

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 417

By: Fields of the Senate

and

6 Biggs of the House

7
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9 COMMITTEE SUBSTITUTE

10 An Act relating to the Oklahoma Department of
11 Agriculture, Food, and Forestry; authorizing the
12 Department to take possession of abandoned and stolen
13 personal property; requiring maintenance and storage
14 of certain records; authorizing the sale and disposal
15 of certain property; providing for codification; and
16 providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2-14.2 of Title 2, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The Oklahoma Department of Agriculture, Food, and Forestry
22 is hereby authorized to take possession of, store, and dispose of
23 certain abandoned and stolen personal property as provided in this
24 section.

B. The Department shall maintain a permanent record identifying
the date and circumstances under which the Department acquired each

1 piece of abandoned or stolen property, the place where each piece of
2 property was found or located, and a detailed description of each
3 article of property. All abandoned or stolen property shall be
4 stored in a suitable place to protect it from deterioration;
5 provided, that if the property is perishable, it may be sold in a
6 manner to maximize value as set forth in subsection C below.

7 C. If the abandoned or stolen personal property is of a
8 perishable nature and reasonable attempts to locate and identify the
9 owner of the property are not successful, the property may be sold
10 at once without notice.

11 1. The Department shall use its best efforts to obtain the best
12 possible price for the perishable property.

13 2. The proceeds from the sale shall be held in a segregated
14 account for a period of six (6) months for the benefit of the
15 property's owner.

16 3. Subsequent to the sale, notice concerning the holding of
17 proceeds from the sale of the perishable property shall be published
18 once a week for two (2) successive weeks in a newspaper of general
19 circulation published in the city or town closest to the location
20 where the property was recovered and, in the case of cities and
21 towns in which no newspaper is published, by posting the notice in a
22 conspicuous place at the city hall or police station.

23 4. If the proceeds are not claimed within six (6) months, after
24 deducting and paying all expenses incurred in the recovery, storage,

1 maintenance, and sale of the property, the net funds shall be
2 deposited in the State Department of Agriculture Evidence and Law
3 Enforcement Fund.

4 D. Six (6) months after the Department comes into possession of
5 any other abandoned or stolen property, it may dispose of the
6 property by public or private auction.

7 1. Notice of the time and place of sale shall first be given by
8 publication of notice once a week for two (2) successive weeks in a
9 newspaper of general circulation published in the city or town in
10 question and, in the case of cities and towns in which no newspaper
11 is published, by posting notice in a conspicuous place at the city
12 hall or police station.

13 2. The first publication or posting of notice, as the case may
14 be, shall be at least twenty (20) days before the sale.

15 3. Each article shall be sold separately and a notation in the
16 permanent record shall be made of the amount received for each
17 article of property.

18 4. The person making the sale shall have the right to reject
19 any and all bids if the amount bid is unreasonably low and shall
20 have the right to continue the sales from time to time.

21 5. After deducting and paying all expenses incurred in the
22 taking up, storing, maintaining, and selling of the property, the
23 balance, if any, shall be deposited in the State Department of
24 Agriculture Evidence and Law Enforcement Fund.

1 SECTION 2. This act shall become effective November 1, 2015.

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