

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1805

By: Sullivan (John)

AS INTRODUCED

An Act relating to motor vehicles; authorizing the Department of Public Safety to move for the forfeiture of certain motor vehicles; establishing certain procedures to be followed; providing for disposal of forfeited vehicles by Department of Public Safety; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-902a of Title 47, unless there is created a duplication in numbering, reads as follows:

A. After a conviction for an offense under Section 11-902 of Title 47 of the Oklahoma Statutes, the Department of Public Safety may move the court to order the forfeiture of the motor vehicle involved in the commission of the offense if the convicted person has been previously convicted in this state or any other jurisdiction of one or more of the offenses listed in Section 11-902 of Title 47 of the Oklahoma Statutes.

B. Upon receipt of a motion for forfeiture, the court shall schedule a hearing on the matter and shall notify the Department of Public Safety and the convicted person of the time and place set for the hearing. Upon receiving notice from the court of the time and place set for a hearing under this section, the Department shall provide to every person who has an ascertainable ownership or security interest in the motor vehicle a written notice that includes:

1. A full description of the motor vehicle;
2. The time and place of the forfeiture hearing;
3. The legal authority under which the motor vehicle may be forfeited; and
4. Notice of the right to intervene to protect the interest in the motor vehicle.

C. At the hearing, a person who claims an ownership or security interest in the motor vehicle must establish by a preponderance of the evidence that:

1. The person has an interest in the motor vehicle acquired in good faith;
2. The person is not the person convicted of the offense that resulted in the forfeiture proceeding; and
3. Before parting with the motor vehicle, the person did not know or have reasonable cause to believe that it would be used in the commission of an offense.

D. If a person satisfies the requirements of subsection C of this section, the court shall order that an amount equal to the value of the interest of that person in the motor vehicle shall be paid to that person upon sale of the motor vehicle.

E. At the hearing, the court may order the forfeiture of the motor vehicle if it is determined by a preponderance of the evidence that the forfeiture of the motor vehicle will serve one or more of the following purposes:

1. Deterrence of the convicted person from the commission of future offenses under Section 11-902 of Title 47 of the Oklahoma Statutes;

2. Protection of the safety and welfare of the public;

3. Deterrence of other persons who are potential offenders under Section 11-902 of Title 47 of the Oklahoma Statutes; and

4. Expression of public condemnation of the serious or aggravated nature of the conduct of the convicted person.

F. Upon forfeiture of a motor vehicle the court shall require the surrender of the motor vehicle, the certificate of title and registration of the motor vehicle. The vehicle, the certificate of title and registration shall be delivered to the Department of Public Safety. A motor vehicle forfeited pursuant to this section, shall be disposed of by the Department of Public Safety as provided by law.

SECTION 2. This section shall become effective November 1, 1997.

46-1-6268

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