

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1412

By: Joyner

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2001, Section 1261, which relates to liquor and
9 gambling paraphernalia; modifying filing procedure;
10 and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2001, Section 1261, is
14 amended to read as follows:

15 Section 1261. In all cases where wines, whiskey, beer or other
16 intoxicating liquors mentioned in the Constitution or laws of this
17 state or any personal property used for the purpose of violating any
18 of the prohibitory liquor laws or gambling laws of this state, shall
19 be seized by any officer or person with or without a search warrant,
20 such officer or person is hereby required within five (5) days to
21 make a written report under oath and file the same with the ~~county~~
22 court clerk of the proper or respective county where the same shall
23 be so seized, which report shall in detail state the name of the
24 officer or person making the seizure, the place where seized and an

1 inventory of the property, articles or intoxicating liquors so taken
2 into possession, and within said five (5) days said person is hereby
3 required to deliver the same to the sheriff of the county and take
4 the sheriff's receipt therefor, in duplicate and such sheriff shall
5 retain the same and all thereof, until the same shall be destroyed
6 pursuant to the orders of the court. In computing the time, five
7 (5) days, Sundays and holidays shall be excluded and not counted. A
8 duplicate copy of said receipt shall immediately be filed with said
9 ~~county~~ court clerk, who shall keep a record of same, provided the
10 sheriff and his deputies shall be required to make the affidavit and
11 issue the receipt and otherwise comply with the provisions of this
12 act. Provided, that all liquors so seized shall be preserved for use
13 as evidence in the trial of any action growing out of such seizure
14 and all officers seizing any such liquors are hereby required to
15 mark the bottles or containers for identification by writing thereon
16 the date of the seizure and the name of the person from whom seized.
17 The sheriff shall be liable on his bond for the safe keeping of all
18 such property so turned over to him under the provisions of this
19 act.

20 SECTION 2. This act shall become effective November 1, 2011.

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22 53-1-5282 LRB 12/06/10

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