

1 ENGROSSED HOUSE  
2 BILL NO. 1606

By: Sullivan and Roan of the  
House

3 and

4 Crain of the Senate  
5  
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7 An Act relating to criminal procedure; amending 22  
8 O.S. 2001, Section 1325, which relates to procedures  
9 for returning unclaimed property; updating statutory  
10 references; updating language; modifying notice  
11 requirements; and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2001, Section 1325, is  
14 amended to read as follows:

15 Section 1325. A. Any sheriff's office or campus police agency  
16 as authorized under ~~Section 360.15 et seq. of Title 74 of the~~  
17 ~~Oklahoma Statutes~~ the Oklahoma Campus Security Act is authorized to  
18 dispose of by public sale, destruction, donation, or transfer for  
19 use to a governmental subdivision personal property which has come  
20 into its possession, or deposit in a special fund, as hereafter  
21 provided, all money or legal tender of the United States which has  
22 come into its possession, whether ~~said~~ the property or money be  
23 stolen, embezzled, lost, abandoned or otherwise, the owner of ~~said~~  
24 the property or money being unknown or not having claimed the same,

1 and which the sheriff or campus police agency has held for at least  
2 six (6) months, and such property or money, or any part thereof,  
3 being no longer needed to be held as evidence or otherwise used in  
4 connection with any litigation.

5 B. Where personal property held under the circumstances  
6 provided in subsection A of this section is determined by the agency  
7 having custody to be unsuitable for disposition by public sale due  
8 to its condition or assessed by agency personnel as having limited  
9 or no resale value, it may be destroyed, discarded as solid waste or  
10 donated to a charitable organization designated by the U.S. Internal  
11 Revenue Service as a 501(c)(3) nonprofit organization. Where  
12 disposition by destruction, discard, or donation is made of personal  
13 property, a report describing the property by category and quantity,  
14 and indicating what disposition was made for each item or lot, shall  
15 be submitted to the presiding judge of the district court within ten  
16 (10) days following the disposition.

17 C. Where disposition by public sale is appropriate, the  
18 sheriff's office or campus police agency shall file an application  
19 in the district court of its county requesting the authority of ~~said~~  
20 the court to dispose of such personal property, and shall attach to  
21 ~~his~~ the application a list describing ~~such~~ the property, including  
22 all identifying numbers and marks, if any, the date ~~said~~ the  
23 property came into ~~its~~ the possession of the sheriff's office or  
24 campus police agency and the name and address of the owner, if

1 known. The court shall set ~~said~~ the application for hearing not  
2 less than ten (10) days nor more than twenty (20) days after filing.

3 D. ~~Notice~~ Written notice shall be given by the sheriff's office  
4 or campus police agency of ~~said~~ the hearing to each and every owner  
5 known and as set forth in ~~said~~ the application by ~~certified~~ first-  
6 class mail, postage prepaid, and directed to their the last-known  
7 address of the owner at least ten (10) days prior to the date of  
8 ~~said~~ the hearing. ~~Said~~ The notice shall contain a brief description  
9 of the property of ~~said~~ the owner and the place and date of the  
10 hearing. In addition ~~thereto,~~ notice of ~~said~~ the hearing shall be  
11 posted in three public places in the county, one being the county  
12 courthouse at the regular place assigned for the posting of legal  
13 notices or shall be published in a newspaper authorized by law to  
14 publish legal notices in the county in which the property is  
15 located. If no newspaper authorized by law to publish legal notices  
16 is published in such county, the notice shall be published in a  
17 newspaper of general circulation which is published in an adjoining  
18 county. The notice shall state the name of the owner being notified  
19 by publication and shall be published at least ten (10) days prior  
20 to the date of the hearing.

21 E. At the hearing, if no owner appears and establishes  
22 ownership to ~~said~~ the property, the court shall enter an order  
23 authorizing the sheriff's office or campus police agency to donate  
24 property having a value of less than Five Hundred Dollars (\$500.00)

1 to a not-for-profit corporation as defined in Title 18 of the  
2 Oklahoma Statutes or to sell ~~said~~ the personal property to the  
3 highest bidder for cash, after at least five (5) ~~days~~ days of  
4 notice has been given by publication in one issue of a legal  
5 newspaper of the county. The sheriff's office or campus police  
6 agency shall make a return of ~~said~~ the donation or sale and, when  
7 confirmed by ~~said~~ the court, the order confirming ~~said~~ the donation  
8 or sale shall vest in the recipient or purchaser title to ~~said~~ the  
9 property so donated or purchased.

10 F. A sheriff's office having in its possession money or legal  
11 tender under the circumstances provided in subsection A of this  
12 section, prior to appropriating the same for deposit into a special  
13 fund, shall file an application in the district court of its county  
14 requesting the court to enter an order authorizing it to so  
15 appropriate ~~said~~ the money for deposit in ~~said~~ the special fund.  
16 ~~Said~~ The application shall describe the money or legal tender,  
17 together with serial numbers, if any, the date the same came into  
18 the possession of the sheriff's office or campus police agency, and  
19 the name and address of the owner, if known. Upon filing, ~~said~~ the  
20 application, which may be joined with an application as described in  
21 subsection C of this section, shall be set for hearing not less than  
22 ten (10) days nor more than twenty (20) days from the filing  
23 thereof, and notice of ~~said~~ the hearing shall be given as provided  
24 in subsection D of this section. ~~Such~~ The notice shall state that,

1 upon no one appearing to prove ownership to ~~said~~ the money or legal  
2 tender, the same will be ordered by the court to be deposited in the  
3 special fund by the sheriff's office or campus police agency. ~~Said~~  
4 The notice may be combined with a notice to sell personal property  
5 as set forth in subsection D of this section. At the hearing, if no  
6 one appears to claim and prove ownership to ~~said~~ the money or legal  
7 tender, the court shall order the same to be deposited by the  
8 sheriff's office or campus police agency in the special fund, as  
9 provided in subsection H of this section.

10 G. Where a sheriff's office or campus police agency has in its  
11 possession under the circumstances provided in subsection A of this  
12 section, personal property deemed to have potential utility to that  
13 sheriff's office, campus police agency or another governmental  
14 subdivision, prior to appropriating the personal property for use,  
15 the sheriff's office or campus police agency shall file an  
16 application in the district court requesting the court to enter an  
17 order authorizing it to so appropriate or transfer the property for  
18 use. The application shall describe the property, together with  
19 serial numbers, if any, the date the property came into the  
20 possession of the sheriff's office or campus police agency and the  
21 name and address of the owner, if known. Upon filing, the  
22 application, which may be joined with an application as described in  
23 subsection C of this section, shall be set for hearing not less than  
24 ten (10) days nor more than twenty (20) days from the filing

1 thereof. Notice of the hearing shall be given as provided in  
2 subsection D of this section. The notice shall state that, upon no  
3 one appearing to prove ownership to the personal property, the  
4 property will be ordered by the court to be delivered for use by the  
5 sheriff's office or campus police agency or its authorizing  
6 institution or transferred to another governmental subdivision for  
7 its use. The notice may be combined with a notice to sell personal  
8 property as set forth in subsection D of this section. At the  
9 hearing, if no one appears to claim and prove ownership to the  
10 personal property, the court shall order the property to be  
11 available for use by the sheriff's office or campus police agency or  
12 delivered to an appropriate person for use by the authorizing  
13 institution or another governmental subdivision.

14 H. The money received from the sale of personal property as  
15 above provided, after payment of the court costs and other expenses,  
16 if any, together with all money in possession of ~~said~~ the sheriff's  
17 office or campus police agency, which has been ordered by the court  
18 to be deposited in the special fund, shall be deposited in such fund  
19 which shall be separately maintained by ~~said~~ the sheriff's office in  
20 a special fund with the county treasurer or campus police agency to  
21 be expended upon the approval of the sheriff or head of the campus  
22 police agency for the purchase of equipment, materials or supplies  
23 that may be used in crime prevention, education, training or  
24 programming. ~~Said~~ The fund or any portion of it may be expended in

1 paying the expenses of the sheriff or any duly authorized deputy or  
2 employee of the campus police agency to attend law enforcement or  
3 public safety training courses which are conducted by the Oklahoma  
4 Council on Law Enforcement Education and Training (CLEET) or other  
5 certified trainers, providers, or agencies.

6 I. The disposition of biological evidence, as defined by  
7 Section ~~±~~ 1372 of this ~~act~~ title, shall be governed by the  
8 provisions set forth in Section ~~±~~ 1372 of this ~~act~~ title.

9 SECTION 2. This act shall become effective November 1, 2009.

10 Passed the House of Representatives the 9th day of March, 2009.

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14 Presiding Officer of the House of  
Representatives

15 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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19 Presiding Officer of the Senate

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