

THE HOUSE OF REPRESENTATIVES
Wednesday, February 25, 2009

Committee Substitute for
House Bill No. 2250

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2250 - By: TERRILL of the House.

An Act relating to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; amending 20 O.S. 2001, Section 1313.2, as last amended by Section 2, Chapter 437, O.S.L. 2008 (20 O.S. Supp. 2008, Section 1313.2), which relates to fee assessments for felony and misdemeanor convictions; deleting fee assessment for certain conviction; adding fee assessment for convictions of certain crimes; directing the deposit of fees; providing for the remittance of fee into certain revolving fund; amending 63 O.S. 2001, Sections 2-103, as last amended by Section 1, Chapter 359, O.S.L. 2008, 2-106, as amended by Section 10, Chapter 170, O.S.L. 2008 and Section 1, Chapter 437, O.S.L. 2008 (63 O.S. Supp. 2008, Sections 2-103, 2-106 and 2-107a), which relate to the Uniform Controlled Dangerous Substances Act; authorizing appointment of Chief Information 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 (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 from oversight; exempting agency from motor vehicle requisition requirements; and providing an effective date.

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

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

4 Section 1313.2 A. As used in this section:

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

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

10 3. "DNA" means Deoxyribonucleic acid.

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

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

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

- 11 a. the Oklahoma State Bureau of Investigation who shall deposit the
12 monies into the OSBI Revolving Fund provided for in Section 150.19a
13 of Title 74 of the Oklahoma Statutes for services rendered or
14 administered by the Oklahoma State Bureau of Investigation,
15 b. the Office of the Chief Medical Examiner who shall deposit the monies
16 into the Office of the Chief Medical Examiner Toxicology Laboratory
17 Revolving Fund provided for in Section 954 of Title 63 of the Oklahoma
18 Statutes for services rendered or administered by the Toxicology
19 Laboratory of the Office of the Chief Medical Examiner, or
20 c. the appropriate municipality or county for services rendered or
21 administered by a municipality or county.

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

- 3 a. providing criminalistic laboratory services,
- 4 b. the purchase and maintenance of equipment for use by the laboratory
5 in performing analysis,
- 6 c. education, training, and scientific development of Oklahoma State
7 Bureau of Investigation personnel, and
- 8 d. the destruction of seized property and chemicals as prescribed in
9 Sections 2-505 and 2-508 of Title 63 of the Oklahoma Statutes.

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

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

18 E. Upon conviction or bond forfeiture, the court shall collect the fee provided for in
19 subsection B of this section and deposit it in an account created for that purpose. Except
20 as otherwise provided in subsection ~~F~~ E of this section, monies shall be forwarded
21 monthly by the court clerk to the Council on Law Enforcement Education and Training.
22 Beginning July 1, 2003, deposits shall be due on the fifteenth day of each month for the

1 preceding calendar month. There shall be a late fee imposed for failure to make timely
2 deposits; provided, the Council on Law Enforcement Education and Training, in its
3 discretion, may waive all or part of the late fee. Such late fee shall be one percent (1%) of
4 the principal amount due per day beginning from the tenth day after payment is due and
5 accumulating until the late fee reaches one hundred percent (100%) of the principal
6 amount due. Beginning on July 1, 1987, ninety percent (90%) of the monies received by
7 the Council on Law Enforcement Education and Training from the court clerks pursuant
8 to this section shall be deposited in the CLEET Fund, and ten percent (10%) shall be
9 deposited in the General Revenue Fund. Beginning January 1, 2001, sixty and fifty-
10 three one-hundredths percent (60.53%) of the monies received by the Council on Law
11 Enforcement Education and Training from the court clerks pursuant to this section shall
12 be deposited in the CLEET Fund created pursuant to subsection G of this section, five
13 and eighty-three one-hundredths percent (5.83%) shall be deposited in the General
14 Revenue Fund and thirty-three and sixty-four one-hundredths percent (33.64%) shall be
15 deposited in the CLEET Training Center Revolving Fund created pursuant to Section
16 3311.6 of Title 70 of the Oklahoma Statutes. Along with the deposits required by this
17 subsection, each court shall also submit a report stating the total amount of funds
18 collected and the total number of fees imposed during the preceding quarter. The report
19 may be made on computerized or manual disposition reports.

20 ~~F.~~ E. Any municipality or county having a basic law enforcement academy
21 approved by the Council on Law Enforcement Education and Training pursuant to the
22 criteria developed by the Council for training law enforcement officers shall retain from

1 monies collected pursuant to this section, Two Dollars (\$2.00) from each fee. These
2 monies shall be deposited into an account for the sole use of the municipality or county in
3 implementing its law enforcement training functions. Not more than seven percent (7%)
4 of the monies shall be used for court and prosecution training. The court clerk of any
5 such municipality or county shall furnish to the Council on Law Enforcement Education
6 and Training the report required by subsection D of this section.

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

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

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

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

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

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

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

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

21 Section 2-103. A. The Director shall be appointed by the Oklahoma State Bureau
22 of Narcotics and Dangerous Drugs Control Commission. The Director of Narcotics and

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

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

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

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

4 C. Agents appointed pursuant to the provisions of this section shall have the
5 responsibility of investigating alleged violations and shall have the authority to arrest
6 those suspected of having violated the provisions of the Uniform Controlled Dangerous
7 Substances Act.

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

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

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

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

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

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

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

11 1. Cooperate with federal and other state agencies in discharging his
12 responsibilities concerning traffic in narcotics and dangerous substances and in
13 suppressing the abuse of dangerous substances;

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

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

18 4. Cooperate with the Oklahoma State Bureau of Narcotics and Dangerous Drugs
19 Control by establishing a centralized unit which will accept, catalog, file and collect
20 statistics, including records of drug-dependent persons and other dangerous substance
21 law offenders within the state, and make such information available for federal, state

1 and local law enforcement purposes; and may collect and furnish statistics for other
2 appropriate purposes; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 b. determine patterns of misuse and abuse of controlled dangerous
20 substances and the social effects thereof, and

21 c. improve methods for preventing, predicting, understanding and
22 dealing with the misuse and abuse of controlled dangerous substances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 and shall not be deemed a conviction for purposes of this section or for purposes of
2 disqualifications or disabilities imposed by law upon conviction of a crime. Discharge
3 and dismissal under this section may occur only once with respect to any person.

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

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

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

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

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

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

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

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

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

12 2. “Conducts” includes initiating, concluding, or participating in initiating, or
13 concluding a transaction;

14 3. “Transaction” includes a purchase, sale, loan, pledge, gift, transfer, delivery, or
15 other disposition, and with respect to a financial institution includes a deposit,
16 withdrawal, transfer between accounts, exchange of currency, loan, extension of credit,
17 purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument,
18 use of a safe deposit box, or any other payment, transfer, or delivery by, through, or to a
19 financial institution, by whatever means effected;

20 4. “Financial transaction” means:

- 21 a. a transaction which in any way or degree affects
22 state, interstate or foreign commerce:

- 1 (1) involving the movement of funds by wire or other means,
2 (2) involving one or more monetary instruments, or
3 (3) involving the transfer of title to any real property, vehicle,
4 vessel, or aircraft; or

- 5 b. a transaction involving the use of a financial
6 institution which is engaged in, or the activities of
7 which affect, state, interstate or foreign commerce
8 in any way or degree;

9 5. "Monetary instruments" means:

- 10 a. coin or currency of the United States or of any other country, travelers'
11 checks, personal checks, bank checks, and money orders, or
12 b. investment securities or negotiable instruments, in bearer form or
13 otherwise in such form that title thereto passes upon delivery;

14 6. "Financial institution" includes:

- 15 a. any financial institution, as defined in Section 5312(a)(2) of Title 31 of
16 the United States Code, or the regulations promulgated thereunder,
17 and
18 b. any foreign bank, as defined in Section 3101 of Title 12 of the United
19 States Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 20 a. the date, the time, and the place where the photographing will take
21 place and notice of the right to attend the photographing, and

1 with the district court except for laboratory equipment which may be forfeited when no
2 longer needed in connection with litigation, unless the property is perishable. The
3 Director or district attorney shall file a petition in the district court of Oklahoma County
4 or in the case of a district attorney, the petition shall be filed in a county within the
5 district attorney's jurisdiction requesting the authority to:

6 1. Conduct a sale of the property;

7 2. Convert title of the property to the Oklahoma State Bureau of Narcotics and
8 Dangerous Drugs Control or to the district attorney's office for donation or transfer in
9 accordance with subsection I ~~or K~~ of this section or pursuant to the provisions of Section
10 2-107 of this title; or

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

14 The Director or district attorney shall attach to the petition a list describing the
15 property, including all identifying numbers and marks, if any, the date the property
16 came into the possession of the Bureau or district attorney, and the name and address of
17 the owner, if known. The notice of the hearing of the petition for the sale of the property,
18 except laboratory equipment used in the processing, manufacturing or compounding of
19 controlled dangerous substances in violation of the provisions of the Uniform Controlled
20 Dangerous Substances Act, shall be given to every known owner, as set forth in the
21 petition, by certified mail to the last-known address of the owner at least ten (10) days
22 prior to the date of the hearing. Notice of a hearing on a petition for forfeiture or sale of

1 laboratory equipment used in the processing, manufacturing or compounding of
2 controlled dangerous substances in violation of the Uniform Controlled Dangerous
3 Substances Act shall not be required. The notice shall contain a brief description of the
4 property, and the location and date of the hearing. In addition, notice of the hearing
5 shall be posted in three public places in the county, one such place being the county
6 courthouse at the regular place assigned for the posting of legal notices. At the hearing,
7 if no owner appears and establishes ownership of the property, the court may enter an
8 order authorizing the Director or district attorney to donate the property pursuant to
9 subsection I of this section, to sell the property at a public auction to the highest bidder,
10 or to convert title of the property to the Oklahoma State Bureau of Narcotics and
11 Dangerous Drugs Control for the purpose of leasing or transferring the property
12 pursuant to subsection J or K of this section after at least ten (10) days' notice has been
13 given by publication in one issue of a legal newspaper of the county. If the property is
14 offered for sale at public auction and no bid is received that exceeds fifty percent (50%) of
15 the value of the property, such value to be announced prior to the sale, the Director or
16 district attorney may refuse to sell the item pursuant to any bid received. The Director
17 or district attorney shall make a return of the sale and, when confirmed by the court, the
18 order confirming the sale shall vest in the purchaser title to the property so purchased.
19 The money received from the sale shall be used for the purpose of purchasing controlled
20 dangerous substances to be used as evidence in narcotic cases and fees for informers, or
21 employees and other associated expenses necessary to apprehend and convict violators of
22 the laws of the State of Oklahoma regulating controlled dangerous substances. These

1 funds shall be transferred to the ~~agency special account~~ Bureau of Narcotics Revolving
2 Fund established pursuant to Section ~~7.2~~ 2-107 of ~~Title 62 of the Oklahoma Statutes or~~
3 ~~the Bureau of Narcotics Revolving Fund~~ this title or in the case of a district attorney, the
4 revolving fund in that district for drug education and enforcement. The Director of the
5 Bureau of Narcotics and Dangerous Drugs Control and the Director of State Finance are
6 hereby authorized and directed to promulgate in writing the necessary rules and
7 regulations requiring strict accountability relative to the expenditure of the above funds.
8 In the case of a district attorney, the accountability relative to the expenditure of the
9 fund shall be according to rules already existing for county revolving funds.

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

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

21 E. Except as provided in subsection A of this section, all other property not
22 otherwise provided for in the Uniform Controlled Dangerous Substances Act which has

1 come into the possession of the Alcoholic Beverage Laws Enforcement Commission may
2 be disposed of by order of the district court when no longer needed in connection with any
3 litigation. If the owner of the property is unknown to the Alcoholic Beverage Laws
4 Enforcement Commission, the Commission shall hold the property for at least six (6)
5 months prior to filing a petition for disposal with the district court, unless the property is
6 perishable. The Director of the Alcoholic Beverage Laws Enforcement Commission shall
7 file a petition in the district court of Oklahoma County requesting the authority to
8 conduct a sale of the property or to convert title of the property to the Alcoholic Beverage
9 Laws Enforcement Commission. The Director of the Alcoholic Beverage Laws
10 Enforcement Commission shall attach to the petition a list describing the property,
11 including all identifying numbers and marks, if any, the date the property came into the
12 possession of the Alcoholic Beverage Laws Enforcement Commission, and the name and
13 address of the owner, if known. The notice of the hearing of the petition for the sale of
14 the property shall be given to every known owner, as set forth in the petition, by certified
15 mail to the last-known address of the owner at least ten (10) days prior to the date of the
16 hearing. The notice shall contain a brief description of the property, and the location and
17 date of the hearing. In addition, notice of the hearing shall be posted in three public
18 places in the county, one such place being the county courthouse at the regular place
19 assigned for the posting of legal notices. At the hearing, if no owner appears and
20 establishes ownership of the property, the court may enter an order authorizing the
21 Director of the Alcoholic Beverage Laws Enforcement Commission to donate the property
22 pursuant to subsection I of this section or to sell the property to the highest bidder after

1 at least five (5) days' notice has been given by publication in one issue of a legal
2 newspaper of the county. The Director of the Alcoholic Beverage Laws Enforcement
3 Commission shall make a return of the sale and, when confirmed by the court, the order
4 confirming the sale shall vest in the purchaser title to the property so purchased. The
5 money received from the sale shall be deposited in the General Revenue Fund of the
6 state.

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 notice shall contain a brief description of the property, and the location and date of the
2 hearing. In addition, notice of the hearing shall be posted in three public places in the
3 county, one such place being the county courthouse at the regular place assigned for the
4 posting of legal notices. At the hearing, if no owner appears and establishes ownership of
5 the property, the court may enter an order authorizing the Director of the Oklahoma
6 State Bureau of Investigation to donate the property pursuant to subsection I of this
7 section, to sell the property to the highest bidder, or convert title of the property to the
8 Oklahoma State Bureau of Investigation for the purpose of leasing or transferring the
9 property pursuant to subsection J or K of this section after at least five (5) days' notice
10 has been given by publication in one issue of a legal newspaper of the county. The
11 Director of the Oklahoma State Bureau of Investigation shall make a return of the sale
12 and, when confirmed by the court, the order confirming the sale shall vest in the
13 purchaser title to the property so purchased. The money received from the sale shall be
14 deposited in the OSBI Revolving Fund and shall be expended for law enforcement
15 purposes.

16 G. Except as provided in subsection A of this section, all other property not
17 otherwise provided for in the Uniform Controlled Dangerous Substances Act which has
18 come into the possession of the Oklahoma Department of Corrections after being seized
19 from persons not in the custody or supervision of the Department of Corrections may be
20 disposed of by order of the district court when no longer needed in connection with any
21 litigation. If the owner of the property is unknown to the Department, the Department
22 shall hold the property for at least six (6) months prior to filing a petition for disposal

1 with the district court, unless the property is perishable. The Director of the Oklahoma
2 Department of Corrections shall file a petition in the district court of the county of
3 seizure requesting the authority to conduct a sale of the property or to convert title to the
4 property to the Oklahoma Department of Corrections. The Director of the Oklahoma
5 Department of Corrections shall attach to the petition a list describing the property,
6 including all identifying numbers and marks, if any, the date the property came into
7 possession of the Department and the name and address of the owner, if known. The
8 notice of the hearing 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 last-known address of
10 the owner and party in last possession if applicable, at least ten (10) days prior to the
11 date of the hearing. The notice shall contain a brief description of the property and the
12 location and date of the hearing. In addition, notice of the hearing shall be posted in
13 three public places in the county, one such place being the county courthouse at the
14 regular place assigned for the posting of legal notices. At the hearing, if no owner
15 appears and establishes ownership of the property, the court may enter an order
16 authorizing the Director of the Oklahoma Department of Corrections to donate the
17 property pursuant to subsection I of this section, to sell the property to the highest bidder
18 or convert title of the property to the Oklahoma Department of Corrections after at least
19 five (5) days' notice has been given by publication in one issue of a legal newspaper of the
20 county. The Director of the Oklahoma Department of Corrections shall make a return of
21 the sale and when confirmed by the court, the order confirming the sale shall vest in the
22 purchaser title to the property so purchased. Twenty-five percent (25%) of the money

1 received from the sale shall be disbursed to a revolving fund in the office of the county
2 treasurer of the county wherein the property was seized, said fund to be used as a
3 revolving fund solely for enforcement of controlled dangerous substances laws, drug
4 abuse prevention and drug abuse education. The remaining seventy-five percent (75%)
5 shall be deposited in the Department of Corrections Revolving Fund to be expended for
6 equipment for probation and parole officers and correctional officers.

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

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

17 I. Any property, including but not limited to uncontaminated laboratory equipment
18 used in the processing, manufacturing or compounding of controlled dangerous
19 substances in violation of the provisions of the Uniform Controlled Dangerous
20 Substances Act, upon a court order, may be donated for classroom or laboratory use by
21 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma
22 Department of Public Safety, district attorney, the Alcoholic Beverage Laws Enforcement

1 Commission, the Oklahoma Department of Corrections, or the Office of the Attorney
2 General to any public secondary school or technology center school in this state or any
3 institution of higher education within The Oklahoma State System of Higher Education.

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

20 K. Before disposing of any property pursuant to subsections C through F of this
21 section, ~~the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,~~ the
22 Department of Public Safety, the Alcoholic Beverage Laws Enforcement Commission, the

1 Oklahoma State Bureau of Investigation, the Office of the Attorney General, or a district
2 attorney shall notify the Department of Corrections and the Oklahoma Department of
3 Career and Technology Education of the identity of any such property in their possession.
4 The Department of Corrections and the Oklahoma Department of Career and Technology
5 Education must respond within ten (10) days of such notification, as to whether or not
6 such property could be used in the operations or training programs of either agency.
7 Upon receipt of the response, the agency or district attorney that issued the notification
8 shall negotiate as to which agency will be entitled to the use of the property, the purpose
9 of the use and the duration of such use. Upon return of the property, the property may
10 be disposed of as otherwise provided in this section. The agencies and any district
11 attorney that are parties to any transfer of property pursuant to this subsection shall
12 enter into written agreements to carry out any such transfer of property. Any such
13 agreement may also provide for the granting of title to any property being transferred as
14 the parties deem appropriate.

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

17 Section 1210.224 The Department of Education may administer the comprehensive
18 Drug Abuse Education Act of 1972, pursuant to regulations which the State Board of
19 Education is hereby empowered to promulgate. In administering this section, the
20 Department shall take into consideration the advice of the ~~Commissioner~~ Director of the
21 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Advisory

1 ~~Board to the Commissioner of~~ Oklahoma State Bureau of Narcotics and Dangerous
2 Drugs Control Commission.

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

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

12 B. The Director of Central Services shall:

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

15 2. Hire personnel as necessary to provide fleet management services to state
16 agencies;

17 3. Acquire facilities to maintain vehicles;

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

20 5. Report to the Governor, Speaker of the House of Representatives, and President
21 Pro Tempore of the Senate those agencies that fail to comply with the provisions of law

1 and the rules of the Fleet Management Division regarding submission of reports, vehicle
2 use, and vehicle maintenance.

3 C. The rules shall include provisions to:

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

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

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

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

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

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

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

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

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

6 D. The Fleet Manager shall:

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

9 2. Conduct on-site inspections to verify state agency or supplier compliance with
10 Division 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
13 agency;

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

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

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

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

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

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

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

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

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

21 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-24-09 - DO PASS,
22 As Amended.