24 Law Enforcement Revolving Fund and shall be expended for law

1 enforcement purposes. The Office of the Attorney General may enter  
2 into agreements with municipal, county or state agencies to return  
3 to such an agency a percentage of proceeds of the sale of any  
4 property seized by the agency and forfeited under the provisions of  
5 this section.

6 J. Any property, including but not limited to uncontaminated  
7 laboratory equipment used in the processing, manufacturing or  
8 compounding of controlled dangerous substances in violation of the  
9 provisions of the Uniform Controlled Dangerous Substances Act, upon  
10 a court order, may be donated for classroom or laboratory use by the  
11 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,  
12 Department of Public Safety, district attorney, the Alcoholic  
13 Beverage Laws Enforcement Commission, the Department of Corrections,  
14 or the Office of the Attorney General to any public secondary school  
15 or technology center school in this state or any institution of  
16 higher education within The Oklahoma State System of Higher  
17 Education.

18 K. Any vehicle or firearm which has come into the possession  
19 and title vested in the Oklahoma State Bureau of Narcotics and  
20 Dangerous Drugs Control, the Department of Public Safety, the  
21 Oklahoma State Bureau of Investigation, the Office of the Attorney  
22 General or a district attorney, may be transferred, donated or  
23 offered for lease to any sheriff's office, tribal law enforcement  
24 agency, campus police department pursuant to the provisions of the

1 Oklahoma Campus Security Act, or police department in this state on  
2 an annual basis to assist with the enforcement of the provisions of  
3 the Uniform Controlled Dangerous Substances Act. Each agency shall  
4 promulgate rules, regulations and procedures for leasing vehicles  
5 and firearms. No fully automatic weapons will be subject to the  
6 leasing agreement. All firearms leased may be utilized only by  
7 C.L.E.E.T.-certified officers who have received training in the type  
8 and class of weapon leased. Every lessee shall be required to  
9 submit an annual report to the leasing agency stating the condition  
10 of all leased property. A lease agreement may be renewed annually  
11 at the option of the leasing agency. Upon termination of a lease  
12 agreement, the property shall be returned to the leasing agency for  
13 sale or other disposition. All funds derived from lease agreements  
14 or other disposition of property no longer useful to law enforcement  
15 shall be deposited in the agency's revolving fund, or in the case of  
16 the Department of Public Safety, the Department of Public Safety  
17 Restricted Revolving Fund, and shall be expended for law enforcement  
18 purposes.

19 L. Before disposing of any property pursuant to subsections C  
20 through I of this section, the Oklahoma State Bureau of Narcotics  
21 and Dangerous Drugs Control, the Department of Public Safety, the  
22 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State  
23 Bureau of Investigation, the Department of Corrections, the Office  
24 of the Attorney General, or a district attorney may transfer or

1 donate the property to another state agency, tribal law enforcement  
2 agency, or school district for use upon request. In addition to the  
3 provisions of this section, the Oklahoma State Bureau of Narcotics  
4 and Dangerous Drugs Control may transfer or donate property for any  
5 purpose pursuant to Section 2-106.2 of this title. The agencies and  
6 any district attorney that are parties to any transfer of property  
7 pursuant to this subsection shall enter into written agreements to  
8 carry out any such transfer of property. Any such agreement may  
9 also provide for the granting of title to any property being  
10 transferred as the parties deem appropriate. If the transfer of  
11 property is to a school district, a written agreement shall be  
12 entered into with the superintendent of the school district. No  
13 weapons may be transferred to a school district except as provided  
14 for in subsection K of this section.

15 M. No property seized pursuant to the provisions of the Uniform  
16 Dangerous Controlled Substances Act or money received from the sale  
17 of such property shall be transferred directly or indirectly to any  
18 federal law enforcement authority or other federal agency unless the  
19 property seized includes cash of Fifty Thousand Dollars (\$50,000.00)  
20 or more.

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

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23 56-1-215 TEK 1/19/2017 3:38:04 PM

24