

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 2250

By: Terrill

6
7 COMMITTEE SUBSTITUTE

8 An Act relating to the Oklahoma State Bureau of Narcotics and Dangerous
9 Drugs Control; amending 20 O.S. 2001, Section 1313.2, as last amended by
10 Section 2, Chapter 437, O.S.L. 2008 (20 O.S. Supp. 2008, Section 1313.2),
11 which relates to fee assessments for felony and misdemeanor convictions;
12 deleting fee assessment for certain conviction; adding fee assessment for
13 convictions of certain crimes; directing the deposit of fees; providing for the
14 remittance of fee into certain revolving fund; amending 63 O.S. 2001, Sections
15 2-103, as last amended by Section 1, Chapter 359, O.S.L. 2008, 2-106, as
16 amended by Section 10, Chapter 170, O.S.L. 2008 and Section 1, Chapter 437,
17 O.S.L. 2008 (63 O.S. Supp. 2008, Sections 2-103, 2-106 and 2-107a), which
18 relate to the Uniform Controlled Dangerous Substances Act; authorizing
19 appointment of Chief Information Officer; authorizing the purchase and
20 maintenance of vehicles and equipment; modifying statutory reference;
21 amending 63 O.S. 2001, Section 2-310, which relates to samples of controlled
22 dangerous substances; updating language; amending 63 O.S. 2001, Sections 2-
23 410, as amended by Section 1, Chapter 308, O.S.L. 2008 and 2-411 (63 O.S.
24 Supp. 2008, Section 2-410), which relate to prohibited acts and penalties;
prohibiting consideration for deferred judgment and expungement proceedings
due to violating provisions of certain act; increasing certain fine amount;
amending Section 1, Chapter 170, O.S.L. 2008 (63 O.S. Supp. 2008, Section 2-
503.1a), which relates to the Drug Money Laundering and Wire Transmitter
Act; updating statutory references; defining terms; providing venue for the
prosecution of certain offenses; amending 63 O.S. 2001, Section 2-508, as last
amended by Section 16, Chapter 168, O.S.L. 2004 (63 O.S. Supp. 2008, Section
2-508), which relates to the disposition of seized property; modifying statutory
references; updating reference to certain revolving fund; deleting agency from
certain notification requirement; amending 70 O.S. 2001, Section 1210.224,
which relates to the Drug Abuse Education Act of 1972; updating agency
designation; amending 74 O.S. 2001, Sections 78, as last amended by Section 1,
Chapter 169, O.S.L. 2007 and 78a (74 O.S. Supp. 2008, Section 78), which
relate to the Fleet Management Division within the Department of Central
Services and motor vehicle requisitions; adding agency to list of entities exempt

1 from oversight; exempting agency from motor vehicle requisition requirements;
2 and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 20 O.S. 2001, Section 1313.2, as last amended by Section 2,
6 Chapter 437, O.S.L. 2008 (20 O.S. Supp. 2008, Section 1313.2), is amended to read as follows:

7 Section 1313.2 A. As used in this section:

8 1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or
9 nolo contendere or otherwise, and any deferred or suspended sentence or judgment;

10 2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or
11 penalty; and

12 3. "DNA" means Deoxyribonucleic acid.

13 B. Any person convicted of an offense, including traffic offenses but excluding parking and
14 standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
15 person forfeiting bond when charged with such an offense, shall be ordered by the court to pay Nine
16 Dollars (\$9.00) as a separate fee, which fee shall be in addition to and not in substitution for any and
17 all fines and penalties otherwise provided for by law for such offense.

18 C. 1. Any person convicted of any misdemeanor or felony offense shall pay a Laboratory
19 Analysis Fee in the amount of One Hundred Fifty Dollars (\$150.00) for each offense if forensic
20 science or laboratory services are rendered or administered by the Oklahoma State Bureau of
21 Investigation, by the Toxicology Laboratory of the Office of the Chief Medical Examiner or by any
22 municipality or county in connection with the case. This fee shall be in addition to and not a
23 substitution for any and all fines and penalties otherwise provided for by law for this offense.
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1 2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars
2 (\$150.00) as collected, for every conviction as described in this subsection. The court clerk shall remit
3 the monies in the fund on a monthly basis directly either to:

- 4 a. the Oklahoma State Bureau of Investigation who shall deposit the monies into the
5 OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the
6 Oklahoma Statutes for services rendered or administered by the Oklahoma State
7 Bureau of Investigation,
- 8 b. the Office of the Chief Medical Examiner who shall deposit the monies into the
9 Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund
10 provided for in Section 954 of Title 63 of the Oklahoma Statutes for services
11 rendered or administered by the Toxicology Laboratory of the Office of the Chief
12 Medical Examiner, or
- 13 c. the appropriate municipality or county for services rendered or administered by a
14 municipality or county.

15 3. The monies from the Laboratory Analysis Fee Fund deposited into the OSBI Revolving Fund
16 shall be used for the following:

- 17 a. providing criminalistic laboratory services,
 - 18 b. the purchase and maintenance of equipment for use by the laboratory in
19 performing analysis,
 - 20 c. education, training, and scientific development of Oklahoma State Bureau of
21 Investigation personnel, and
 - 22 d. the destruction of seized property and chemicals as prescribed in Sections 2-505
23 and 2-508 of Title 63 of the Oklahoma Statutes.
- 24

1 D. ~~1. Any person entering a plea of guilty or nolo contendere to the crime of misdemeanor~~
2 ~~possession of marijuana shall be ordered by the court to pay a five dollar fee, which shall be in~~
3 ~~addition to and not in substitution for any and all fines and penalties otherwise provided for by law for~~
4 ~~such offense.~~

5 ~~2. The court clerk shall cause to be deposited the amount of Five Dollars (\$5.00) as collected,~~
6 ~~for every adjudicated or otherwise convicted person as described in this subsection. The court clerk~~
7 ~~shall remit the monies in the fund on a monthly basis directly to the Bureau of Narcotics Drug~~
8 ~~Education Revolving Fund.~~

9 E. Upon conviction or bond forfeiture, the court shall collect the fee provided for in subsection
10 B of this section and deposit it in an account created for that purpose. Except as otherwise provided in
11 subsection ~~F~~ E of this section, monies shall be forwarded monthly by the court clerk to the Council on
12 Law Enforcement Education and Training. Beginning July 1, 2003, deposits shall be due on the
13 fifteenth day of each month for the preceding calendar month. There shall be a late fee imposed for
14 failure to make timely deposits; provided, the Council on Law Enforcement Education and Training, in
15 its discretion, may waive all or part of the late fee. Such late fee shall be one percent (1%) of the
16 principal amount due per day beginning from the tenth day after payment is due and accumulating until
17 the late fee reaches one hundred percent (100%) of the principal amount due. Beginning on July 1,
18 1987, ninety percent (90%) of the monies received by the Council on Law Enforcement Education and
19 Training from the court clerks pursuant to this section shall be deposited in the CLEET Fund, and ten
20 percent (10%) shall be deposited in the General Revenue Fund. Beginning January 1, 2001, sixty and
21 fifty-three one-hundredths percent (60.53%) of the monies received by the Council on Law
22 Enforcement Education and Training from the court clerks pursuant to this section shall be deposited
23 in the CLEET Fund created pursuant to subsection G of this section, five and eighty-three one-

1 hundredths percent (5.83%) shall be deposited in the General Revenue Fund and thirty-three and sixty-
2 four one-hundredths percent (33.64%) shall be deposited in the CLEET Training Center Revolving
3 Fund created pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes. Along with the deposits
4 required by this subsection, each court shall also submit a report stating the total amount of funds
5 collected and the total number of fees imposed during the preceding quarter. The report may be made
6 on computerized or manual disposition reports.

7 F. E. Any municipality or county having a basic law enforcement academy approved by the
8 Council on Law Enforcement Education and Training pursuant to the criteria developed by the Council
9 for training law enforcement officers shall retain from monies collected pursuant to this section, Two
10 Dollars (\$2.00) from each fee. These monies shall be deposited into an account for the sole use of the
11 municipality or county in implementing its law enforcement training functions. Not more than seven
12 percent (7%) of the monies shall be used for court and prosecution training. The court clerk of any
13 such municipality or county shall furnish to the Council on Law Enforcement Education and Training
14 the report required by subsection D of this section.

15 F. 1. Any person entering a plea of guilty or nolo contendere or is found guilty of the crime of
16 misdemeanor possession of marijuana or drug paraphernalia shall be ordered by the court to pay a five-
17 dollar fee, which shall be in addition to and not in substitution for any and all fines and penalties
18 otherwise provided for by law for such offense.

19 2. The court clerk shall cause to be deposited the amount of Five Dollars (\$5.00) as collected,
20 for every adjudicated or otherwise convicted person as described in this subsection. The court clerk
21 shall remit the monies in the fund on a monthly basis directly to the Bureau of Narcotics Drug
22 Education Revolving Fund.
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1 G. There is hereby created in the State Treasury a fund for the Council on Law Enforcement
2 Education and Training to be designated the "CLEET Fund". The fund shall be subject to legislative
3 appropriation and shall consist of any monies received from fees and receipts collected pursuant to the
4 Oklahoma Open Records Act, reimbursements for parts used in the repair of weapons of law
5 enforcement officers attending the basic academies, gifts, bequests, contributions, tuition, fees, devises,
6 and the assessments levied pursuant to the fund pursuant to law.

7 H. 1. Any person convicted of a felony offense shall pay a DNA fee of One Hundred Fifty
8 Dollars (\$150.00). This fee shall not be collected if the person has a valid DNA sample in the OSBI
9 DNA Offender Database at the time of sentencing.

10 2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars
11 (\$150.00) as collected, for every felony conviction as described in this subsection. The court clerk
12 shall remit the monies in said fund on a monthly basis directly to the Oklahoma State Bureau of
13 Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section
14 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma
15 State Bureau of Investigation.

16 3. The monies from the DNA sample fee deposited into the OSBI Revolving Fund shall be used
17 for creating, staffing, and maintaining the OSBI DNA Laboratory and OSBI Combined DNA Index
18 System (CODIS) Database.

19 I. It shall be the responsibility of the court clerk to account for and ensure the correctness and
20 accuracy of payments made to the state agencies identified in Sections 1313.2 through 1313.4 of this
21 title. Payments made directly to an agency by the court clerk as a result of different types of
22 assessments and fees pursuant to Sections 1313.2 through 1313.4 of this title shall be made monthly to
23 each state agency.
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1 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-103, as last amended by Section 1,
2 Chapter 359, O.S.L. 2008 (63 O.S. Supp. 2008, Section 2-103), is amended to read as follows:

3 Section 2-103. A. The Director shall be appointed by the Oklahoma State Bureau of Narcotics
4 and Dangerous Drugs Control Commission. The Director of Narcotics and Dangerous Drugs Control
5 on January 1, 1984, shall be initially appointed as Director. The succeeding Director shall, at the time
6 of the appointment, have a Bachelor's Degree from an accredited college or university and at least five
7 (5) ~~years'~~ years of experience in drug law enforcement. The Director may appoint necessary assistants,
8 agents, and other personnel to perform the work of the office and may prescribe their titles and duties
9 and fix their compensation, other than the salaries established in subsection A of Section 2-103a of this
10 title, pursuant to Merit System rules. The Director may appoint employees to the positions of Chief
11 Information Officer, Public Information/Education Officer, Training Officer, Program ~~Administrator~~
12 Administrators, Grants Administrator, Criminal Analysts, Legal Secretary, and Typist Clerk/Spanish
13 Transcriptionists. ~~Said~~ The positions shall be unclassified and exempt from the rules and procedures
14 of the Office of Personnel Management, except leave regulations. The office of the Director shall be
15 located at a suitable place in Oklahoma City, Oklahoma.

16 B. 1. Agents appointed by the Director shall have the powers of peace officers generally;
17 provided, the Director may appoint special agents, who shall be unclassified employees of the state, to
18 meet specific investigatory need. Special agents shall not be required to meet the age and educational
19 requirements as specified in this section.

20 2. Agents appointed on and after November 1, 1998, shall be at least twenty-one (21) years of
21 age and shall have a Bachelor's Degree from an accredited college or university.

22 3. Each entering agent, with the exception of special agents, shall be required to serve one (1)
23 year in a probationary status as a prerequisite to being placed on permanent status.
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1 C. Agents appointed pursuant to the provisions of this section shall have the responsibility of
2 investigating alleged violations and shall have the authority to arrest those suspected of having violated
3 the provisions of the Uniform Controlled Dangerous Substances Act.

4 D. A commissioned employee of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
5 Control shall be entitled to receive upon retirement by reason of length of service, the continued
6 custody and possession of the sidearm and badge carried by such employee immediately prior to
7 retirement.

8 E. A commissioned employee of the Bureau may be entitled to receive, upon retirement by
9 reason of disability, the continued custody and possession of the sidearm and badge carried by such
10 employee immediately prior to retirement upon written approval of the Director.

11 F. Custody and possession of the sidearm and badge of a commissioned employee killed in the
12 line of duty may be awarded by the Director to the spouse or next of kin of the deceased employee.

13 G. Custody and possession of the sidearm and badge of a commissioned employee who dies
14 while employed at the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may be
15 awarded by the Director to the spouse or next of kin of the deceased employee.

16 H. Any Director appointed on or after July 1, 2003, shall be eligible to participate in either the
17 Oklahoma Public Employees Retirement System or in the Oklahoma Law Enforcement Retirement
18 System and shall make an irrevocable election in writing to participate in one of the two retirement
19 systems.

20 SECTION 3. AMENDATORY 63 O.S. 2001, Section 2-106, as amended by Section 10,
21 Chapter 170, O.S.L. 2008 (63 O.S. Supp. 2008, Section 2-106), is amended to read as follows:

22 Section 2-106. A. The Director of the Oklahoma State Bureau of Narcotics and Dangerous
23 Drugs Control shall, in addition to other powers and duties vested in the Director:
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1 1. Cooperate with federal and other state agencies in discharging his responsibilities concerning
2 traffic in narcotics and dangerous substances and in suppressing the abuse of dangerous substances;

3 2. Arrange for the exchange of information between governmental officials concerning the use
4 and abuse of dangerous substances;

5 3. Coordinate and cooperate in training programs on dangerous substances law enforcement at
6 the local and state levels;

7 4. Cooperate with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control by
8 establishing a centralized unit which will accept, catalog, file and collect statistics, including records of
9 drug-dependent persons and other dangerous substance law offenders within the state, and make such
10 information available for federal, state and local law enforcement purposes; and may collect and
11 furnish statistics for other appropriate purposes; and

12 5. Coordinate and cooperate in programs of eradication aimed at destroying wild or illicit
13 growth of plant species from which controlled dangerous substances may be extracted.

14 B. Results, information and evidence received from the Oklahoma State Bureau of Narcotics
15 and Dangerous Drugs Control relating to the regulatory functions of this act, including results of
16 inspections conducted by that agency, may be relied upon and acted upon by the Director in
17 conformance with his regulatory functions under this act.

18 C. The Director is further authorized and directed to:

19 1. Coordinate and cooperate in educational programs designed to prevent and deter misuse and
20 abuse of controlled dangerous substances;

21 2. Promote better recognition of the problems of misuse and abuse of controlled dangerous
22 substances within the regulated industry and among interested groups and organizations;
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1 3. Assist the regulated industry, interested groups and organizations in contributing to the
2 reduction of misuse and abuse of controlled dangerous substances;

3 4. Consult with interested groups and organizations to aid them in solving administrative and
4 organizational problems;

5 5. Assist in evaluating procedures, projects, techniques and controls conducted or proposed as
6 part of educational programs on misuse and abuse of controlled dangerous substances;

7 6. Disseminate the results of research on misuse and abuse of controlled dangerous substances to
8 promote a better public understanding of what problems exist and what can be done to combat them;

9 7. Assist in the education and training of state and local law enforcement officials in their efforts
10 to control misuse and abuse of controlled dangerous substances;

11 8. Conduct an annual seminar to be attended by selected law enforcement officers in order to
12 teach new techniques and advances in the investigation of violations of the Uniform Controlled
13 Dangerous Substances Act; and

14 9. Supervise and direct agents appointed in the performance of their function of enforcement of
15 the provisions of this act.

16 D. The Director is further authorized and directed to:

17 1. Encourage research on misuse and abuse of controlled dangerous substances;

18 2. Cooperate in establishing methods to assess accurately the effects of controlled dangerous
19 substances and to identify and characterize controlled dangerous substances with potential for abuse;

20 3. Cooperate in making studies and in undertaking programs of research to:

21 a. develop new or improved approaches, techniques, systems, equipment and
22 devices to strengthen the enforcement of this act,
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- b. determine patterns of misuse and abuse of controlled dangerous substances and the social effects thereof, and
- c. improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled dangerous substances.

E. The Director may enter into contracts with public agencies, institutions of higher education and private organizations or individuals for the purpose of conducting research, demonstrations or special projects which bear directly on misuse and abuse of controlled dangerous substances.

F. The Director may enter into contracts for educational and research activities without performance bonds.

G. The Director may authorize persons engaged in research or scientific activities on the use and effects of dangerous substances to withhold the names and other identifying characteristics of persons who are the subjects of such research. Persons who obtain this authorization may not be compelled in any state civil, criminal, administrative, legislative or other proceeding to identify the subjects of research for which such authorization was obtained.

H. The Director may authorize the lawful possession, distribution and use of controlled dangerous substances by persons engaged in research or scientific activities; authorization for possession of controlled dangerous substances may be extended to persons engaged in a program of drug education or persons in the performance of an official duty. Persons who obtain this authorization shall be exempt from state prosecution for possession, distribution or use of dangerous substances to the extent authorized by the Director.

I. The Director is authorized to accept gifts, bequests, devises, contributions and grants, public or private, including federal funds or funds from any other source for use in furthering the purpose of the office of the Director.

1 J. The Director is authorized to purchase or sell real property, together with appurtenances, in
2 the name of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control upon approval of
3 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission.

4 K. The Director is authorized to purchase and maintain motor vehicles and other equipment for
5 use by the employees of the Bureau.

6 L. The Director shall be in charge of all monies appropriated for or deposited to the credit of the
7 office of the Director and is authorized to approve claims and payrolls as provided in Section 41.26 of
8 Title 62 of the Oklahoma Statutes.

9 ~~L.~~ M. The Director shall have the authority of a peace officer and is authorized to commission
10 assistants of his office as peace officers.

11 SECTION 4. AMENDATORY Section 1, Chapter 437, O.S.L. 2008 (63 O.S. Supp. 2008,
12 Section 2-107a), is amended to read as follows:

13 Section 2-107a. There is hereby created in the State Treasury a revolving fund for the Oklahoma
14 State Bureau of Narcotics and Dangerous Drugs Control to be designated the "Bureau of Narcotics
15 Drug Education Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year
16 limitations, and shall consist of any monies received pursuant to subsection ~~D~~ F of Section 1313.2 of
17 Title 20 of the Oklahoma Statutes. All monies accruing to the credit of the fund are hereby
18 appropriated and may be budgeted and expended by the Oklahoma State Bureau of Narcotics and
19 Dangerous Drugs Control for purposes relating to drug education and information in the State of
20 Oklahoma.

21 SECTION 5. AMENDATORY 63 O.S. 2001, Section 2-310, is amended to read as follows:

22 Section 2-310. No person shall distribute samples of controlled dangerous substances to a
23 practitioner without simultaneously preparing and leaving with that practitioner a specific, written list
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1 of the items so distributed, the form and control of which shall be prescribed by rules promulgated by
2 the ~~Commissioner~~ Director.

3 SECTION 6. AMENDATORY 63 O.S. 2001, Section 2-410, as amended by Section 1,
4 Chapter 308, O.S.L. 2008 (63 O.S. Supp. 2008, Section 2-410), is amended to read as follows:

5 Section 2-410. A. Whenever any person who has not previously been convicted of any offense
6 under this act or under any statute of the United States or of any state relating to narcotic drugs,
7 marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty or nolo contendere to or is
8 found guilty of a violation of the Uniform Controlled Dangerous Substances Act, the court may, unless
9 otherwise prohibited by law, without entering a judgment of guilt and with the consent of such person,
10 defer further proceedings and place the person on probation upon such reasonable terms and conditions
11 as it may require including the requirement that such person cooperate in a treatment and rehabilitation
12 program of a state-supported or state-approved facility, if available. Upon violation of a term or
13 condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon
14 fulfillment of the terms and conditions, the court shall discharge such person and dismiss the
15 proceedings against the person. Discharge and dismissal under this section shall be without court
16 adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes
17 of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and
18 dismissal under this section may occur only once with respect to any person.

19 B. Any expunged arrest or conviction shall not thereafter be regarded as an arrest or conviction
20 for purposes of employment, civil rights, or any statute, regulation, license, questionnaire or any other
21 public or private purpose; provided, that, any plea of guilty or nolo contendere or finding of guilt to a
22 violation of the Uniform Controlled Dangerous Substances Act shall constitute a conviction of the
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1 offense for the purpose of the Uniform Controlled Dangerous Substances Act or any other criminal
2 statute under which the existence of a prior conviction is relevant.

3 C. The provisions of this section shall not apply to any person who pleads guilty or nolo
4 contendere to or is found guilty of a violation of the Trafficking in Illegal Drugs Act or the Drug
5 Money Laundering and Wire Transmitter Act.

6 SECTION 7. AMENDATORY 63 O.S. 2001, Section 2-411, is amended to read as follows:

7 Section 2-411. Any person who violates any provision of this act not subject to a specific
8 penalty provision is guilty of a misdemeanor punishable by ~~confinement~~ imprisonment in the county
9 jail for not more than one (1) year, or by a fine of not more than ~~Five Hundred~~ One Thousand Dollars
10 ~~(\$500.00)~~ (\$1,000.00), or by both such fine and imprisonment.

11 SECTION 8. AMENDATORY Section 1, Chapter 170, O.S.L. 2008 (63 O.S. Supp. 2008,
12 Section 2-503.1a), is amended to read as follows:

13 Section 2-503.1a. Sections ~~4~~ 2-503.1a through ~~9~~ 2-503.1i of this title and Sections 9 and 10 of
14 this act shall be known and may be cited as the “Drug Money Laundering and Wire Transmitter Act”.

15 SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as
16 Section 2-503.1j of Title 63, unless there is created a duplication in numbering, reads as follows:

17 As used in the Drug Money Laundering and Wire Transmitter Act:

18 1. “Knowing that the property involved in a financial transaction represents the proceeds of
19 some form of unlawful activity” means that the person knew the property involved in the transaction
20 represented proceeds from some form, though not necessarily which form, of any violation of the
21 Uniform Controlled Dangerous Substances Act;

22 2. “Conducts” includes initiating, concluding, or participating in initiating, or concluding a
23 transaction;
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1 3. "Transaction" includes a purchase, sale, loan, pledge, gift, transfer, delivery, or other
2 disposition, and with respect to a financial institution includes a deposit, withdrawal, transfer between
3 accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond,
4 certificate of deposit, or other monetary instrument, use of a safe deposit box, or any other payment,
5 transfer, or delivery by, through, or to a financial institution, by whatever means effected;

6 4. "Financial transaction" means:

7 a. a transaction which in any way or degree affects

8 state, interstate or foreign commerce:

9 (1) involving the movement of funds by wire or other means,

10 (2) involving one or more monetary instruments, or

11 (3) involving the transfer of title to any real property, vehicle, vessel, or

12 aircraft; or

13 b. a transaction involving the use of a financial

14 institution which is engaged in, or the activities of

15 which affect, state, interstate or foreign commerce

16 in any way or degree;

17 5. "Monetary instruments" means:

18 a. coin or currency of the United States or of any other country, travelers' checks,
19 personal checks, bank checks, and money orders, or

20 b. investment securities or negotiable instruments, in bearer form or otherwise in
21 such form that title thereto passes upon delivery;

22 6. "Financial institution" includes:
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- a. any financial institution, as defined in Section 5312(a)(2) of Title 31 of the United States Code, or the regulations promulgated thereunder, and
- b. any foreign bank, as defined in Section 3101 of Title 12 of the United States Code;

7. "Specified unlawful activity" means any violation of the Uniform Controlled Dangerous Substances Act; and

8. "Money transmitting" includes transferring funds by any and all means including, but not limited to, transfers within this state, country or to locations abroad by wire, check, draft, facsimile, or courier.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-503.1k of Title 63, unless there is created a duplication in numbering, reads as follows:

A. A prosecution for an offense under the Drug Money Laundering and Wire Transmitter Act may be brought in:

- 1. Any county in which the financial or monetary transaction is conducted; or
- 2. Any county where a prosecution for the underlying specified unlawful activity could be brought, if the defendant participated in the transfer of the proceeds of the specified unlawful activity from that county to the county where the financial or monetary transaction is conducted.

B. A prosecution for an attempt or conspiracy offense under the Drug Money Laundering and Wire Transmitter Act may be brought in the county where venue would lie for the completed offense or in any other county where an act in furtherance of the attempt or conspiracy took place.

C. For purposes of this section, a transfer of funds from one place to another, by wire or any other means, shall constitute a single, continuing transaction. Any person who conducts any portion of the transaction may be charged in any jurisdiction in which the transaction takes place.

1 SECTION 11. AMENDATORY 63 O.S. 2001, Section 2-508, as last amended by Section
2 16, Chapter 168, O.S.L. 2004 (63 O.S. Supp. 2008, Section 2-508), is amended to read as follows:

3 Section 2-508. A. Except as otherwise provided, all property described in paragraphs 1 and 2 of
4 subsection A of Section 2-503 of this title which is seized or surrendered pursuant to the provisions of
5 the Uniform Controlled Dangerous Substances Act shall be destroyed. The destruction shall be done
6 by or at the direction of the Oklahoma State Bureau of Investigation, who shall have the discretion
7 prior to destruction to preserve samples of the substance for testing. In any county with a population
8 of four hundred thousand (400,000) or more according to the latest Federal Decennial Census, there
9 shall be a located site, approved by the Oklahoma State Bureau of Investigation, for the destruction of
10 the property. Any such property submitted to the Oklahoma State Bureau of Investigation which it
11 deems to be of use for investigative training, educational, or analytical purposes may be retained by the
12 Oklahoma State Bureau of Investigation in lieu of destruction.

13 B. 1. With respect to controlled dangerous substances seized or surrendered pursuant to the
14 provisions of the Uniform Controlled Dangerous Substances Act, municipal police departments,
15 sheriffs, the Oklahoma Bureau of Narcotics and Dangerous Drugs Control Commission, the Oklahoma
16 Highway Patrol, and the Oklahoma State Bureau of Investigation shall have the authority to destroy
17 seized controlled dangerous substances when the amount seized in a single incident exceeds ten (10)
18 pounds. The destroying agency shall:

- 19 a. photograph the seized substance with identifying case numbers or other means of
20 identification,
21 b. prepare a report describing the seized substance prior to the destruction,
22 c. retain at least one (1) pound of the substance randomly selected from the seized
23 substance for the purpose of evidence, and
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1 d. obtain and retain samples of the substance from enough containers, bales, bricks,
2 or other units of substance seized to establish the presence of a weight of the
3 substance necessary to establish a violation of the Trafficking in Illegal Drugs Act
4 pursuant to subsection C of Section 2-415 of this title, if such a weight is present.
5 If such weight is not present, samples of the substance from each container, bale,
6 brick or other unit of substance seized shall be taken. Each sample taken pursuant
7 to this section shall be large enough for the destroying agency and the defendant
8 or suspect to have an independent test performed on the substance for purposes of
9 identification.

10 2. If a defendant or suspect is known to the destroying agency, the destroying agency shall give
11 at least seven (7) days' written notice to the defendant, suspect or counsel for the defendant or suspect
12 of:

- 13 a. the date, the time, and the place where the photographing will take place and
14 notice of the right to attend the photographing, and
15 b. the right to obtain samples of the controlled dangerous substance for independent
16 testing and use as evidence.

17 3. The written notice shall also inform the defendant, suspect or counsel for the defendant or
18 suspect that the destroying agency must be notified in writing within seven (7) days from receipt of the
19 notice of the intent of the suspect or defendant to obtain random samples and make arrangements for
20 the taking of samples. The samples for the defendant or suspect must be taken by a person licensed by
21 the Drug Enforcement Administration. If the defendant or counsel for the defendant fails to notify the
22 destroying agency in writing of an intent to obtain samples and fails to make arrangements for the
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1 taking of samples, a sample taken pursuant to subparagraph d of paragraph 1 of this subsection shall be
2 made available upon request of the defendant or suspect.

3 The representative samples, the photographs, the reports, and the records made under this section
4 and properly identified shall be admissible in any court or administrative proceeding for any purposes
5 for which the seized substance itself would have been admissible.

6 C. All other property not otherwise provided for in the Uniform Controlled Dangerous
7 Substances Act which has come into the possession of the Oklahoma State Bureau of Narcotics and
8 Dangerous Drugs Control or a district attorney may be disposed of by order of the district court when
9 no longer needed in connection with any litigation. If the owner of the property is unknown to the
10 Bureau or district attorney, the Bureau shall hold the property for at least six (6) months prior to filing
11 a petition for disposal with the district court except for laboratory equipment which may be forfeited
12 when no longer needed in connection with litigation, unless the property is perishable. The Director or
13 district attorney shall file a petition in the district court of Oklahoma County or in the case of a district
14 attorney, the petition shall be filed in a county within the district attorney's jurisdiction requesting the
15 authority to:

16 1. Conduct a sale of the property;

17 2. Convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous Drugs
18 Control or to the district attorney's office for donation or transfer in accordance with subsection I ~~or K~~
19 of this section or pursuant to the provisions of Section 2-107 of this title; or

20 3. Convert title of the property to the Oklahoma State Bureau of Narcotics and Dangerous Drugs
21 Control for the purpose of leasing the property in accordance with subsection J of this section.

22 The Director or district attorney shall attach to the petition a list describing the property,
23 including all identifying numbers and marks, if any, the date the property came into the possession of
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1 the Bureau or district attorney, and the name and address of the owner, if known. The notice of the
2 hearing of the petition for the sale of the property, except laboratory equipment used in the processing,
3 manufacturing or compounding of controlled dangerous substances in violation of the provisions of the
4 Uniform Controlled Dangerous Substances Act, shall be given to every known owner, as set forth in
5 the petition, by certified mail to the last-known address of the owner at least ten (10) days prior to the
6 date of the hearing. Notice of a hearing on a petition for forfeiture or sale of laboratory equipment
7 used in the processing, manufacturing or compounding of controlled dangerous substances in violation
8 of the Uniform Controlled Dangerous Substances Act shall not be required. The notice shall contain a
9 brief description of the property, and the location and date of the hearing. In addition, notice of the
10 hearing shall be posted in three public places in the county, one such place being the county courthouse
11 at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and
12 establishes ownership of the property, the court may enter an order authorizing the Director or district
13 attorney to donate the property pursuant to subsection I of this section, to sell the property at a public
14 auction to the highest bidder, or to convert title of the property to the Oklahoma State Bureau of
15 Narcotics and Dangerous Drugs Control for the purpose of leasing or transferring the property pursuant
16 to subsection J or K of this section after at least ten (10) days' notice has been given by publication in
17 one issue of a legal newspaper of the county. If the property is offered for sale at public auction and no
18 bid is received that exceeds fifty percent (50%) of the value of the property, such value to be
19 announced prior to the sale, the Director or district attorney may refuse to sell the item pursuant to any
20 bid received. The Director or district attorney shall make a return of the sale and, when confirmed by
21 the court, the order confirming the sale shall vest in the purchaser title to the property so purchased.
22 The money received from the sale shall be used for the purpose of purchasing controlled dangerous
23 substances to be used as evidence in narcotic cases and fees for informers, or employees and other
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1 associated expenses necessary to apprehend and convict violators of the laws of the State of Oklahoma
2 regulating controlled dangerous substances. These funds shall be transferred to the ~~agency special~~
3 ~~account~~ Bureau of Narcotics Revolving Fund established pursuant to Section ~~7-2~~ 2-107 of ~~Title 62 of~~
4 ~~the Oklahoma Statutes or the Bureau of Narcotics Revolving Fund~~ this title or in the case of a district
5 attorney, the revolving fund in that district for drug education and enforcement. The Director of the
6 Bureau of Narcotics and Dangerous Drugs Control and the Director of State Finance are hereby
7 authorized and directed to promulgate in writing the necessary rules and regulations requiring strict
8 accountability relative to the expenditure of the above funds. In the case of a district attorney, the
9 accountability relative to the expenditure of the fund shall be according to rules already existing for
10 county revolving funds.

11 D. At the request of the Department of Public Safety, the district attorney or a designee of the
12 district attorney may conduct any forfeiture proceedings as described in Section 2-503 of this title on
13 any property subject to forfeiture as described in subsection A, B, or C of Section 2-503 of this title.
14 Except as provided in subsection A of this section, all other property not otherwise provided for in the
15 Uniform Controlled Dangerous Substances Act which has come into the possession of the Oklahoma
16 Department of Public Safety may be disposed of by order of the district court when no longer needed
17 in connection with any litigation. If the owner of the property is unknown to the Department, the
18 Department shall hold the property for at least six (6) months prior to filing a petition for disposal with
19 the district court, unless the property is perishable. The Commissioner of Public Safety shall file a
20 petition in the district court of Oklahoma County requesting the authority to conduct a sale of the
21 property or to convert title of the property to the Oklahoma Department of Public Safety. The
22 Commissioner of Public Safety shall attach to the petition a list describing the property, including all
23 identifying numbers and marks, if any, the date the property came into the possession of the
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1 Department, and the name and address of the owner, if known. The notice of the hearing of the
2 petition for the sale of the property shall be given to every known owner, as set forth in the petition, by
3 certified mail to the last-known address of the owner and party in last possession if applicable, at least
4 ten (10) days prior to the date of the hearing. The notice shall contain a brief description of the
5 property, and the location and date of the hearing. In addition, notice of the hearing shall be posted in
6 three public places in the county, one such place being the county courthouse at the regular place
7 assigned for the posting of legal notices. At the hearing, if no owner appears and establishes
8 ownership of the property, the court may enter an order authorizing the Commissioner of Public Safety
9 to donate the property pursuant to subsection I of this section, to sell the property to the highest bidder,
10 or convert title of the property to the Oklahoma Department of Public Safety for the purpose of leasing
11 or transferring the property pursuant to subsection J or K of this section after at least five (5) days'
12 notice has been given by publication in one issue of a legal newspaper of the county. The
13 Commissioner of Public Safety shall make a return of the sale and, when confirmed by the court, the
14 order confirming the sale shall vest in the purchaser title to the property so purchased. The money
15 received from the sale shall be deposited in the Department of Public Safety Revolving Fund and shall
16 be expended for law enforcement purposes.

17 E. Except as provided in subsection A of this section, all other property not otherwise provided
18 for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the
19 Alcoholic Beverage Laws Enforcement Commission may be disposed of by order of the district court
20 when no longer needed in connection with any litigation. If the owner of the property is unknown to
21 the Alcoholic Beverage Laws Enforcement Commission, the Commission shall hold the property for at
22 least six (6) months prior to filing a petition for disposal with the district court, unless the property is
23 perishable. The Director of the Alcoholic Beverage Laws Enforcement Commission shall file a
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1 petition in the district court of Oklahoma County requesting the authority to conduct a sale of the
2 property or to convert title of the property to the Alcoholic Beverage Laws Enforcement Commission.
3 The Director of the Alcoholic Beverage Laws Enforcement Commission shall attach to the petition a
4 list describing the property, including all identifying numbers and marks, if any, the date the property
5 came into the possession of the Alcoholic Beverage Laws Enforcement Commission, and the name and
6 address of the owner, if known. The notice of the hearing of the petition for the sale of the property
7 shall be given to every known owner, as set forth in the petition, by certified mail to the last-known
8 address of the owner at least ten (10) days prior to the date of the hearing. The notice shall contain a
9 brief description of the property, and the location and date of the hearing. In addition, notice of the
10 hearing shall be posted in three public places in the county, one such place being the county courthouse
11 at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and
12 establishes ownership of the property, the court may enter an order authorizing the Director of the
13 Alcoholic Beverage Laws Enforcement Commission to donate the property pursuant to subsection I of
14 this section or to sell the property to the highest bidder after at least five (5) days' notice has been
15 given by publication in one issue of a legal newspaper of the county. The Director of the Alcoholic
16 Beverage Laws Enforcement Commission shall make a return of the sale and, when confirmed by the
17 court, the order confirming the sale shall vest in the purchaser title to the property so purchased. The
18 money received from the sale shall be deposited in the General Revenue Fund of the state.

19 F. Except as provided in subsection A of this section, all other property not otherwise provided
20 for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the
21 Oklahoma State Bureau of Investigation may be disposed of by order of the district court when no
22 longer needed in connection with any litigation. If the owner of the property is unknown to the
23 Bureau, the Bureau shall hold the property for at least six (6) months prior to filing a petition for
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1 disposal with the district court, unless the property is perishable. The Director of the Oklahoma State
2 Bureau of Investigation shall file a petition in the district court of Oklahoma County requesting the
3 authority to conduct a sale of the property or to convert title of the property to the Oklahoma State
4 Bureau of Investigation. The Director of the Oklahoma State Bureau of Investigation shall attach to
5 the petition a list describing the property, including all identifying numbers and marks, if any, the date
6 the property came into the possession of the Bureau, and the name and address of the owner, if known.
7 The notice of the hearing of the petition for the sale of the property shall be given to every known
8 owner, as set forth in the petition, by certified mail to the last-known address of the owner and party in
9 last possession if applicable, at least ten (10) days prior to the date of the hearing. The notice shall
10 contain a brief description of the property, and the location and date of the hearing. In addition, notice
11 of the hearing shall be posted in three public places in the county, one such place being the county
12 courthouse at the regular place assigned for the posting of legal notices. At the hearing, if no owner
13 appears and establishes ownership of the property, the court may enter an order authorizing the
14 Director of the Oklahoma State Bureau of Investigation to donate the property pursuant to subsection I
15 of this section, to sell the property to the highest bidder, or convert title of the property to the
16 Oklahoma State Bureau of Investigation for the purpose of leasing or transferring the property pursuant
17 to subsection J or K of this section after at least five (5) days' notice has been given by publication in
18 one issue of a legal newspaper of the county. The Director of the Oklahoma State Bureau of
19 Investigation shall make a return of the sale and, when confirmed by the court, the order confirming
20 the sale shall vest in the purchaser title to the property so purchased. The money received from the
21 sale shall be deposited in the OSBI Revolving Fund and shall be expended for law enforcement
22 purposes.

1 G. Except as provided in subsection A of this section, all other property not otherwise provided
2 for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the
3 Oklahoma Department of Corrections after being seized from persons not in the custody or supervision
4 of the Department of Corrections may be disposed of by order of the district court when no longer
5 needed in connection with any litigation. If the owner of the property is unknown to the Department,
6 the Department shall hold the property for at least six (6) months prior to filing a petition for disposal
7 with the district court, unless the property is perishable. The Director of the Oklahoma Department of
8 Corrections shall file a petition in the district court of the county of seizure requesting the authority to
9 conduct a sale of the property or to convert title to the property to the Oklahoma Department of
10 Corrections. The Director of the Oklahoma Department of Corrections shall attach to the petition a list
11 describing the property, including all identifying numbers and marks, if any, the date the property
12 came into possession of the Department and the name and address of the owner, if known. The notice
13 of the hearing of the petition for the sale of the property shall be given to every known owner, as set
14 forth in the petition, by certified mail to the last-known address of the owner and party in last
15 possession if applicable, at least ten (10) days prior to the date of the hearing. The notice shall contain
16 a brief description of the property and the location and date of the hearing. In addition, notice of the
17 hearing shall be posted in three public places in the county, one such place being the county courthouse
18 at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and
19 establishes ownership of the property, the court may enter an order authorizing the Director of the
20 Oklahoma Department of Corrections to donate the property pursuant to subsection I of this section, to
21 sell the property to the highest bidder or convert title of the property to the Oklahoma Department of
22 Corrections after at least five (5) days' notice has been given by publication in one issue of a legal
23 newspaper of the county. The Director of the Oklahoma Department of Corrections shall make a
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1 return of the sale and when confirmed by the court, the order confirming the sale shall vest in the
2 purchaser title to the property so purchased. Twenty-five percent (25%) of the money received from
3 the sale shall be disbursed to a revolving fund in the office of the county treasurer of the county
4 wherein the property was seized, said fund to be used as a revolving fund solely for enforcement of
5 controlled dangerous substances laws, drug abuse prevention and drug abuse education. The
6 remaining seventy-five percent (75%) shall be deposited in the Department of Corrections Revolving
7 Fund to be expended for equipment for probation and parole officers and correctional officers.

8 H. Except as provided in subsection A of this section, all other property not otherwise provided
9 for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the
10 Office of the Attorney General may be disposed of by order of the district court when no longer needed
11 in connection with any litigation. If the owner of the property is unknown to the Office, the Office
12 shall hold the property for at least six (6) months prior to filing a petition for disposal with the district
13 court, unless the property is perishable. The Office of the Attorney General shall file a petition in the
14 district court of Oklahoma County requesting the authority to conduct a sale of the property or to
15 convert title of the property to the Office of the Attorney General. The Office of the Attorney General
16 shall attach to the petition a list describing the property, including all identifying numbers and marks, if
17 any, the date the property came into the possession of the Office, and the name and address of the
18 owner, if known. The notice of the hearing of the petition for the sale of the property shall be given to
19 every known owner, as set forth in the petition, by certified mail to the last-known address of the
20 owner and party in last possession, if applicable, at least ten (10) days prior to the date of the hearing.
21 The notice shall contain a brief description of the property and the location and date of the hearing. In
22 addition, notice of the hearing shall be posted in three public places in the county, one such place being
23 the county courthouse at the regular place assigned for the posting of legal notices. At the hearing, if
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1 no owner appears and establishes ownership of the property, the court may enter an order authorizing
2 the Attorney General to donate the property pursuant to subsection I of this section, to sell the property
3 to the highest bidder, or convert title of the property to the Office of the Attorney General for the
4 purpose of leasing or transferring the property pursuant to subsection J or K of this section after at least
5 five (5) days' notice has been given by publication in one issue of a legal newspaper of the county.
6 The Attorney General shall make a return of the sale and, when confirmed by the court, the order
7 confirming the sale shall vest in the purchaser title to the property so purchased. The money received
8 from the sale shall be deposited in the Attorney General Law Enforcement Revolving Fund and shall
9 be expended for law enforcement purposes. The Office of the Attorney General may enter into
10 agreements with municipal, county or state agencies to return to such an agency a percentage of
11 proceeds of the sale of any property seized by the agency and forfeited under the provisions of this
12 section.

13 I. Any property, including but not limited to uncontaminated laboratory equipment used in the
14 processing, manufacturing or compounding of controlled dangerous substances in violation of the
15 provisions of the Uniform Controlled Dangerous Substances Act, upon a court order, may be donated
16 for classroom or laboratory use by the Oklahoma State Bureau of Narcotics and Dangerous Drugs
17 Control, Oklahoma Department of Public Safety, district attorney, the Alcoholic Beverage Laws
18 Enforcement Commission, the Oklahoma Department of Corrections, or the Office of the Attorney
19 General to any public secondary school or technology center school in this state or any institution of
20 higher education within The Oklahoma State System of Higher Education.

21 J. Any vehicle or firearm which has come into the possession and title vested in the Oklahoma
22 State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma Department of Public Safety,
23 the Oklahoma State Bureau of Investigation, or the Office of the Attorney General, may be offered for
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1 lease to any sheriff's office or police department in this state on an annual basis to assist with the
2 enforcement of the provisions of the Uniform Controlled Dangerous Substances Act. Each agency
3 shall promulgate rules, regulations and procedures for leasing vehicles and firearms. No fully
4 automatic weapons will be subject to the leasing agreement. All firearms leased may be utilized only
5 by C.L.E.E.T. certified officers who have received training in the type and class of weapon leased.
6 Every lessee shall be required to submit an annual report to the leasing agency stating the condition of
7 all leased property. A lease agreement may be renewed annually at the option of the leasing agency.
8 Upon termination of a lease agreement, the property shall be returned to the leasing agency for sale or
9 other disposition. All funds derived from lease agreements or other disposition of property no longer
10 useful to law enforcement shall be deposited in the agency's revolving fund and shall be expended for
11 law enforcement purposes.

12 K. Before disposing of any property pursuant to subsections C through F of this section, ~~the~~
13 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,~~ the Department of Public Safety,
14 the Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State Bureau of Investigation,
15 the Office of the Attorney General, or a district attorney shall notify the Department of Corrections and
16 the Oklahoma Department of Career and Technology Education of the identity of any such property in
17 their possession. The Department of Corrections and the Oklahoma Department of Career and
18 Technology Education must respond within ten (10) days of such notification, as to whether or not
19 such property could be used in the operations or training programs of either agency. Upon receipt of
20 the response, the agency or district attorney that issued the notification shall negotiate as to which
21 agency will be entitled to the use of the property, the purpose of the use and the duration of such use.
22 Upon return of the property, the property may be disposed of as otherwise provided in this section.
23 The agencies and any district attorney that are parties to any transfer of property pursuant to this
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1 subsection shall enter into written agreements to carry out any such transfer of property. Any such
2 agreement may also provide for the granting of title to any property being transferred as the parties
3 deem appropriate.

4 SECTION 12. AMENDATORY 70 O.S. 2001, Section 1210.224, is amended to read as
5 follows:

6 Section 1210.224 The Department of Education may administer the comprehensive Drug Abuse
7 Education Act of 1972, pursuant to regulations which the State Board of Education is hereby
8 empowered to promulgate. In administering this section, the Department shall take into consideration
9 the advice of the ~~Commissioner~~ Director of the Oklahoma State Bureau of Narcotics and Dangerous
10 Drugs Control and the Advisory Board to the Commissioner of Oklahoma State Bureau of Narcotics
11 and Dangerous Drugs Control Commission.

12 SECTION 13. AMENDATORY 74 O.S. 2001, Section 78, as last amended by Section 1,
13 Chapter 169, O.S.L. 2007 (74 O.S. Supp. 2008, Section 78), is amended to read as follows:

14 Section 78. A. There is hereby created and established within the Department of Central
15 Services, the Fleet Management Division. The Division shall provide oversight of and advice to state
16 agencies that own, operate and utilize motor vehicles, except for the Department of Public Safety, the
17 Department of Transportation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
18 the Oklahoma State Bureau of Investigation, and The Oklahoma State System of Higher Education.

19 B. The Director of Central Services shall:

- 20 1. Appoint and fix duties and compensation for a Fleet Manager who shall serve as the
21 administrative head of the division;
- 22 2. Hire personnel as necessary to provide fleet management services to state agencies;
- 23 3. Acquire facilities to maintain vehicles;
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1 4. Promulgate rules for efficient and economical operations to provide fleet management
2 services to state agencies; and

3 5. Report to the Governor, Speaker of the House of Representatives, and President Pro Tempore
4 of the Senate those agencies that fail to comply with the provisions of law and the rules of the Fleet
5 Management Division regarding submission of reports, vehicle use, and vehicle maintenance.

6 C. The rules shall include provisions to:

7 1. Establish uniform written vehicle acquisition, leasing, maintenance, repairs, and disposal
8 standards for use by all state agencies to justify actual need for vehicles;

9 2. Establish standards for routine vehicle inspection and maintenance;

10 3. Provide standards and forms for recordkeeping of fleet operation, maintenance, and repair
11 costs for mandatory use by all state agencies to report the data to the Fleet Management Division on a
12 monthly basis;

13 4. Provide standards and utilize methods for disposal of vehicles pursuant to the Oklahoma
14 Surplus Property Act and any other applicable state laws;

15 5. Establish mandatory maintenance contracts throughout the state for all agencies to access for
16 vehicle repairs and service at discounted rates and parts;

17 6. Require all agencies with in-house repair and service facilities to assign a value to the
18 preventive maintenance services, track those services with a dollar value, and report costs to the Fleet
19 Manager for the prior month no later than the twentieth day following the close of each month;

20 7. Promulgate rules requiring all state-owned motor vehicles to be marked in a uniform, highly
21 visible manner, except for certain vehicles driven by law enforcement agencies or other agencies
22 requiring confidentiality;

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1 8. Require agencies to produce and maintain written justification for any vehicle that travels
2 fewer than twelve thousand (12,000) miles annually and report to the Fleet Manager such information
3 by October 1 of each year; and

4 9. Address any other matter or practice which relates to the responsibilities of the Director of
5 Central Services.

6 D. The Fleet Manager shall:

7 1. Develop specifications for contracts for vehicle maintenance for state vehicles not serviced or
8 maintained by state agencies;

9 2. Conduct on-site inspections to verify state agency or supplier compliance with Division
10 standards for inspections, maintenance and recordkeeping;

11 3. Assess state agency needs for vehicles and types of vehicles;

12 4. Assign, transfer or lease vehicles to a state agency to meet the needs of the state agency;

13 5. Unless otherwise provided by law, determine whether a state agency may use or operate a
14 vehicle without state identifying markings, bearing a license plate used by a privately owned vehicle to
15 perform the duties of the state agency without hindrance;

16 6. Report to the Director of Central Services occurrences of agencies failing to comply with the
17 provisions of law and the rules of the Fleet Management Division regarding submission of reports,
18 vehicle use, and vehicle maintenance;

19 7. Offer guidelines to agencies to assist in determining the most cost-effective and reasonable
20 modes of travel for single trips from the following options: state vehicle, private rental, or mileage
21 reimbursement; and

22 8. Provide, upon the request of the Governor, the President Pro Tempore of the Senate or the
23 Speaker of the House of Representatives, reports from data the Fleet Manager collects.
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1 SECTION 14. AMENDATORY 74 O.S. 2001, Section 78a, is amended to read as follows:

2 Section 78a. A. State agencies with authority to own motor vehicles shall submit a requisition
3 to the Director of Central Services prior to acquisition of a motor vehicle. The requisition shall state
4 the type of vehicle, the intended purpose of the vehicle, a statement that the agency has actual need for
5 the vehicle, the supplier of the vehicle, that the state agency has sufficient funds to acquire and
6 maintain the vehicle and cite the statutory authority of the state agency to acquire a vehicle.

7 B. The Director of Central Services shall review the requisition and approve or deny the request
8 of the state agency within fifteen (15) days of receipt by the Director of Central Services. The Director
9 of State Finance shall not approve a purchase order or claim for a motor vehicle unless the acquisition
10 of the motor vehicle was approved by the Director of Central Services.

11 C. The provisions of subsections A and B of this section shall not apply to the Department of
12 Public Safety or the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

13 SECTION 15. This act shall become effective November 1, 2009.

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