

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 984

By: Crain

AS INTRODUCED

An Act relating to unclaimed property; amending 20 O.S. 2001, Section 1301, which relates to deposit; directing deposit of certain interest; classifying certain property as abandoned; requiring notice to certain persons; requiring court clerks to submit certain report to Administrative Director of the Courts; authorizing forwarding of certain property; limiting liability related to certain property; requiring filing of certain motions related to certain property; granting certain authority to Administrative Director of the Courts; requiring Supreme Court to promulgate certain rules; allowing certain appeal; defining term; amending 60 O.S. 2001, Section 657, which relates to property held by courts; conforming language; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2001, Section 1301, is amended to read as follows:

Section 1301. All fees, fines, costs ~~and~~, forfeitures and interest generated pursuant to Section 651 et seq. of Title 60 of the Oklahoma Statutes shall, when collected by the court clerk, be deposited in a fund in the county treasury designated "The Court Fund", and shall be used, from year to year, in defraying the expenses of holding court in said county. The county treasurer shall act as an agent of the state in the care and handling of the Court Fund, but the treasurer's bond shall cover the treasurer's obligations in regard to this fund.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 654.2 of Title 60, unless there is created a duplication in numbering, reads as follows:

A. Any property or funds which have remained unclaimed by the owner for more than one (1) year after being held in the custody of the court by a district court clerk are presumed abandoned. District court clerks shall only be required to provide notice to any person who is named on written statements of ownership filed pursuant to Section 151.1 of Title 28 of the Oklahoma Statutes, or as otherwise ordered by the court.

B. Unless the district court orders otherwise concerning unclaimed property:

1. District court clerks shall report the abandonment of any property or funds described in subsection A of this section to the Administrative Director of the Courts upon forms provided by the Director and which are substantially similar to those required by Section 661 of Title 60 of the Oklahoma Statutes;

2. District court clerks shall be authorized to forward all presumptively unclaimed funds or property to the Administrative Director of the Courts three (3) years after receipt of such funds or property, after which the court clerks shall have no liability related to the funds or property to any claimant; and

3. Claimants seeking to receive such funds or property shall file written motions to the court if the funds or property have not been forwarded to the Administrative Director of the Courts, or shall file a request with the Administrative Director of the Courts for such funds or property that have been forwarded.

C. Whenever practicable, the Administrative Director of the Courts shall have equal authority and fulfill the duties which are otherwise assigned to the Oklahoma Tax Commission pursuant to Section 651 et seq. of Title 60 of the Oklahoma Statutes when handling funds or property as required by this section. The Director shall have administrative, judicial and quasi-judicial authority to determine ownership or other claims concerning funds or

property received and to accomplish other functions required by this act.

D. The Administrative Director of the Courts shall provide uniform network computer programs sufficient to enable district court clerks to accomplish their duties under this act.

E. The Supreme Court shall promulgate rules and forms to implement the procedures required by this section. A claimant aggrieved by a final determination of the Administrative Director of the Courts concerning funds or property in the Director's possession may appeal under the provisions of the Administrative Procedures Act.

F. For the purposes of this section, "unclaimed funds or property" means funds or property in district court cases for which no written statement of ownership has been filed pursuant to Section 151.1 of Title 28 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 60 O.S. 2001, Section 657, is amended to read as follows:

Section 657. Intangible property held for the owner by a court, state or other government, governmental subdivision or agency, public corporation, or public authority which remains unclaimed by the owner for more than one (1) year after becoming payable or distributable is presumed abandoned; provided, that funds or property in the custody of the district court shall be subject to the provisions of Section 2 of this act.

SECTION 4. This act shall become effective November 1, 2005.

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