

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1202

By: Littlefield

AS INTRODUCED

An Act relating to amusements and sports; amending Section 27, Chapter 328, O.S.L. 1992, as amended by Section 14, Chapter 305, O.S.L. 1993 (3A O.S. Supp. 1999, Section 426), which relates to the Oklahoma Charity Games Act; modifying equipment subject to declaration as contraband; modifying procedures for confiscation, forfeiture or destruction as contraband; allowing sale of contraband; and providing an effective date.

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

SECTION 1. AMENDATORY Section 27, Chapter 328, O.S.L. 1992, as amended by Section 14, Chapter 305, O.S.L. 1993 (3A O.S. Supp. 1999, Section 426), is amended to read as follows:

Section 426. A. ~~On and after January 1, 1993, any bingo faces, U-PIK-EM bingo game sets, or breakopen ticket cards~~ Any charity game equipment that ~~are~~ is not purchased from a licensed distributor ~~are~~ is declared to be contraband, unless such ~~items are~~ equipment is:

1. Purchased by an exempt organization, exempt hospital, nursing home, residential care facility, senior citizens' center, retirement center or convalescent facility;
2. Purchased by a federally recognized Indian tribe or nation;
or
3. Sold or given by a licensed organization to another licensed organization, an exempt organization, or exempt hospital, nursing home, residential care facility, senior citizens' center, retirement center or convalescent facility, if written permission is obtained from the Director of the ~~ABLE~~ Alcoholic Beverage Laws Enforcement

Commission and proper notification is given to the Oklahoma Tax Commission.

B. ~~On and after January 1, 1993, any bingo faces, U-PIK-EM bingo game sets, or breakopen ticket cards~~ Any charity game equipment sold or offered for sale by a business entity which is not a licensed distributor is declared to be contraband.

C. Any ~~bingo faces, U-PIK-EM bingo game sets, or breakopen ticket cards~~ charity game equipment which ~~were~~ was not in the possession of an organization or business entity on December 31, 1992, on which the taxes have not been paid ~~are~~ is declared to be contraband unless the ~~items are~~ equipment is being transported through this state from another state to be sold or distributed in another state.

D. ~~On and after January 1, 1993, any bingo faces, U-PIK-EM bingo game sets, or breakopen ticket cards~~ Any charity game equipment in the possession of an organization or business entity which has not been licensed or obtained an exemption pursuant to the Oklahoma Charity Games Act, Section 401 et seq. of this title, shall be declared contraband.

E. Such contraband shall be subject to confiscation, forfeiture, ~~and~~ destruction or sale in the following manner:

1. The ABLE Commission, its agent, or the district attorney of the county wherein the alleged contraband is located shall seize any such item and maintain it for safekeeping pending a final adjudication of the legality of the sale ~~or~~, purchase or possession;

2. The Commission, its agent, or the district attorney seizing the alleged contraband shall apply to the district court or the Director of the Commission for an order forfeiting the alleged contraband and directing its destruction or sale. A hearing shall be scheduled by the district court, if application is made thereto, or by a hearing officer of the ABLE Commission, if application is made to the Director of the Commission;

3. The ~~court clerk~~ person applying for the order shall give the owner of the alleged contraband fourteen (14) calendar days' written notice, by certified mail, of the hearing on the request for the order for destruction or sale; and

4. If the owner of the alleged contraband is unknown or is unable to be served by certified mail, notice shall be provided by one publication in a newspaper of general circulation in the county in which the alleged contraband was seized. The notice shall contain a brief description of the alleged contraband and the place, date and time of the hearing, not fewer than ten (10) calendar days before the hearing; and

5. Upon obtaining an order from either the court or the Director of the ABLE commission ordering destruction or sale, the Commission, its agent or the district attorney shall destroy or sell the contraband in the manner ~~they deem~~ he or she deems most appropriate.

SECTION 2. This act shall become effective November 1, 2000.

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