

1 ENGROSSED HOUSE
2 BILL NO. 2250

By: Terrill of the House

3 and

4 Sykes of the Senate
5
6

7 An Act relating to the Oklahoma State Bureau of
8 Narcotics and Dangerous Drugs Control; amending 20
9 O.S. 2001, Section 1313.2, as last amended by Section
10 2, Chapter 437, O.S.L. 2008 (20 O.S. Supp. 2008,
11 Section 1313.2), which relates to fee assessments for
12 felony and misdemeanor convictions; deleting fee
13 assessment for certain conviction; adding fee
14 assessment for convictions of certain crimes;
15 directing the deposit of fees; providing for the
16 remittance of fee into certain revolving fund;
17 amending 63 O.S. 2001, Sections 2-103, as last
18 amended by Section 1, Chapter 359, O.S.L. 2008, 2-
19 106, as amended by Section 10, Chapter 170, O.S.L.
20 2008 and Section 1, Chapter 437, O.S.L. 2008 (63 O.S.
21 Supp. 2008, Sections 2-103, 2-106 and 2-107a), which
22 relate to the Uniform Controlled Dangerous Substances
23 Act; authorizing appointment of Chief Information
24 Officer; authorizing the purchase and maintenance of
vehicles and equipment; modifying statutory
reference; amending 63 O.S. 2001, Section 2-310,
which relates to samples of controlled dangerous
substances; updating language; amending 63 O.S. 2001,
Sections 2-410, as amended by Section 1, Chapter 308,
O.S.L. 2008 and 2-411 (63 O.S. 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

1 (63 O.S. Supp. 2008, Section 2-508), which relates to
2 the disposition of seized property; modifying
3 statutory references; updating reference to certain
4 revolving fund; deleting agency from certain
5 notification requirement; amending 70 O.S. 2001,
6 Section 1210.224, which relates to the Drug Abuse
7 Education Act of 1972; updating agency designation;
8 amending 74 O.S. 2001, Sections 78, as last amended
9 by Section 1, Chapter 169, O.S.L. 2007 and 78a (74
10 O.S. Supp. 2008, Section 78), which relate to the
11 Fleet Management Division within the Department of
12 Central Services and motor vehicle requisitions;
13 adding agency to list of entities exempt from
14 oversight; exempting agency from motor vehicle
15 requisition requirements; and providing an effective
16 date.

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

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

21 Section 1313.2 A. As used in this section:

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

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

3. "DNA" means Deoxyribonucleic acid.

B. Any person convicted of an offense, including traffic
offenses but excluding parking and standing violations, punishable
by a fine of Ten Dollars (\$10.00) or more or by incarceration or any

1 person forfeiting bond when charged with such an offense, shall be
2 ordered by the court to pay Nine Dollars (\$9.00) as a separate fee,
3 which fee shall be in addition to and not in substitution for any
4 and all fines and penalties otherwise provided for by law for such
5 offense.

6 C. 1. Any person convicted of any misdemeanor or felony
7 offense shall pay a Laboratory Analysis Fee in the amount of One
8 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
9 or laboratory services are rendered or administered by the Oklahoma
10 State Bureau of Investigation, by the Toxicology Laboratory of the
11 Office of the Chief Medical Examiner or by any municipality or
12 county in connection with the case. This fee shall be in addition
13 to and not a substitution for any and all fines and penalties
14 otherwise provided for by law for this offense.

15 2. The court clerk shall cause to be deposited the amount of
16 One Hundred Fifty Dollars (\$150.00) as collected, for every
17 conviction as described in this subsection. The court clerk shall
18 remit the monies in the fund on a monthly basis directly either to:

19 a. the Oklahoma State Bureau of Investigation who shall
20 deposit the monies into the OSBI Revolving Fund
21 provided for in Section 150.19a of Title 74 of the
22 Oklahoma Statutes for services rendered or
23 administered by the Oklahoma State Bureau of
24 Investigation,

- 1 b. the Office of the Chief Medical Examiner who shall
2 deposit the monies into the Office of the Chief
3 Medical Examiner Toxicology Laboratory Revolving Fund
4 provided for in Section 954 of Title 63 of the
5 Oklahoma Statutes for services rendered or
6 administered by the Toxicology Laboratory of the
7 Office of the Chief Medical Examiner, or
8 c. the appropriate municipality or county for services
9 rendered or administered by a municipality or county.

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

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

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

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

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

1 hundredths percent (60.53%) of the monies received by the Council on
2 Law Enforcement Education and Training from the court clerks
3 pursuant to this section shall be deposited in the CLEET Fund
4 created pursuant to subsection G of this section, five and eighty-
5 three one-hundredths percent (5.83%) shall be deposited in the
6 General Revenue Fund and thirty-three and sixty-four one-hundredths
7 percent (33.64%) shall be deposited in the CLEET Training Center
8 Revolving Fund created pursuant to Section 3311.6 of Title 70 of the
9 Oklahoma Statutes. Along with the deposits required by this
10 subsection, each court shall also submit a report stating the total
11 amount of funds collected and the total number of fees imposed
12 during the preceding quarter. The report may be made on
13 computerized or manual disposition reports.

14 ~~F.~~ E. Any municipality or county having a basic law enforcement
15 academy approved by the Council on Law Enforcement Education and
16 Training pursuant to the criteria developed by the Council for
17 training law enforcement officers shall retain from monies collected
18 pursuant to this section, Two Dollars (\$2.00) from each fee. These
19 monies shall be deposited into an account for the sole use of the
20 municipality or county in implementing its law enforcement training
21 functions. Not more than seven percent (7%) of the monies shall be
22 used for court and prosecution training. The court clerk of any
23 such municipality or county shall furnish to the Council on Law
24

1 Enforcement Education and Training the report required by subsection
2 D of this section.

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

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

14 G. There is hereby created in the State Treasury a fund for the
15 Council on Law Enforcement Education and Training to be designated
16 the "CLEET Fund". The fund shall be subject to legislative
17 appropriation and shall consist of any monies received from fees and
18 receipts collected pursuant to the Oklahoma Open Records Act,
19 reimbursements for parts used in the repair of weapons of law
20 enforcement officers attending the basic academies, gifts, bequests,
21 contributions, tuition, fees, devises, and the assessments levied
22 pursuant to the fund pursuant to law.

23 H. 1. Any person convicted of a felony offense shall pay a DNA
24 fee of One Hundred Fifty Dollars (\$150.00). This fee shall not be

1 collected if the person has a valid DNA sample in the OSBI DNA
2 Offender Database at the time of sentencing.

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

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

15 I. It shall be the responsibility of the court clerk to account
16 for and ensure the correctness and accuracy of payments made to the
17 state agencies identified in Sections 1313.2 through 1313.4 of this
18 title. Payments made directly to an agency by the court clerk as a
19 result of different types of assessments and fees pursuant to
20 Sections 1313.2 through 1313.4 of this title shall be made monthly
21 to each state agency.

22 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-103, as
23 last amended by Section 1, Chapter 359, O.S.L. 2008 (63 O.S. Supp.
24 2008, Section 2-103), is amended to read as follows:

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

21 B. 1. Agents appointed by the Director shall have the powers
22 of peace officers generally; provided, the Director may appoint
23 special agents, who shall be unclassified employees of the state, to
24 meet specific investigatory need. Special agents shall not be

1 required to meet the age and educational requirements as specified
2 in this section.

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

6 3. Each entering agent, with the exception of special agents,
7 shall be required to serve one (1) year in a probationary status as
8 a prerequisite to being placed on permanent status.

9 C. Agents appointed pursuant to the provisions of this section
10 shall have the responsibility of investigating alleged violations
11 and shall have the authority to arrest those suspected of having
12 violated the provisions of the Uniform Controlled Dangerous
13 Substances Act.

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

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

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

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

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

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

16 Section 2-106. A. The Director of the Oklahoma State Bureau of
17 Narcotics and Dangerous Drugs Control shall, in addition to other
18 powers and duties vested in the Director:

19 1. Cooperate with federal and other state agencies in
20 discharging his responsibilities concerning traffic in narcotics and
21 dangerous substances and in suppressing the abuse of dangerous
22 substances;

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

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

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

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

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

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

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

23

24

1 2. Promote better recognition of the problems of misuse and
2 abuse of controlled dangerous substances within the regulated
3 industry and among interested groups and organizations;

4 3. Assist the regulated industry, interested groups and
5 organizations in contributing to the reduction of misuse and abuse
6 of controlled dangerous substances;

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

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

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

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

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

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

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

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

4 2. Cooperate in establishing methods to assess accurately the
5 effects of controlled dangerous substances and to identify and
6 characterize controlled dangerous substances with potential for
7 abuse;

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

10 a. develop new or improved approaches, techniques,
11 systems, equipment and devices to strengthen the
12 enforcement of this act,

13 b. determine patterns of misuse and abuse of controlled
14 dangerous substances and the social effects thereof,
15 and

16 c. improve methods for preventing, predicting,
17 understanding and dealing with the misuse and abuse of
18 controlled dangerous substances.

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

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

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

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

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

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

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

8 L. The Director shall be in charge of all monies appropriated
9 for or deposited to the credit of the office of the Director and is
10 authorized to approve claims and payrolls as provided in Section
11 41.26 of Title 62 of the Oklahoma Statutes.

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

15 SECTION 4. AMENDATORY Section 1, Chapter 437, O.S.L.
16 2008 (63 O.S. Supp. 2008, Section 2-107a), is amended to read as
17 follows:

18 Section 2-107a. There is hereby created in the State Treasury a
19 revolving fund for the Oklahoma State Bureau of Narcotics and
20 Dangerous Drugs Control to be designated the "Bureau of Narcotics
21 Drug Education Revolving Fund". The fund shall be a continuing
22 fund, not subject to fiscal year limitations, and shall consist of
23 any monies received pursuant to subsection ~~D~~ F of Section 1313.2 of
24 Title 20 of the Oklahoma Statutes. All monies accruing to the

1 credit of the fund are hereby appropriated and may be budgeted and
2 expended by the Oklahoma State Bureau of Narcotics and Dangerous
3 Drugs Control for purposes relating to drug education and
4 information in the State of Oklahoma.

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

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

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

16 Section 2-410. A. Whenever any person who has not previously
17 been convicted of any offense under this act or under any statute of
18 the United States or of any state relating to narcotic drugs,
19 marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads
20 guilty or nolo contendere to or is found guilty of a violation of
21 the Uniform Controlled Dangerous Substances Act, the court may,
22 unless otherwise prohibited by law, without entering a judgment of
23 guilt and with the consent of such person, defer further proceedings
24 and place the person on probation upon such reasonable terms and

1 conditions as it may require including the requirement that such
2 person cooperate in a treatment and rehabilitation program of a
3 state-supported or state-approved facility, if available. Upon
4 violation of a term or condition, the court may enter an
5 adjudication of guilt and proceed as otherwise provided. Upon
6 fulfillment of the terms and conditions, the court shall discharge
7 such person and dismiss the proceedings against the person.
8 Discharge and dismissal under this section shall be without court
9 adjudication of guilt and shall not be deemed a conviction for
10 purposes of this section or for purposes of disqualifications or
11 disabilities imposed by law upon conviction of a crime. Discharge
12 and dismissal under this section may occur only once with respect to
13 any person.

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

23 C. The provisions of this section shall not apply to any person
24 who pleads guilty or nolo contendere to or is found guilty of a

1 violation of the Trafficking in Illegal Drugs Act or the Drug Money
2 Laundrying and Wire Transmitter Act.

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

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

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

14 Section 2-503.1a Sections ~~±~~ 2-503.1a through ~~9~~ 2-503.1i of this
15 title and Sections 9 and 10 of this act shall be known and may be
16 cited as the "Drug Money Laundrying and Wire Transmitter Act".

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

20 As used in the Drug Money Laundrying and Wire Transmitter Act:

21 1. "Knowing that the property involved in a financial
22 transaction represents the proceeds of some form of unlawful
23 activity" means that the person knew the property involved in the
24 transaction represented proceeds from some form, though not

1 necessarily which form, of any violation of the Uniform Controlled
2 Dangerous Substances Act;

3 2. "Conducts" includes initiating, concluding, or participating
4 in initiating, or concluding a transaction;

5 3. "Transaction" includes a purchase, sale, loan, pledge, gift,
6 transfer, delivery, or other disposition, and with respect to a
7 financial institution includes a deposit, withdrawal, transfer
8 between accounts, exchange of currency, loan, extension of credit,
9 purchase or sale of any stock, bond, certificate of deposit, or
10 other monetary instrument, use of a safe deposit box, or any other
11 payment, transfer, or delivery by, through, or to a financial
12 institution, by whatever means effected;

13 4. "Financial transaction" means:

14 a. a transaction which in any way or degree affects
15 state, interstate or foreign commerce:

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

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

19 (3) involving the transfer of title to any real
20 property, vehicle, vessel, or aircraft; or

21 b. a transaction involving the use of a financial
22 institution which is engaged in, or the activities of
23 which affect, state, interstate or foreign commerce
24 in any way or degree;

1 5. "Monetary instruments" means:

- 2 a. coin or currency of the United States or of any other
3 country, travelers' checks, personal checks, bank
4 checks, and money orders, or
5 b. investment securities or negotiable instruments, in
6 bearer form or otherwise in such form that title
7 thereto passes upon delivery;

8 6. "Financial institution" includes:

- 9 a. any financial institution, as defined in Section
10 5312(a)(2) of Title 31 of the United States Code, or
11 the regulations promulgated thereunder, and
12 b. any foreign bank, as defined in Section 3101 of Title
13 12 of the United States Code;

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

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

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

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

1 1. Any county in which the financial or monetary transaction is
2 conducted; or

3 2. Any county where a prosecution for the underlying specified
4 unlawful activity could be brought, if the defendant participated in
5 the transfer of the proceeds of the specified unlawful activity from
6 that county to the county where the financial or monetary
7 transaction is conducted.

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

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

18 SECTION 11. AMENDATORY 63 O.S. 2001, Section 2-508, as
19 last amended by Section 16, Chapter 168, O.S.L. 2004 (63 O.S. Supp.
20 2008, Section 2-508), is amended to read as follows:

21 Section 2-508. A. Except as otherwise provided, all property
22 described in paragraphs 1 and 2 of subsection A of Section 2-503 of
23 this title which is seized or surrendered pursuant to the provisions
24 of the Uniform Controlled Dangerous Substances Act shall be

1 destroyed. The destruction shall be done by or at the direction of
2 the Oklahoma State Bureau of Investigation, who shall have the
3 discretion prior to destruction to preserve samples of the substance
4 for testing. In any county with a population of four hundred
5 thousand (400,000) or more according to the latest Federal Decennial
6 Census, there shall be a located site, approved by the Oklahoma
7 State Bureau of Investigation, for the destruction of the property.
8 Any such property submitted to the Oklahoma State Bureau of
9 Investigation which it deems to be of use for investigative
10 training, educational, or analytical purposes may be retained by the
11 Oklahoma State Bureau of Investigation in lieu of destruction.

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

- 20 a. photograph the seized substance with identifying case
21 numbers or other means of identification,
- 22 b. prepare a report describing the seized substance prior
23 to the destruction,

24

- 1 c. retain at least one (1) pound of the substance
2 randomly selected from the seized substance for the
3 purpose of evidence, and
- 4 d. obtain and retain samples of the substance from enough
5 containers, bales, bricks, or other units of substance
6 seized to establish the presence of a weight of the
7 substance necessary to establish a violation of the
8 Trafficking in Illegal Drugs Act pursuant to
9 subsection C of Section 2-415 of this title, if such a
10 weight is present. If such weight is not present,
11 samples of the substance from each container, bale,
12 brick or other unit of substance seized shall be
13 taken. Each sample taken pursuant to this section
14 shall be large enough for the destroying agency and
15 the defendant or suspect to have an independent test
16 performed on the substance for purposes of
17 identification.

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

- 22 a. the date, the time, and the place where the
23 photographing will take place and notice of the right
24 to attend the photographing, and

1 b. the right to obtain samples of the controlled
2 dangerous substance for independent testing and use as
3 evidence.

4 3. The written notice shall also inform the defendant, suspect
5 or counsel for the defendant or suspect that the destroying agency
6 must be notified in writing within seven (7) days from receipt of
7 the notice of the intent of the suspect or defendant to obtain
8 random samples and make arrangements for the taking of samples. The
9 samples for the defendant or suspect must be taken by a person
10 licensed by the Drug Enforcement Administration. If the defendant
11 or counsel for the defendant fails to notify the destroying agency
12 in writing of an intent to obtain samples and fails to make
13 arrangements for the taking of samples, a sample taken pursuant to
14 subparagraph d of paragraph 1 of this subsection shall be made
15 available upon request of the defendant or suspect.

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

21 C. All other property not otherwise provided for in the Uniform
22 Controlled Dangerous Substances Act which has come into the
23 possession of the Oklahoma State Bureau of Narcotics and Dangerous
24 Drugs Control or a district attorney may be disposed of by order of

1 the district court when no longer needed in connection with any
2 litigation. If the owner of the property is unknown to the Bureau
3 or district attorney, the Bureau shall hold the property for at
4 least six (6) months prior to filing a petition for disposal with
5 the district court except for laboratory equipment which may be
6 forfeited when no longer needed in connection with litigation,
7 unless the property is perishable. The Director or district
8 attorney shall file a petition in the district court of Oklahoma
9 County or in the case of a district attorney, the petition shall be
10 filed in a county within the district attorney's jurisdiction
11 requesting the authority to:

12 1. Conduct a sale of the property;
13 2. Convert title of the property to the Oklahoma State Bureau
14 of Narcotics and Dangerous Drugs Control or to the district
15 attorney's office for donation or transfer in accordance with
16 subsection I ~~or K~~ of this section or pursuant to the provisions of
17 Section 2-107 of this title; or

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

21 The Director or district attorney shall attach to the petition a
22 list describing the property, including all identifying numbers and
23 marks, if any, the date the property came into the possession of the
24 Bureau or district attorney, and the name and address of the owner,

1 | if known. The notice of the hearing of the petition for the sale of
2 | the property, except laboratory equipment used in the processing,
3 | manufacturing or compounding of controlled dangerous substances in
4 | violation of the provisions of the Uniform Controlled Dangerous
5 | Substances Act, shall be given to every known owner, as set forth in
6 | the petition, by certified mail to the last-known address of the
7 | owner at least ten (10) days prior to the date of the hearing.
8 | Notice of a hearing on a petition for forfeiture or sale of
9 | laboratory equipment used in the processing, manufacturing or
10 | compounding of controlled dangerous substances in violation of the
11 | Uniform Controlled Dangerous Substances Act shall not be required.
12 | The notice shall contain a brief description of the property, and
13 | the location and date of the hearing. In addition, notice of the
14 | hearing shall be posted in three public places in the county, one
15 | such place being the county courthouse at the regular place assigned
16 | for the posting of legal notices. At the hearing, if no owner
17 | appears and establishes ownership of the property, the court may
18 | enter an order authorizing the Director or district attorney to
19 | donate the property pursuant to subsection I of this section, to
20 | sell the property at a public auction to the highest bidder, or to
21 | convert title of the property to the Oklahoma State Bureau of
22 | Narcotics and Dangerous Drugs Control for the purpose of leasing or
23 | transferring the property pursuant to subsection J or K of this
24 | section after at least ten (10) days' notice has been given by

1 publication in one issue of a legal newspaper of the county. If the
2 property is offered for sale at public auction and no bid is
3 received that exceeds fifty percent (50%) of the value of the
4 property, such value to be announced prior to the sale, the Director
5 or district attorney may refuse to sell the item pursuant to any bid
6 received. The Director or district attorney shall make a return of
7 the sale and, when confirmed by the court, the order confirming the
8 sale shall vest in the purchaser title to the property so purchased.
9 The money received from the sale shall be used for the purpose of
10 purchasing controlled dangerous substances to be used as evidence in
11 narcotic cases and fees for informers, or employees and other
12 associated expenses necessary to apprehend and convict violators of
13 the laws of the State of Oklahoma regulating controlled dangerous
14 substances. These funds shall be transferred to the ~~agency special~~
15 ~~account~~ Bureau of Narcotics Revolving Fund established pursuant to
16 Section 7.2 2-107 of ~~Title 62 of the Oklahoma Statutes or the Bureau~~
17 ~~of Narcotics Revolving Fund~~ this title or in the case of a district
18 attorney, the revolving fund in that district for drug education and
19 enforcement. The Director of the Bureau of Narcotics and Dangerous
20 Drugs Control and the Director of State Finance are hereby
21 authorized and directed to promulgate in writing the necessary rules
22 and regulations requiring strict accountability relative to the
23 expenditure of the above funds. In the case of a district attorney,

24

1 the accountability relative to the expenditure of the fund shall be
2 according to rules already existing for county revolving funds.

3 D. At the request of the Department of Public Safety, the
4 district attorney or a designee of the district attorney may conduct
5 any forfeiture proceedings as described in Section 2-503 of this
6 title on any property subject to forfeiture as described in
7 subsection A, B, or C of Section 2-503 of this title. Except as
8 provided in subsection A of this section, all other property not
9 otherwise provided for in the Uniform Controlled Dangerous
10 Substances Act which has come into the possession of the Oklahoma
11 Department of Public Safety may be disposed of by order of the
12 district court when no longer needed in connection with any
13 litigation. If the owner of the property is unknown to the
14 Department, the Department shall hold the property for at least six
15 (6) months prior to filing a petition for disposal with the district
16 court, unless the property is perishable. The Commissioner of
17 Public Safety shall file a petition in the district court of
18 Oklahoma County requesting the authority to conduct a sale of the
19 property or to convert title of the property to the Oklahoma
20 Department of Public Safety. The Commissioner of Public Safety
21 shall attach to the petition a list describing the property,
22 including all identifying numbers and marks, if any, the date the
23 property came into the possession of the Department, and the name
24 and address of the owner, if known. The notice of the hearing of

1 the petition for the sale of the property shall be given to every
2 known owner, as set forth in the petition, by certified mail to the
3 last-known address of the owner and party in last possession if
4 applicable, at least ten (10) days prior to the date of the hearing.
5 The notice shall contain a brief description of the property, and
6 the location and date of the hearing. In addition, notice of the
7 hearing shall be posted in three public places in the county, one
8 such place being the county courthouse at the regular place assigned
9 for the posting of legal notices. At the hearing, if no owner
10 appears and establishes ownership of the property, the court may
11 enter an order authorizing the Commissioner of Public Safety to
12 donate the property pursuant to subsection I of this section, to
13 sell the property to the highest bidder, or convert title of the
14 property to the Oklahoma Department of Public Safety for the purpose
15 of leasing or transferring the property pursuant to subsection J or
16 K of this section after at least five (5) days' notice has been
17 given by publication in one issue of a legal newspaper of the
18 county. The Commissioner of Public Safety shall make a return of
19 the sale and, when confirmed by the court, the order confirming the
20 sale shall vest in the purchaser title to the property so purchased.
21 The money received from the sale shall be deposited in the
22 Department of Public Safety Revolving Fund and shall be expended for
23 law enforcement purposes.

24

1 E. Except as provided in subsection A of this section, all
2 other property not otherwise provided for in the Uniform Controlled
3 Dangerous Substances Act which has come into the possession of the
4 Alcoholic Beverage Laws Enforcement Commission may be disposed of by
5 order of the district court when no longer needed in connection with
6 any litigation. If the owner of the property is unknown to the
7 Alcoholic Beverage Laws Enforcement Commission, the Commission shall
8 hold the property for at least six (6) months prior to filing a
9 petition for disposal with the district court, unless the property
10 is perishable. The Director of the Alcoholic Beverage Laws
11 Enforcement Commission shall file a petition in the district court
12 of Oklahoma County requesting the authority to conduct a sale of the
13 property or to convert title of the property to the Alcoholic
14 Beverage Laws Enforcement Commission. The Director of the Alcoholic
15 Beverage Laws Enforcement Commission shall attach to the petition a
16 list describing the property, including all identifying numbers and
17 marks, if any, the date the property came into the possession of the
18 Alcoholic Beverage Laws Enforcement Commission, and the name and
19 address of the owner, if known. The notice of the hearing of the
20 petition for the sale of the property shall be given to every known
21 owner, as set forth in the petition, by certified mail to the
22 last-known address of the owner at least ten (10) days prior to the
23 date of the hearing. The notice shall contain a brief description
24 of the property, and the location and date of the hearing. In

1 addition, notice of the hearing shall be posted in three public
2 places in the county, one such place being the county courthouse at
3 the regular place assigned for the posting of legal notices. At the
4 hearing, if no owner appears and establishes ownership of the
5 property, the court may enter an order authorizing the Director of
6 the Alcoholic Beverage Laws Enforcement Commission to donate the
7 property pursuant to subsection I of this section or to sell the
8 property to the highest bidder after at least five (5) days' notice
9 has been given by publication in one issue of a legal newspaper of
10 the county. The Director of the Alcoholic Beverage Laws Enforcement
11 Commission shall make a return of the sale and, when confirmed by
12 the court, the order confirming the sale shall vest in the purchaser
13 title to the property so purchased. The money received from the
14 sale shall be deposited in the General Revenue Fund of the state.

15 F. Except as provided in subsection A of this section, all
16 other property not otherwise provided for in the Uniform Controlled
17 Dangerous Substances Act which has come into the possession of the
18 Oklahoma State Bureau of Investigation may be disposed of by order
19 of the district court when no longer needed in connection with any
20 litigation. If the owner of the property is unknown to the Bureau,
21 the Bureau shall hold the property for at least six (6) months prior
22 to filing a petition for disposal with the district court, unless
23 the property is perishable. The Director of the Oklahoma State
24 Bureau of Investigation shall file a petition in the district court

1 of Oklahoma County requesting the authority to conduct a sale of the
2 property or to convert title of the property to the Oklahoma State
3 Bureau of Investigation. The Director of the Oklahoma State Bureau
4 of Investigation shall attach to the petition a list describing the
5 property, including all identifying numbers and marks, if any, the
6 date the property came into the possession of the Bureau, and the
7 name and address of the owner, if known. The notice of the hearing
8 of the petition for the sale of the property shall be given to every
9 known owner, as set forth in the petition, by certified mail to the
10 last-known address of the owner and party in last possession if
11 applicable, at least ten (10) days prior to the date of the hearing.
12 The notice shall contain a brief description of the property, and
13 the location and date of the hearing. In addition, notice of the
14 hearing shall be posted in three public places in the county, one
15 such place being the county courthouse at the regular place assigned
16 for the posting of legal notices. At the hearing, if no owner
17 appears and establishes ownership of the property, the court may
18 enter an order authorizing the Director of the Oklahoma State Bureau
19 of Investigation to donate the property pursuant to subsection I of
20 this section, to sell the property to the highest bidder, or convert
21 title of the property to the Oklahoma State Bureau of Investigation
22 for the purpose of leasing or transferring the property pursuant to
23 subsection J or K of this section after at least five (5) days'
24 notice has been given by publication in one issue of a legal

1 newspaper of the county. The Director of the Oklahoma State Bureau
2 of Investigation shall make a return of the sale and, when confirmed
3 by the court, the order confirming the sale shall vest in the
4 purchaser title to the property so purchased. The money received
5 from the sale shall be deposited in the OSBI Revolving Fund and
6 shall be expended for law enforcement purposes.

7 G. Except as provided in subsection A of this section, all
8 other property not otherwise provided for in the Uniform Controlled
9 Dangerous Substances Act which has come into the possession of the
10 Oklahoma Department of Corrections after being seized from persons
11 not in the custody or supervision of the Department of Corrections
12 may be disposed of by order of the district court when no longer
13 needed in connection with any litigation. If the owner of the
14 property is unknown to the Department, the Department shall hold the
15 property for at least six (6) months prior to filing a petition for
16 disposal with the district court, unless the property is perishable.
17 The Director of the Oklahoma Department of Corrections shall file a
18 petition in the district court of the county of seizure requesting
19 the authority to conduct a sale of the property or to convert title
20 to the property to the Oklahoma Department of Corrections. The
21 Director of the Oklahoma Department of Corrections shall attach to
22 the petition a list describing the property, including all
23 identifying numbers and marks, if any, the date the property came
24 into possession of the Department and the name and address of the

1 owner, if known. The notice of the hearing of the petition for the
2 sale of the property shall be given to every known owner, as set
3 forth in the petition, by certified mail to the last-known address
4 of the owner and party in last possession if applicable, at least
5 ten (10) days prior to the date of the hearing. The notice shall
6 contain a brief description of the property and the location and
7 date of the hearing. In addition, notice of the hearing shall be
8 posted in three public places in the county, one such place being
9 the county courthouse at the regular place assigned for the posting
10 of legal notices. At the hearing, if no owner appears and
11 establishes ownership of the property, the court may enter an order
12 authorizing the Director of the Oklahoma Department of Corrections
13 to donate the property pursuant to subsection I of this section, to
14 sell the property to the highest bidder or convert title of the
15 property to the Oklahoma Department of Corrections after at least
16 five (5) days' notice has been given by publication in one issue of
17 a legal newspaper of the county. The Director of the Oklahoma
18 Department of Corrections shall make a return of the sale and when
19 confirmed by the court, the order confirming the sale shall vest in
20 the purchaser title to the property so purchased. Twenty-five
21 percent (25%) of the money received from the sale shall be disbursed
22 to a revolving fund in the office of the county treasurer of the
23 county wherein the property was seized, said fund to be used as a
24 revolving fund solely for enforcement of controlled dangerous

1 substances laws, drug abuse prevention and drug abuse education.
2 The remaining seventy-five percent (75%) shall be deposited in the
3 Department of Corrections Revolving Fund to be expended for
4 equipment for probation and parole officers and correctional
5 officers.

6 H. Except as provided in subsection A of this section, all
7 other property not otherwise provided for in the Uniform Controlled
8 Dangerous Substances Act which has come into the possession of the
9 Office of the Attorney General may be disposed of by order of the
10 district court when no longer needed in connection with any
11 litigation. If the owner of the property is unknown to the Office,
12 the Office shall hold the property for at least six (6) months prior
13 to filing a petition for disposal with the district court, unless
14 the property is perishable. The Office of the Attorney General
15 shall file a petition in the district court of Oklahoma County
16 requesting the authority to conduct a sale of the property or to
17 convert title of the property to the Office of the Attorney General.
18 The Office of the Attorney General shall attach to the petition a
19 list describing the property, including all identifying numbers and
20 marks, if any, the date the property came into the possession of the
21 Office, and the name and address of the owner, if known. The notice
22 of the hearing of the petition for the sale of the property shall be
23 given to every known owner, as set forth in the petition, by
24 certified mail to the last-known address of the owner and party in

1 last possession, if applicable, at least ten (10) days prior to the
2 date of the hearing. The notice shall contain a brief description
3 of the property and the location and date of the hearing. In
4 addition, notice of the hearing shall be posted in three public
5 places in the county, one such place being the county courthouse at
6 the regular place assigned for the posting of legal notices. At the
7 hearing, if no owner appears and establishes ownership of the
8 property, the court may enter an order authorizing the Attorney
9 General to donate the property pursuant to subsection I of this
10 section, to sell the property to the highest bidder, or convert
11 title of the property to the Office of the Attorney General for the
12 purpose of leasing or transferring the property pursuant to
13 subsection J or K of this section after at least five (5) days'
14 notice has been given by publication in one issue of a legal
15 newspaper of the county. The Attorney General shall make a return
16 of the sale and, when confirmed by the court, the order confirming
17 the sale shall vest in the purchaser title to the property so
18 purchased. The money received from the sale shall be deposited in
19 the Attorney General Law Enforcement Revolving Fund and shall be
20 expended for law enforcement purposes. The Office of the Attorney
21 General may enter into agreements with municipal, county or state
22 agencies to return to such an agency a percentage of proceeds of the
23 sale of any property seized by the agency and forfeited under the
24 provisions of this section.

1 I. Any property, including but not limited to uncontaminated
2 laboratory equipment used in the processing, manufacturing or
3 compounding of controlled dangerous substances in violation of the
4 provisions of the Uniform Controlled Dangerous Substances Act, upon
5 a court order, may be donated for classroom or laboratory use by the
6 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
7 Oklahoma Department of Public Safety, district attorney, the
8 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma
9 Department of Corrections, or the Office of the Attorney General to
10 any public secondary school or technology center school in this
11 state or any institution of higher education within The Oklahoma
12 State System of Higher Education.

13 J. Any vehicle or firearm which has come into the possession
14 and title vested in the Oklahoma State Bureau of Narcotics and
15 Dangerous Drugs Control, the Oklahoma Department of Public Safety,
16 the Oklahoma State Bureau of Investigation, or the Office of the
17 Attorney General, may be offered for lease to any sheriff's office
18 or police department in this state on an annual basis to assist with
19 the enforcement of the provisions of the Uniform Controlled
20 Dangerous Substances Act. Each agency shall promulgate rules,
21 regulations and procedures for leasing vehicles and firearms. No
22 fully automatic weapons will be subject to the leasing agreement.
23 All firearms leased may be utilized only by C.L.E.E.T. certified
24 officers who have received training in the type and class of weapon

1 leased. Every lessee shall be required to submit an annual report
2 to the leasing agency stating the condition of all leased property.
3 A lease agreement may be renewed annually at the option of the
4 leasing agency. Upon termination of a lease agreement, the property
5 shall be returned to the leasing agency for sale or other
6 disposition. All funds derived from lease agreements or other
7 disposition of property no longer useful to law enforcement shall be
8 deposited in the agency's revolving fund and shall be expended for
9 law enforcement purposes.

10 K. Before disposing of any property pursuant to subsections C
11 through F of this section, ~~the Oklahoma State Bureau of Narcotics~~
12 ~~and Dangerous Drugs Control,~~ the Department of Public Safety, the
13 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State
14 Bureau of Investigation, the Office of the Attorney General, or a
15 district attorney shall notify the Department of Corrections and the
16 Oklahoma Department of Career and Technology Education of the
17 identity of any such property in their possession. The Department
18 of Corrections and the Oklahoma Department of Career and Technology
19 Education must respond within ten (10) days of such notification, as
20 to whether or not such property could be used in the operations or
21 training programs of either agency. Upon receipt of the response,
22 the agency or district attorney that issued the notification shall
23 negotiate as to which agency will be entitled to the use of the
24 property, the purpose of the use and the duration of such use. Upon

1 return of the property, the property may be disposed of as otherwise
2 provided in this section. The agencies and any district attorney
3 that are parties to any transfer of property pursuant to this
4 subsection shall enter into written agreements to carry out any such
5 transfer of property. Any such agreement may also provide for the
6 granting of title to any property being transferred as the parties
7 deem appropriate.

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

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

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

21 Section 78. A. There is hereby created and established within
22 the Department of Central Services, the Fleet Management Division.
23 The Division shall provide oversight of and advice to state agencies
24 that own, operate and utilize motor vehicles, except for the

1 Department of Public Safety, the Department of Transportation, the
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the
3 Oklahoma State Bureau of Investigation, and The Oklahoma State
4 System of Higher Education.

5 B. The Director of Central Services shall:

6 1. Appoint and fix duties and compensation for a Fleet Manager
7 who shall serve as the administrative head of the division;

8 2. Hire personnel as necessary to provide fleet management
9 services to state agencies;

10 3. Acquire facilities to maintain vehicles;

11 4. Promulgate rules for efficient and economical operations to
12 provide fleet management services to state agencies; and

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

18 C. The rules shall include provisions to:

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

22 2. Establish standards for routine vehicle inspection and
23 maintenance;

24

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

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

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

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

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

20 8. Require agencies to produce and maintain written
21 justification for any vehicle that travels fewer than twelve
22 thousand (12,000) miles annually and report to the Fleet Manager
23 such information by October 1 of each year; and
24

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

3 D. The Fleet Manager shall:

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

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

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

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

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

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

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

1 8. Provide, upon the request of the Governor, the President Pro
2 Tempore of the Senate or the Speaker of the House of
3 Representatives, reports from data the Fleet Manager collects.

4 SECTION 14. AMENDATORY 74 O.S. 2001, Section 78a, is
5 amended to read as follows:

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

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

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

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

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

2
3
4 Presiding Officer of the House of
Representatives

5
6 Passed the Senate the ____ day of _____, 2009.

7
8
9 Presiding Officer of the Senate