

ENGROSSED HOUSE  
BILL NO. 1185

By: Thornbrugh, Boyd (Laura)  
and Satterfield of the  
House

and

Long (Lewis) of the  
Senate

An Act relating to criminal procedure; amending 22  
O.S. 1991, Section 1325, which relates to the  
disposition of unclaimed personal property in a  
sheriff's possession; authorizing campus police  
agency to dispose of personal property in same  
manner as sheriff; authorizing property to be sold,  
destroyed, discarded, donated or transferred;  
providing procedure for application, hearing and  
notice for disposition of personal property;  
establishing special funds where proceeds of sales  
will be deposited; authorizing expenditures from  
special funds; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1325, is  
amended to read as follows:

Section 1325. A. Any ~~sheriff~~ sheriff's office or campus police  
agency as authorized under Section 360.15 et seq. of Title 74 of the  
Oklahoma Statutes is authorized to ~~sell~~ dispose of by public sale,  
destruction, donation, or transfer for use to a governmental

subdivision personal property which has come into ~~his~~ its possession, or deposit in ~~the Sheriff's Training Fund~~ a special fund, as hereafter provided, all money or legal tender of the United States which has come into ~~his~~ its possession, whether said property or money be stolen, embezzled, lost, abandoned or otherwise, the owner of said property or money being unknown or not having claimed the same, and which the sheriff or campus police agency has held for at least six (6) months, and such property or money, or any part thereof, being no longer needed to be held as evidence or otherwise used in connection with any litigation.

B. ~~The sheriff~~ Where personal property held under the circumstances provided in subsection A of this section is determined by the agency having custody to be unsuitable for disposition by public sale due to its condition or assessed by agency personnel as having limited or no resale value, it may be destroyed, discarded as solid waste or donated to a charitable organization designated by the U.S. Internal Revenue Service as a 501(c)(3) nonprofit organization. Where disposition by destruction, discard, or donation is made of personal property, a report describing the property by category and quantity, and indicating what disposition was made for each item or lot, shall be submitted to the presiding judge of the district court within ten (10) days following the disposition.

C. Where disposition by public sale is appropriate, the sheriff's office or campus police agency shall file an application in the district court of ~~his~~ its county requesting the authority of said court to conduct a sale of such personal property, and shall attach to his application a list describing such property, including all identifying numbers and marks, if any, the date said property came into ~~his~~ its possession and the name and address of the owner ~~and his address~~, if known. The court shall set said application for

hearing not less than ten (10) days nor more than twenty (20) days after filing.

~~C.~~ D. Notice shall be given by the sheriff's office or campus police agency of said hearing to each and every owner known and as set forth in said application by certified mail directed to ~~his~~ their last-known address at least ten (10) days prior to the date of said hearing. Said notice shall contain a brief description of the property of said owner and the place and date of the hearing. In addition thereto notice of said hearing shall be posted in three public places in the county, one being the county courthouse at the regular place assigned for the posting of legal notices.

~~D.~~ E. At the hearing, if no owner appears and establishes ownership to said property, the court shall enter an order authorizing the ~~sheriff~~ sheriff's office or campus police agency to sell said personal property to the highest bidder for cash, after at least five (5) days' notice has been given by publication in one issue of a legal newspaper of the county. The ~~sheriff~~ sheriff's office or campus police agency shall make a return of said sale and, when confirmed by said court, the order confirming said sale shall vest in the purchaser title to said property so purchased.

~~E.~~ F. A ~~sheriff,~~ sheriff's office having in ~~his~~ its possession money or legal tender under the circumstances provided in subsection A ~~above~~ of this section, prior to appropriating the same for deposit into ~~the Sheriff's Training Fund~~ a special fund, shall file an application in the district court of ~~his~~ its county requesting the court to enter an order authorizing ~~him~~ it to so appropriate said money for deposit in said ~~Sheriff's Training Fund~~ special fund. Said application shall describe the money or legal tender, together with serial numbers, if any, the date the same came into ~~his~~ the possession of the sheriff's office or campus police agency, and the name and address of the owner ~~and his address~~, if known. Upon filing, said application, which may be joined with an application as

described in subsection ~~B above~~ C of this section, shall be set for hearing not less than ten (10) days nor more than twenty (20) days from the filing thereof, and notice of said hearing shall be given as provided in subsection ~~C above~~ D of this section. Such notice shall state that, upon no one appearing to prove ownership to said money or legal tender, the same will be ordered by the court to be deposited in the ~~Sheriff's Training Fund~~ special fund by the ~~sheriff~~ sheriff's office or campus police agency. Said notice may be combined with a notice to sell personal property as set forth in subsection ~~C above~~ D of this section. At the hearing, if no one appears to claim and prove ownership to said money or legal tender, the court shall order the same to be deposited by the ~~sheriff~~ sheriff's office or campus police agency in the ~~Sheriff's Training Fund~~ special fund, as provided ~~hereafter~~ in subsection ~~F~~ H of this section.

G. Where a sheriff's office or campus police agency has in its possession under the circumstances provided in subsection A of this section, personal property deemed to have potential utility to that sheriff's office, campus police agency or another governmental subdivision, prior to appropriating the personal property for use, the sheriff's office or campus police agency shall file an application in the district court requesting the court to enter an order authorizing it to so appropriate or transfer the property for use. The application shall describe the property, together with serial numbers, if any, the date the property came into the possession of the sheriff's office or campus police agency and the name and address of the owner, if known. Upon filing, the application, which may be joined with an application as described in subsection C of this section, shall be set for hearing not less than ten (10) days nor more than twenty (20) days from the filing thereof. Notice of the hearing shall be given as provided in subsection D of this section. The notice shall state that, upon no

one appearing to prove ownership to the personal property, the property will be ordered by the court to be delivered for use by the sheriff's office or campus police agency or its authorizing institution or transferred to another governmental subdivision for its use. The notice may be combined with a notice to sell personal property as set forth in subsection D of this section. At the hearing, if no one appears to claim and prove ownership to the personal property, the court shall order the property to be available for use by the sheriff's office or campus police agency or delivered to an appropriate person for use by the authorizing institution or another governmental subdivision.

~~F. H.~~ The money received from the sale of personal property as above provided, after payment of the court costs and other expenses, if any, together with all money in possession of said ~~sheriff~~ sheriff's office or campus police agency, which has been ordered by the court to be deposited in the ~~Sheriff's Training Fund~~ special fund, shall be deposited in such fund which shall be a ~~special fund with the county treasurer and may~~ separately maintained by said sheriff's office in a special fund with the county treasurer or campus police agency to be expended upon the approval of the sheriff or head of the campus police agency for the purchase of ~~uniforms for the sheriff or his duly authorized deputies or for the purchase of~~ equipment, materials or supplies that may be used in crime ~~prevention and detection,~~ education, training or programming. Said fund or any portion of it may be expended in ~~providing~~ paying the expenses of the sheriff or any duly authorized deputy ~~in attending official training courses at the Southwest Center for Law Enforcement Education, located on the campus of the University of Oklahoma.~~ It is further provided that expenditure of an amount not to exceed fifty percent (50%) of the amount in said fund in any given fiscal year may be made by the sheriff to provide for the expenses of the sheriff or any duly authorized deputy in attending

~~any police science courses held outside of the State of Oklahoma;~~  
~~and provided further that if said fund has an amount in excess of~~  
~~needs for the above purposes, any such excess may be transferred by~~  
~~the sheriff to the general fund of the county upon the written order~~  
~~of said sheriff or employee of the campus police agency to attend~~  
law enforcement or public safety training courses which are  
conducted by the Oklahoma Council on Law Enforcement Education and  
Training (CLEET) or other certified trainers, providers, or  
agencies.

SECTION 2. This act shall become effective November 1, 1995.

Passed the House of Representatives the 14th day of February,  
1995.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1995.

President of the Senate