

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1860

By: Wyrick

4
5 AS INTRODUCED

6
7 An Act relating to agriculture; authorizing the
8 Oklahoma Department of Agriculture, Food, and
9 Forestry to take into possession certain items which
10 violate certain provisions of the Oklahoma
11 Agriculture Code; creating the Agriculture Evidence
12 and Law Enforcement Revolving Fund; providing for
13 budgeting and expenditures; stating balance on
14 deposit; amending 4 O.S. 2001, Section 270.2, which
15 relates to enforcement of laws pertaining to
16 livestock brands; authorizing certain law enforcement
17 agent to investigate violations of livestock brands;
18 amending 47 O.S. 2001, Section 4-103, which relates
19 to receiving or disposing of a vehicle; modifying
20 felony penalties; providing for codification; and
21 providing an effective date.

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

23 SECTION 1. NEW LAW A new section of law to be codified
24 in the Oklahoma Statutes as Section 2-14.1 of Title 2, unless there
is created a duplication in numbering, reads as follows:

25 The Oklahoma Department of Agriculture, Food, and Forestry may
26 take into possession any farming equipment or farm implement and any
27 and all livestock, or any part thereof, killed, taken, shipped or
28 had in possession in violation of any provision of the Oklahoma
29 Agricultural Code. The farm equipment or implements and livestock

1 or parts thereof may be disposed of as determined by the
2 Commissioner of Agriculture or any court of competent jurisdiction.
3 Any proceeds remaining from the sale of seized property pursuant to
4 this section after reimbursement of all costs associated with the
5 seizure and sale shall be deposited in the Agriculture Evidence and
6 Law Enforcement Fund.

7 SECTION 2. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 2-27.1 of Title 2, unless there
9 is created a duplication in numbering, reads as follows:

10 A. There is hereby created in the State Treasury a revolving
11 fund for the Oklahoma Department of Agriculture, Food, and Forestry
12 to be designated the Agriculture Evidence and Law Enforcement Fund.
13 The fund shall be a continuing fund, not subject to fiscal year
14 limitations, and shall consist of monies received from the sale of
15 confiscated property, the seizure and forfeiture of confiscated
16 monies, property, gifts, bequests, devises, or contributions, public
17 or private, including federal funds unless otherwise provided by
18 federal law or regulation.

19 B. All monies accruing to the credit of the fund are hereby
20 appropriated and may be budgeted and expended by the Oklahoma
21 Department of Agriculture, Food, and Forestry for the necessary
22 expenses relative to any pending case or other matter within the
23 official responsibility of the Oklahoma Department of Agriculture,
24 Food, and Forestry, including, but not limited to, investigation,

1 enforcement, and prosecution of cases involving administrative,
2 civil, or criminal violations of the Oklahoma Agricultural Code.

3 C. The balance on deposit in the Agriculture Evidence and Law
4 Enforcement Fund shall never exceed the sum of One Hundred Thousand
5 Dollars (\$100,000.00). Any monies received pursuant to subsection A
6 of this section in excess of One Hundred Thousand Dollars
7 (\$100,000.00) shall be deposited in the Agriculture Revolving Fund.

8 SECTION 3. AMENDATORY 4 O.S. 2001, Section 270.2, is
9 amended to read as follows:

10 Section 270.2 The laws of this state relating to violations and
11 investigations of livestock brands shall be enforced and carried out
12 by the State Bureau of Investigation and any agriculture law
13 enforcement agent of the state.

14 All responsibilities and duties relating to brand registry,
15 keeping of records and maintenance of files are hereby delegated to
16 the ~~Oklahoma~~ State Board of Agriculture.

17 The Board is authorized to enter into contracts with state
18 livestock associations to register and record marks and brands and
19 to make compensation for ~~said~~ services. The Board may also appoint
20 agents to receive fees and monies and perform ~~such~~ other duties as
21 it may direct⁷; provided, that such agent shall file with and in
22 favor of the Board, a fidelity bond executed by a surety company
23 authorized to do business in this state, conditioned on the faithful
24 performance of their duties, a strict accounting of all funds to the

1 Board and on ~~such~~ other terms and conditions as the Board may deem
2 necessary, in ~~such~~ a penal sum as the Board may require. All ~~such~~
3 fees and monies shall be deposited in the State Department of
4 Agriculture Trust Fund.

5 SECTION 4. AMENDATORY 47 O.S. 2001, Section 4-103, is
6 amended to read as follows:

7 Section 4-103. A person not entitled to the possession of a
8 vehicle or implement of husbandry who receives, possesses, conceals,
9 sells or disposes of it, knowing the vehicle or implement of
10 husbandry to be stolen or converted under circumstances constituting
11 a crime, shall be guilty of a felony.

12 SECTION 5. This act shall become effective November 1, 2008.

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