

1 B. A person injured as a result of a criminal offense under the
2 Oklahoma Antiterrorism Act and a law enforcement agency or other
3 governmental agency that participated in the investigation,
4 mitigation, seizure, or forfeiture process for a criminal offense
5 under the Oklahoma Antiterrorism Act may file a claim for costs or
6 damages, and the property described in subsection A of this section
7 shall be used to satisfy any costs or damages awarded for the claim.

8 C. 1. Forfeiture or disposition under this section shall not
9 affect the rights of a factually innocent person.

10 2. A mortgage, lien, privilege, other security interest, or
11 joint ownership interest shall not be affected by a forfeiture under
12 this section if the owner of the mortgage, lien, privilege, other
13 security interest or joint owner establishes that he or she is a
14 factually innocent person.

15 D. The allocation of proceeds from a forfeiture and disposition
16 under this section shall be paid to claimants under subsection B of
17 this section in the following order:

18 1. First, the costs of investigation shall be paid to the law
19 enforcement agency or governmental agency that conducted the
20 investigation.

21 a. If more than one law enforcement agency or
22 governmental agency equally conducted the
23 investigation, the costs of investigation shall be
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1 paid equally to the law enforcement agencies and
2 governmental agencies conducting the investigation.

3 b. If one law enforcement agency or governmental agency
4 primarily conducted the investigation, the costs of
5 investigation first shall be paid to that law
6 enforcement agency or governmental agency, with actual
7 vouchered costs reimbursed on a pro rata basis to the
8 other law enforcement agencies or governmental
9 agencies participating in the investigation, not to
10 exceed ten percent (10%) of the costs of investigation
11 allocated to the primary law enforcement agency or
12 governmental agency;

13 2. Second, twenty-five percent (25%) of the proceeds plus the
14 costs of prosecution or all of the remaining proceeds, whichever is
15 less, shall be paid to the office of the prosecuting district
16 attorney;

17 3. Third, the costs of investigation shall be paid on a pro
18 rata basis to a law enforcement agency or governmental agency that
19 was not fully reimbursed under paragraph 1 of this subsection;

20 4. Fourth, the costs of mitigation, seizure, or forfeiture
21 shall be paid on a pro rata basis to a law enforcement agency or
22 governmental agency that participated in the mitigation, seizure, or
23 forfeiture process; and
24

1 5. Fifth, any remaining proceeds shall be paid on a pro rata
2 basis to satisfy any judgments under Section 2 of this act for
3 persons injured as a result of a criminal offense under the Oklahoma
4 Antiterrorism Act.

5 E. 1. Property subject to forfeiture under this section may be
6 seized by a law enforcement officer upon the issuance of a court
7 order.

8 2. Seizure without a court order may be made if:

9 a. the seizure is incident to a lawful arrest or search,
10 or

11 b. the property subject to seizure has been the subject
12 of a prior judgment in favor of the state in a
13 forfeiture proceeding based on this section.

14 3. a. A forfeiture action resulting from a seizure under
15 this subsection shall be instituted promptly.

16 b. Property taken or detained under this section is not
17 subject to sequestration or attachment but is deemed
18 to be in the custody of the law enforcement officer
19 making the seizure, subject only to the order of the
20 court.

21 c. When property is seized under this section, pending
22 forfeiture and final disposition, the law enforcement
23 officer making the seizure may:

24 (1) place the property under seal,

- 1 (2) remove the property to a place designated by the
2 court, or
3 (3) request another agency authorized by law to take
4 custody of the property and remove it to an
5 appropriate location.

6 F. The limitations period for a claim brought under this
7 section is five (5) years from the date of the discovery of the
8 violation of the Oklahoma Antiterrorism Act.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1268.10 of Title 21, unless
11 there is created a duplication in numbering, reads as follows:

12 A. A person injured as a result of a criminal offense under the
13 Oklahoma Antiterrorism Act may file an action for damages against
14 the person who violated the Oklahoma Antiterrorism Act.

15 B. A person who files an action under this section is entitled
16 to recover three times the actual damages sustained or Ten Thousand
17 Dollars (\$10,000.00), whichever is greater, as well as attorney fees
18 in the trial and appellate courts if the person prevails in the
19 claim.

20 C. The limitations period for an action under this section is
21 five (5) years from the date of discovery of the violation of the
22 Oklahoma Antiterrorism Act.

23 D. A person who receives a judgment under this section may seek
24 satisfaction of the judgment under Section 1 of this act.

1 SECTION 3. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 Sections 1 and 2 of this act are hereby incorporated into and
4 deemed to be included in the Oklahoma Antiterrorism Act.

5 SECTION 4. This act shall become effective November 1, 2014.

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7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2014 - DO
8 PASS, As Coauthored.

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