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THE STATE SENATE  
Monday, April 6, 2009

ENGROSSED  
House Bill No. 2250  
As Amended

ENGROSSED HOUSE BILL NO. 2250 - By: Terrill and Tibbs of the House and Sykes of the Senate.

[ Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - fee assessments for felony and misdemeanor convictions - effective date ]

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

SECTION 1. AMENDATORY 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), is amended to read as follows:

Section 1313.2 A. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and 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 person forfeiting bond when charged with such an offense, shall be

(Bold face denotes Committee Amendments)

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

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

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

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

1 ~~and not in substitution for any and all fines and penalties~~  
2 ~~otherwise provided for by law for such offense.~~

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

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

1 clerks pursuant to this section shall be deposited in the CLEET  
2 Fund, and ten percent (10%) shall be deposited in the General  
3 Revenue Fund. Beginning January 1, 2001, sixty and fifty-three one-  
4 hundredths percent (60.53%) of the monies received by the Council on  
5 Law Enforcement Education and Training from the court clerks  
6 pursuant to this section shall be deposited in the CLEET Fund  
7 created pursuant to subsection G of this section, five and eighty-  
8 three one-hundredths percent (5.83%) shall be deposited in the  
9 General Revenue Fund and thirty-three and sixty-four one-hundredths  
10 percent (33.64%) shall be deposited in the CLEET Training Center  
11 Revolving Fund created pursuant to Section 3311.6 of Title 70 of the  
12 Oklahoma Statutes. Along with the deposits required by this  
13 subsection, each court shall also submit a report stating the total  
14 amount of funds collected and the total number of fees imposed  
15 during the preceding quarter. The report may be made on  
16 computerized or manual disposition reports.

17 ~~F.~~ E. Any municipality or county having a basic law enforcement  
18 academy approved by the Council on Law Enforcement Education and  
19 Training pursuant to the criteria developed by the Council for  
20 training law enforcement officers shall retain from monies collected  
21 pursuant to this section, Two Dollars (\$2.00) from each fee. These  
22 monies shall be deposited into an account for the sole use of the  
23 municipality or county in implementing its law enforcement training

1 functions. Not more than seven percent (7%) of the monies shall be  
2 used for court and prosecution training. The court clerk of any  
3 such municipality or county shall furnish to the Council on Law  
4 Enforcement Education and Training the report required by subsection  
5 D of this section.

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

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

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

1 contributions, tuition, fees, devises, and the assessments levied  
2 pursuant to the fund pursuant to law.

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

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

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

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

1 Sections 1313.2 through 1313.4 of this title shall be made monthly  
2 to each state agency.

3 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-103, as  
4 last amended by Section 1, Chapter 359, O.S.L. 2008 (63 O.S. Supp.  
5 2008, Section 2-103), is amended to read as follows:

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

1 Management, except leave regulations. The office of the Director  
2 shall be located at a suitable place in Oklahoma City, Oklahoma.

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

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

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

15 C. Agents appointed pursuant to the provisions of this section  
16 shall have the responsibility of investigating alleged violations  
17 and shall have the authority to arrest those suspected of having  
18 violated the provisions of the Uniform Controlled Dangerous  
19 Substances Act.

20 D. A commissioned employee of the Oklahoma State Bureau of  
21 Narcotics and Dangerous Drugs Control shall be entitled to receive  
22 upon retirement by reason of length of service, the continued

1 custody and possession of the sidearm and badge carried by such  
2 employee immediately prior to retirement.

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

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

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

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

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

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

4 1. Cooperate with federal and other state agencies in  
5 discharging his responsibilities concerning traffic in narcotics and  
6 dangerous substances and in suppressing the abuse of dangerous  
7 substances;

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

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

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

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

22 B. Results, information and evidence received from the Oklahoma  
23 State Bureau of Narcotics and Dangerous Drugs Control relating to

1 the regulatory functions of this act, including results of  
2 inspections conducted by that agency, may be relied upon and acted  
3 upon by the Director in conformance with his regulatory functions  
4 under this act.

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

6 1. Coordinate and cooperate in educational programs designed to  
7 prevent and deter misuse and abuse of controlled dangerous  
8 substances;

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1           b.    determine patterns of misuse and abuse of controlled  
2                    dangerous substances and the social effects thereof,  
3                    and  
4           c.    improve methods for preventing, predicting,  
5                    understanding and dealing with the misuse and abuse of  
6                    controlled dangerous substances.

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

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

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

22          H.    The Director may authorize the lawful possession,  
23          distribution and use of controlled dangerous substances by persons

1 engaged in research or scientific activities; authorization for  
2 possession of controlled dangerous substances may be extended to  
3 persons engaged in a program of drug education or persons in the  
4 performance of an official duty. Persons who obtain this  
5 authorization shall be exempt from state prosecution for possession,  
6 distribution or use of dangerous substances to the extent authorized  
7 by the Director.

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

12 J. The Director is authorized to purchase or sell real  
13 property, together with appurtenances, in the name of the Oklahoma  
14 State Bureau of Narcotics and Dangerous Drugs Control upon approval  
15 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
16 Control Commission.

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

19 L. The Director shall be in charge of all monies appropriated  
20 for or deposited to the credit of the office of the Director and is  
21 authorized to approve claims and payrolls as provided in Section  
22 41.26 of Title 62 of the Oklahoma Statutes.

1        ~~H~~ M. The Director shall have the authority of a peace officer  
2 and is authorized to commission assistants of his office as peace  
3 officers.

4        SECTION 4.        AMENDATORY        Section 1, Chapter 437, O.S.L.  
5 2008 (63 O.S. Supp. 2008, Section 2-107a), is amended to read as  
6 follows:

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

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

20        Section 2-310. No person shall distribute samples of controlled  
21 dangerous substances to a practitioner without simultaneously  
22 preparing and leaving with that practitioner a specific, written  
23 list of the items so distributed, the form and control of which

1 shall be prescribed by rules promulgated by the ~~Commissioner~~  
2 Director.

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

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

1 purposes of this section or for purposes of disqualifications or  
2 disabilities imposed by law upon conviction of a crime. Discharge  
3 and dismissal under this section may occur only once with respect to  
4 any person.

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

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

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

20 Section 2-411. Any person who violates any provision of this  
21 act not subject to a specific penalty provision is guilty of a  
22 misdemeanor punishable by ~~confinement~~ imprisonment in the county  
23 jail for not more than one (1) year, or by a fine of not more than

1 ~~Five Hundred~~ One Thousand Dollars ~~(\$500.00)~~ (\$1,000.00), or by both  
2 such fine and imprisonment.

3 SECTION 8. AMENDATORY Section 1, Chapter 170, O.S.L.  
4 2008 (63 O.S. Supp. 2008, Section 2-503.1a), is amended to read as  
5 follows:

6 Section 2-503.1a Sections ~~±~~ 2-503.1a through ~~9~~ 2-503.1i of this  
7 title and Sections 9 and 10 of this act shall be known and may be  
8 cited as the "Drug Money Laundering and Wire Transmitter Act".

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

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

- 13 1. "Knowing that the property involved in a financial  
14 transaction represents the proceeds of some form of unlawful  
15 activity" means that the person knew the property involved in the  
16 transaction represented proceeds from some form, though not  
17 necessarily which form, of any violation of the Uniform Controlled  
18 Dangerous Substances Act;
- 19 2. "Conducts" includes initiating, concluding, or participating  
20 in initiating, or concluding a transaction;
- 21 3. "Transaction" includes a purchase, sale, loan, pledge, gift,  
22 transfer, delivery, or other disposition, and with respect to a  
23 financial institution includes a deposit, withdrawal, transfer

1 between accounts, exchange of currency, loan, extension of credit,  
2 purchase or sale of any stock, bond, certificate of deposit, or  
3 other monetary instrument, use of a safe deposit box, or any other  
4 payment, transfer, or delivery by, through, or to a financial  
5 institution, by whatever means effected;

6 4. "Financial transaction" means:

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

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

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

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

14 b. a transaction involving the use of a financial  
15 institution which is engaged in, or the activities of  
16 which affect, state, interstate or foreign commerce  
17 in any way or degree;

18 5. "Monetary instruments" means:

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

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

4       6.   "Financial institution" includes:

5           a.    any financial institution, as defined in Section  
6                    5312(a)(2) of Title 31 of the United States Code, or  
7                    the regulations promulgated thereunder, and

8           b.    any foreign bank, as defined in Section 3101 of Title  
9                    12 of the United States Code;

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

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

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

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

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

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

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

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

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

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

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

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

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

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:

- 1           a.    the date, the time, and the place where the  
2                    photographing will take place and notice of the right  
3                    to attend the photographing, and  
4           b.    the right to obtain samples of the controlled  
5                    dangerous substance for independent testing and use as  
6                    evidence.

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

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

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

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

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

4           The Director or district attorney shall attach to the petition a  
5 list describing the property, including all identifying numbers and  
6 marks, if any, the date the property came into the possession of the  
7 Bureau or district attorney, and the name and address of the owner,  
8 if known. The notice of the hearing of the petition for the sale of  
9 the property, except laboratory equipment used in the processing,  
10 manufacturing or compounding of controlled dangerous substances in  
11 violation of the provisions of the Uniform Controlled Dangerous  
12 Substances Act, shall be given to every known owner, as set forth in  
13 the petition, by certified mail to the last-known address of the  
14 owner at least ten (10) days prior to the date of the hearing.

15 Notice of a hearing on a petition for forfeiture or sale of  
16 laboratory equipment used in the processing, manufacturing or  
17 compounding of controlled dangerous substances in violation of the  
18 Uniform Controlled Dangerous Substances Act shall not be required.  
19 The notice shall contain a brief description of the property, and  
20 the location and date of the hearing. In addition, notice of the  
21 hearing shall be posted in three public places in the county, one  
22 such place being the county courthouse at the regular place assigned  
23 for the posting of legal notices. At the hearing, if no owner

1 appears and establishes ownership of the property, the court may  
2 enter an order authorizing the Director or district attorney to  
3 donate the property pursuant to subsection I of this section, to  
4 sell the property at a public auction to the highest bidder, or to  
5 convert title of the property to the Oklahoma State Bureau of  
6 Narcotics and Dangerous Drugs Control for the purpose of leasing or  
7 transferring the property pursuant to subsection J or K of this  
8 section after at least ten (10) days' notice has been given by  
9 publication in one issue of a legal newspaper of the county. If the  
10 property is offered for sale at public auction and no bid is  
11 received that exceeds fifty percent (50%) of the value of the  
12 property, such value to be announced prior to the sale, the Director  
13 or district attorney may refuse to sell the item pursuant to any bid  
14 received. The Director or district attorney shall make a return of  
15 the sale and, when confirmed by the court, the order confirming the  
16 sale shall vest in the purchaser title to the property so purchased.  
17 The money received from the sale shall be used for the purpose of  
18 purchasing controlled dangerous substances to be used as evidence in  
19 narcotic cases and fees for informers, or employees and other  
20 associated expenses necessary to apprehend and convict violators of  
21 the laws of the State of Oklahoma regulating controlled dangerous  
22 substances. These funds shall be transferred to the ~~agency special~~  
23 ~~account~~ Bureau of Narcotics Revolving Fund established pursuant to

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

11 D. At the request of the Department of Public Safety, the  
12 district attorney or a designee of the district attorney may conduct  
13 any forfeiture proceedings as described in Section 2-503 of this  
14 title on any property subject to forfeiture as described in  
15 subsection A, B, ~~7~~ or C of Section 2-503 of this title. Except as  
16 provided in subsection A of this section, all other property not  
17 otherwise provided for in the Uniform Controlled Dangerous  
18 Substances Act which has come into the possession of the Oklahoma  
19 Department of Public Safety may be disposed of by order of the  
20 district court when no longer needed in connection with any  
21 litigation. If the owner of the property is unknown to the  
22 Department, the Department shall hold the property for at least six  
23 (6) months prior to filing a petition for disposal with the district

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

1 of leasing or transferring the property pursuant to subsection J or  
2 K of this section after at least five (5) days' notice has been  
3 given by publication in one issue of a legal newspaper of the  
4 county. The Commissioner of Public Safety shall make a return of  
5 the sale and, when confirmed by the court, the order confirming the  
6 sale shall vest in the purchaser title to the property so purchased.  
7 The money received from the sale shall be deposited in the  
8 Department of Public Safety Revolving Fund and shall be expended for  
9 law enforcement purposes.

10 E. Except as provided in subsection A of this section, all  
11 other property not otherwise provided for in the Uniform Controlled  
12 Dangerous Substances Act which has come into the possession of the  
13 Alcoholic Beverage Laws Enforcement Commission may be disposed of by  
14 order of the district court when no longer needed in connection with  
15 any litigation. If the owner of the property is unknown to the  
16 Alcoholic Beverage Laws Enforcement Commission, the Commission shall  
17 hold the property for at least six (6) months prior to filing a  
18 petition for disposal with the district court, unless the property  
19 is perishable. The Director of the Alcoholic Beverage Laws  
20 Enforcement Commission shall file a petition in the district court  
21 of Oklahoma County requesting the authority to conduct a sale of the  
22 property or to convert title of the property to the Alcoholic  
23 Beverage Laws Enforcement Commission. The Director of the Alcoholic

1 Beverage Laws Enforcement Commission shall attach to the petition a  
2 list describing the property, including all identifying numbers and  
3 marks, if any, the date the property came into the possession of the  
4 Alcoholic Beverage Laws Enforcement Commission, and the name and  
5 address of the owner, if known. The notice of the hearing of the  
6 petition for the sale of the property shall be given to every known  
7 owner, as set forth in the petition, by certified mail to the  
8 last-known address of the owner at least ten (10) days prior to the  
9 date of the hearing. The notice shall contain a brief description  
10 of the property, and the location and date of the hearing. In  
11 addition, notice of the hearing shall be posted in three public  
12 places in the county, one such place being the county courthouse at  
13 the regular place assigned for the posting of legal notices. At the  
14 hearing, if no owner appears and establishes ownership of the  
15 property, the court may enter an order authorizing the Director of  
16 the Alcoholic Beverage Laws Enforcement Commission to donate the  
17 property pursuant to subsection I of this section or to sell the  
18 property to the highest bidder after at least five (5) days' notice  
19 has been given by publication in one issue of a legal newspaper of  
20 the county. The Director of the Alcoholic Beverage Laws Enforcement  
21 Commission shall make a return of the sale and, when confirmed by  
22 the court, the order confirming the sale shall vest in the purchaser

1 title to the property so purchased. The money received from the  
2 sale shall be deposited in the General Revenue Fund of the state.

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

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

20 G. Except as provided in subsection A of this section, all  
21 other property not otherwise provided for in the Uniform Controlled  
22 Dangerous Substances Act which has come into the possession of the  
23 Oklahoma Department of Corrections after being seized from persons

1 not in the custody or supervision of the Department of Corrections  
2 may be disposed of by order of the district court when no longer  
3 needed in connection with any litigation. If the owner of the  
4 property is unknown to the Department, the Department shall hold the  
5 property for at least six (6) months prior to filing a petition for  
6 disposal with the district court, unless the property is perishable.  
7 The Director of the Oklahoma Department of Corrections shall file a  
8 petition in the district court of the county of seizure requesting  
9 the authority to conduct a sale of the property or to convert title  
10 to the property to the Oklahoma Department of Corrections. The  
11 Director of the Oklahoma Department of Corrections shall attach to  
12 the petition a list describing the property, including all  
13 identifying numbers and marks, if any, the date the property came  
14 into possession of the Department and the name and address of the  
15 owner, if known. The notice of the hearing of the petition for the  
16 sale of the property shall be given to every known owner, as set  
17 forth in the petition, by certified mail to the last-known address  
18 of the owner and party in last possession if applicable, at least  
19 ten (10) days prior to the date of the hearing. The notice shall  
20 contain a brief description of the property and the location and  
21 date of the hearing. In addition, notice of the hearing shall be  
22 posted in three public places in the county, one such place being  
23 the county courthouse at the regular place assigned for the posting

1 of legal notices. At the hearing, if no owner appears and  
2 establishes ownership of the property, the court may enter an order  
3 authorizing the Director of the Oklahoma Department of Corrections  
4 to donate the property pursuant to subsection I of this section, to  
5 sell the property to the highest bidder or convert title of the  
6 property to the Oklahoma Department of Corrections after at least  
7 five (5) days' notice has been given by publication in one issue of  
8 a legal newspaper of the county. The Director of the Oklahoma  
9 Department of Corrections shall make a return of the sale and when  
10 confirmed by the court, the order confirming the sale shall vest in  
11 the purchaser title to the property so purchased. Twenty-five  
12 percent (25%) of the money received from the sale shall be disbursed  
13 to a revolving fund in the office of the county treasurer of the  
14 county wherein the property was seized, said fund to be used as a  
15 revolving fund solely for enforcement of controlled dangerous  
16 substances laws, drug abuse prevention and drug abuse education.  
17 The remaining seventy-five percent (75%) shall be deposited in the  
18 Department of Corrections Revolving Fund to be expended for  
19 equipment for probation and parole officers and correctional  
20 officers.

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

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

1 property, the court may enter an order authorizing the Attorney  
2 General to donate the property pursuant to subsection I of this  
3 section, to sell the property to the highest bidder, or convert  
4 title of the property to the Office of the Attorney General for the  
5 purpose of leasing or transferring the property pursuant to  
6 subsection J or K of this section after at least five (5) days'  
7 notice has been given by publication in one issue of a legal  
8 newspaper of the county. The Attorney General shall make a return  
9 of the sale and, when confirmed by the court, the order confirming  
10 the sale shall vest in the purchaser title to the property so  
11 purchased. The money received from the sale shall be deposited in  
12 the Attorney General Law Enforcement Revolving Fund and shall be  
13 expended for law enforcement purposes. The Office of the Attorney  
14 General may enter into agreements with municipal, county or state  
15 agencies to return to such an agency a percentage of proceeds of the  
16 sale of any property seized by the agency and forfeited under the  
17 provisions of this section.

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

1 Oklahoma Department of Public Safety, district attorney, the  
2 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma  
3 Department of Corrections, or the Office of the Attorney General to  
4 any public secondary school or technology center school in this  
5 state or any institution of higher education within The Oklahoma  
6 State System of Higher Education.

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

1 disposition. All funds derived from lease agreements or other  
2 disposition of property no longer useful to law enforcement shall be  
3 deposited in the agency's revolving fund and shall be expended for  
4 law enforcement purposes.

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

1 transfer of property. Any such agreement may also provide for the  
2 granting of title to any property being transferred as the parties  
3 deem appropriate.

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

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

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

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

1 Oklahoma State Bureau of Investigation, and The Oklahoma State  
2 System of Higher Education.

3 B. The Director of Central Services shall:

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

6 2. Hire personnel as necessary to provide fleet management  
7 services to state agencies;

8 3. Acquire facilities to maintain vehicles;

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

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

16 C. The rules shall include provisions to:

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

20 2. Establish standards for routine vehicle inspection and  
21 maintenance;

22 3. Provide standards and forms for recordkeeping of fleet  
23 operation, maintenance, and repair costs for mandatory use by all

1 state agencies to report the data to the Fleet Management Division  
2 on a monthly basis;

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

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

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

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

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

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

1 D. The Fleet Manager shall:

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

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

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

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

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

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

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

1           SECTION 15. This act shall become effective November 1, 2009.  
2   COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-1-09 - DO  
3   PASS, As Amended and Coauthored.