

STATE OF OKLAHOMA

1st Session of the 52nd Legislature (2009)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2250

By: Terrill and Tibbs of the
House

and

Sykes of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

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; clarifying certain
fee retention procedure; 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 2-106, as amended by Section 10, Chapter
170, O.S.L. 2008, Section 1, Chapter 437, O.S.L.
2008, 2-310, 2-410, as amended by Section 1, Chapter
308, O.S.L. 2008, 2-411, 2-503, as last amended by
Section 5, Chapter 223, O.S.L. 2007, Section 1,
Chapter 170, O.S.L. 2008, Section 9, Chapter 170,
O.S.L. 2008, 2-506, as last amended by Section 4,
Chapter 248, O.S.L. 2007 and 2-508, as last amended
by Section 16, Chapter 168, O.S.L. 2004 (63 O.S.
Supp. 2008, Sections 2-106, 2-107a, 2-410, 2-503, 2-
503.1a, 2-503.li, 2-506 and 2-508), which relate to
the Uniform Controlled Dangerous Substances Act;
authorizing the purchase and maintenance of vehicles
and equipment; modifying statutory reference;
creating the Drug Money Laundering and Wire
Transmitter Revolving Fund; providing for funding of

1 revolving fund; authorizing expenditures from
2 revolving fund for certain purposes; updating
3 language; prohibiting consideration for deferred
4 judgment and expungement proceedings due to violating
5 provisions of certain act; modifying and increasing
6 certain penalty; modifying scope of certain property
7 forfeiture provision; redirecting forfeiture proceeds
8 to certain fund; authorizing Oklahoma State Bureau of
9 Narcotics and Dangerous Drugs Control to enter into
10 certain agreements with additional agencies; deleting
11 authority to expend certain funds; updating statutory
12 references; authorizing issuance of warrants for
13 property seizure purposes; authorizing State Banking
14 Commissioner to issue emergency notices under certain
15 circumstances; providing for emergency appeals;
16 providing time limitation for freezing accounts;
17 providing exceptions; requiring certain licensees to
18 collect transaction fees; requiring remittance of fee
19 to the Oklahoma Tax Commission; providing for
20 apportionment of certain revenues; requiring
21 licensees to post certain notice; providing
22 enforcement powers to the Oklahoma Tax Commission;
23 providing procedures for the suspension of certain
24 licenses; authorizing State Banking Commissioner to
make certain claims; authorizing Oklahoma State
Bureau of Narcotics and Dangerous Drugs Control to
provide certain assistance to the Oklahoma Tax
Commission; providing venue for the prosecution of
certain offenses; defining terms; authorizing
district attorney to enter into certain agreement
with tribal agencies; modifying statutory references;
authorizing agencies to dispose of certain property
when no longer needed for litigation purposes;
modifying property disposition procedures to include
certain agencies; modifying notice requirements for
property valued at certain amount; deleting certain
rule promulgation requirement; deleting certain
forfeiture procedural requirements for specified
agencies; authorizing the transfer, donation or lease
of certain property to tribal law enforcement
agencies and campus police departments; allowing
transfer of certain property to state and tribal
agencies or school districts; requiring written
agreement when transferring certain property to
school districts; prohibiting transfer of weapons to
school district except under certain circumstances;
providing certain tax credit for taxes imposed on

1 electronic funds transfer fees; providing procedures
2 and date limitations for persons making a claim for
3 certain tax credits; providing limitations on use of
4 tax credit; authorizing the carryover of certain tax
5 credit; amending 70 O.S. 2001, Section 1210.224,
6 which relates to the Drug Abuse Education Act of
7 1972; updating agency designation; amending 74 O.S.
8 2001, Sections 78, as last amended by Section 1,
9 Chapter 169, O.S.L. 2007 and 78a (74 O.S. Supp. 2008,
10 Section 78), which relate to the Fleet Management
11 Division within the Department of Central Services
12 and motor vehicle requisitions; adding agency to list
13 of entities exempt from oversight; exempting agency
14 from motor vehicle requisition requirements;
15 providing for codification; providing an effective
16 date; and declaring an emergency.

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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

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

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

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

- 19 a. the Oklahoma State Bureau of Investigation who shall
20 deposit the monies into the OSBI Revolving Fund
21 provided for in Section 150.19a of Title 74 of the
22 Oklahoma Statutes for services rendered or
23 administered by the Oklahoma State Bureau of
24 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~~
23 ~~and not in substitution for any and all fines and penalties~~
24 ~~otherwise provided for by law for such offense.~~

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

6 E. Upon conviction or bond forfeiture, the court shall collect
7 the fee provided for in subsection B of this section and deposit it
8 in an account created for that purpose. Except as otherwise
9 provided in subsection ~~F~~ E of this section, monies shall be
10 forwarded monthly by the court clerk to the Council on Law
11 Enforcement Education and Training. Beginning July 1, 2003,
12 deposits shall be due on the fifteenth day of each month for the
13 preceding calendar month. There shall be a late fee imposed for
14 failure to make timely deposits; provided, the Council on Law
15 Enforcement Education and Training, in its discretion, may waive all
16 or part of the late fee. Such late fee shall be one percent (1%) of
17 the principal amount due per day beginning from the tenth day after
18 payment is due and accumulating until the late fee reaches one
19 hundred percent (100%) of the principal amount due. Beginning on
20 July 1, 1987, ninety percent (90%) of the monies received by the
21 Council on Law Enforcement Education and Training from the court
22 clerks pursuant to this section shall be deposited in the CLEET
23 Fund, and ten percent (10%) shall be deposited in the General
24 Revenue Fund. Beginning January 1, 2001, sixty and fifty-three one-

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

14 ~~F.~~ E. Any municipality or county having a basic law enforcement
15 academy approved by the Council on Law Enforcement Education and
16 Training pursuant to the criteria developed by the Council for
17 training law enforcement officers shall retain from monies collected
18 pursuant to subsections A through D of this section, Two Dollars
19 (\$2.00) from each fee. These monies shall be deposited into an
20 account for the sole use of the municipality or county in
21 implementing its law enforcement training functions. Not more than
22 seven percent (7%) of the monies shall be used for court and
23 prosecution training. The court clerk of any such municipality or
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1 county shall furnish to the Council on Law Enforcement Education and
2 Training the report required by subsection D of this section.

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

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

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

23 H. 1. Any person convicted of a felony offense shall pay a DNA
24 fee of One Hundred Fifty Dollars (\$150.00). This fee shall not be

1 collected if the person has a valid DNA sample in the OSBI DNA
2 Offender Database at the time of sentencing.

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

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

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

22 SECTION 2. AMENDATORY 63 O.S. 2001, Section 2-106, as
23 amended by Section 10, Chapter 170, O.S.L. 2008 (63 O.S. Supp. 2008,
24 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
24 the regulatory functions of this act, including results of

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

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

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

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

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

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

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

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

22 b. determine patterns of misuse and abuse of controlled
23 dangerous substances and the social effects thereof,
24 and

1 c. improve methods for preventing, predicting,
2 understanding and dealing with the misuse and abuse of
3 controlled dangerous substances.

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

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

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

19 H. The Director may authorize the lawful possession,
20 distribution and use of controlled dangerous substances by persons
21 engaged in research or scientific activities; authorization for
22 possession of controlled dangerous substances may be extended to
23 persons engaged in a program of drug education or persons in the
24 performance of an official duty. Persons who obtain this

1 authorization shall be exempt from state prosecution for possession,
2 distribution or use of dangerous substances to the extent authorized
3 by the Director.

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

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

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

15 L. The Director shall be in charge of all monies appropriated
16 for or deposited to the credit of the office of the Director and is
17 authorized to approve claims and payrolls as provided in Section
18 41.26 of Title 62 of the Oklahoma Statutes.

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

22 SECTION 3. AMENDATORY Section 1, Chapter 437, O.S.L.
23 2008 (63 O.S. Supp. 2008, Section 2-107a), is amended to read as
24 follows:

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

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2-107b of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 There is hereby created in the State Treasury a revolving fund
16 for the Oklahoma State Bureau of Narcotics and Dangerous Drugs
17 Control to be designated the "Drug Money Laundering and Wire
18 Transmitter Revolving Fund". The fund shall be a continuing fund,
19 not subject to fiscal year limitations, and shall consist of all
20 monies received by the Oklahoma State Bureau of Narcotics and
21 Dangerous Drugs Control from the fees imposed pursuant to Section 11
22 of this act. All monies accruing to the credit of the fund are
23 hereby appropriated and may be budgeted and expended by the Oklahoma
24 State Bureau of Narcotics and Dangerous Drugs Control for the

1 purpose of drug enforcement. Expenditures from said fund shall be
2 made upon warrants issued by the State Treasurer against claims
3 filed as prescribed by law with the Director of State Finance for
4 approval and payment.

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

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

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

16 Section 2-410. A. Whenever any person who has not previously
17 been convicted of any offense under this act or under any statute of
18 the United States or of any state relating to narcotic drugs,
19 marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads
20 guilty or nolo contendere to or is found guilty of a violation of
21 the Uniform Controlled Dangerous Substances Act, the court may,
22 unless otherwise prohibited by law, without entering a judgment of
23 guilt and with the consent of such person, defer further proceedings
24 and place the person on probation upon such reasonable terms and

1 conditions as it may require including the requirement that such
2 person cooperate in a treatment and rehabilitation program of a
3 state-supported or state-approved facility, if available. Upon
4 violation of a term or condition, the court may enter an
5 adjudication of guilt and proceed as otherwise provided. Upon
6 fulfillment of the terms and conditions, the court shall discharge
7 such person and dismiss the proceedings against the person.
8 Discharge and dismissal under this section shall be without court
9 adjudication of guilt and shall not be deemed a conviction for
10 purposes of this section or for purposes of disqualifications or
11 disabilities imposed by law upon conviction of a crime. Discharge
12 and dismissal under this section may occur only once with respect to
13 any person.

14 B. Any expunged arrest or conviction shall not thereafter be
15 regarded as an arrest or conviction for purposes of employment,
16 civil rights, or any statute, regulation, license, questionnaire or
17 any other public or private purpose; provided, that, any plea of
18 guilty or nolo contendere or finding of guilt to a violation of the
19 Uniform Controlled Dangerous Substances Act shall constitute a
20 conviction of the offense for the purpose of the Uniform Controlled
21 Dangerous Substances Act or any other criminal statute under which
22 the existence of a prior conviction is relevant.

23 C. The provisions of this section shall not apply to any person
24 who pleads guilty or nolo contendere to or is found guilty of a

1 violation of the Trafficking in Illegal Drugs Act or the Drug Money
2 Laundering and Wire Transmitter Act.

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

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

11 SECTION 8. AMENDATORY 63 O.S. 2001, Section 2-503, as
12 last amended by Section 5, Chapter 223, O.S.L. 2007 (63 O.S. Supp.
13 2008, Section 2-503), is amended to read as follows:

14 Section 2-503. A. The following shall be subject to
15 forfeiture:

16 1. All controlled dangerous substances which have been
17 manufactured, distributed, dispensed, acquired, concealed or
18 possessed in violation of the Uniform Controlled Dangerous
19 Substances Act;

20 2. All raw materials, products and equipment of any kind and
21 all drug paraphernalia as defined by the Uniform Controlled
22 Dangerous Substances Act, which are used, or intended for use, in
23 manufacturing, compounding, processing, delivering, importing or
24 exporting, injecting, ingesting, inhaling, or otherwise introducing

1 into the human body any controlled dangerous substance in violation
2 of the provisions of the Uniform Controlled Dangerous Substances
3 Act;

4 3. All property which is used, or intended for use, as a
5 container for property described in paragraphs 1 ~~and~~, 2, 5 and 6 of
6 this subsection;

7 4. All conveyances, including aircraft, vehicles, vessels, or
8 farm implements which are used to transport, conceal, or cultivate
9 for the purpose of distribution as defined in the Uniform Controlled
10 Dangerous Substances Act, or which are used in any manner to
11 facilitate the transportation or cultivation for the purpose of sale
12 or receipt of property described in paragraphs 1 or 2 of this
13 subsection or when the property described in paragraphs 1 or 2 of
14 this subsection is unlawfully possessed by an occupant thereof,
15 except that:

- 16 a. no conveyance used by a person as a common carrier in
17 the transaction of business as a common carrier shall
18 be forfeited under the provisions of the Uniform
19 Controlled Dangerous Substances Act unless it shall
20 appear that the owner or other person in charge of
21 such conveyance was a consenting party or privy to a
22 violation of the Uniform Controlled Dangerous
23 Substances Act, and
24

1 b. no conveyance shall be forfeited under the provisions
2 of this section by reason of any act or omission
3 established by the owner thereof to have been
4 committed or omitted without the knowledge or consent
5 of such owner, and if the act is committed by any
6 person other than such owner the owner shall establish
7 further that the conveyance was unlawfully in the
8 possession of a person other than the owner in
9 violation of the criminal laws of the United States,
10 or of any state;

11 5. All books, records and research, including formulas,
12 microfilm, tapes and data which are used in violation of the Uniform
13 Controlled Dangerous Substances Act;

14 6. All things of value furnished, or intended to be furnished,
15 in exchange for a controlled dangerous substance in violation of the
16 Uniform Controlled Dangerous Substances Act, all proceeds traceable
17 to such an exchange, and all monies, negotiable instruments, and
18 securities used, or intended to be used, to facilitate any violation
19 of the Uniform Controlled Dangerous Substances Act;

20 7. All monies, coin and currency found in close proximity to
21 any amount of forfeitable substances, to forfeitable drug
22 manufacturing or distribution paraphernalia or to forfeitable
23 records of the importation, manufacture or distribution of
24 substances, which are rebuttably presumed to be forfeitable under

1 the Uniform Controlled Dangerous Substances Act. The burden of
2 proof is upon claimants of the property to rebut this presumption;

3 8. All real property, including any right, title, and interest
4 in the whole of any lot or tract of land and any appurtenance or
5 improvement thereto, which is used, or intended to be used, in any
6 manner or part, to commit, or to facilitate the commission of, a
7 violation of the Uniform Controlled Dangerous Substances Act which
8 is punishable by imprisonment for more than one (1) year, except
9 that no property right, title or interest shall be forfeited
10 pursuant to this paragraph, by reason of any act or omission
11 established by the owner thereof to have been committed or omitted
12 without the knowledge or consent of that owner; and

13 9. All weapons possessed, used or available for use in any
14 manner to facilitate a violation of the Uniform Controlled Dangerous
15 Substances Act.

16 B. Any property or thing of value of a person is subject to
17 forfeiture if it is established by a preponderance of the evidence
18 that such property or thing of value was acquired by such person
19 during the period of the violation of the Uniform Controlled
20 Dangerous Substances Act or within a reasonable time after such
21 period and there was no likely source for such property or thing of
22 value other than the violation of the Uniform Controlled Dangerous
23 Substances Act.

1 C. Any property or thing of value of a person is subject to
2 forfeiture if it is established by a preponderance of the evidence
3 that the person has not paid all or part of a fine imposed pursuant
4 to the provisions of Section 2-415 of this title.

5 D. All items forfeited in this section shall be forfeited under
6 the procedures established in Section 2-506 of this title. Whenever
7 any item is forfeited pursuant to this section except for items
8 confiscated by the Oklahoma State Bureau of Narcotics and Dangerous
9 Drugs Control, the Department of Public Safety, the Oklahoma State
10 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
11 Commission, the Department of Corrections, or the Office of the
12 Attorney General, the district court of the district shall order
13 that such item, money, or monies derived from the sale of such item
14 be deposited by the state, county or city law enforcement agency
15 which seized the item in the revolving fund provided for in Section
16 2-506 of this title; provided, such item, money or monies derived
17 from the sale of such item forfeited due to nonpayment of a fine
18 imposed pursuant to the provisions of Section 2-415 of this title
19 shall be apportioned as provided in Section 2-416 of this title.
20 Items, money or monies seized pursuant to subsections A and B of
21 this section shall not be applied or considered toward satisfaction
22 of the fine imposed by Section 2-415 of this title. All raw
23 materials used or intended to be used by persons to unlawfully
24 manufacture or attempt to manufacture any controlled dangerous

1 substance in violation of the Uniform Controlled Dangerous
2 Substances Act shall be summarily forfeited pursuant to the
3 provisions of Section 2-505 of this title.

4 E. All property taken or detained under this section by the
5 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the
6 Department of Public Safety, the Oklahoma State Bureau of
7 Investigation, the Alcoholic Beverage Laws Enforcement Commission,
8 the Department of Corrections, or the Office of the Attorney
9 General, shall not be replevable, but shall remain in the custody
10 of the Bureaus, Departments, Commission, or Office, respectively,
11 subject only to the orders and decrees of a court of competent
12 jurisdiction. The Director of the Oklahoma State Bureau of
13 Narcotics and Dangerous Drugs Control, the Commissioner of Public
14 Safety, the Director of the Oklahoma State Bureau of Investigation,
15 the Director of the Alcoholic Beverage Laws Enforcement Commission,
16 the Director of the Department of Corrections, and the Attorney
17 General shall follow the procedures outlined in Section 2-506 of
18 this title dealing with notification of seizure, intent of
19 forfeiture, final disposition procedures, and release to innocent
20 claimants with regard to all property included in this section
21 detained by the Department of Public Safety, the Oklahoma State
22 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
23 Commission, the Department of Corrections, or the Office of the
24 Attorney General. Property taken or detained by the Oklahoma State

1 Bureau of Narcotics and Dangerous Drugs Control, the Department of
2 Public Safety, the Oklahoma State Bureau of Investigation, the
3 Alcoholic Beverage Laws Enforcement Commission, the Department of
4 Corrections, or the Office of the Attorney General shall be disposed
5 of or sold pursuant to the provisions of Section 2-508 of this
6 title. Any money, coins, and currency, taken or detained pursuant
7 to this section may be deposited in an interest bearing account by
8 or at the direction of the State Treasurer if the seizing agency
9 determines the currency is not to be held as evidence. All interest
10 earned on such monies shall be returned to the claimant or forfeited
11 with the money, coins, and currency which was taken or detained as
12 provided by law.

13 F. The proceeds of any forfeiture of items seized by the
14 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall
15 be distributed as follows:

16 1. To the bona fide or innocent purchaser, conditional sales
17 vendor or mortgagee of the property, if any, up to the amount of his
18 interest in the property, when the court declaring a forfeiture
19 orders a distribution to such person; and

20 2. The balance to the ~~Oklahoma State Bureau of Narcotics'~~
21 ~~revolving fund or the Bureau's agency special account established~~
22 ~~pursuant to Section 7.2 of Title 62 of the Oklahoma Statutes~~
23 Narcotics Revolving Fund established pursuant to Section 2-107 of
24 this title, provided the Bureau may enter into agreements with

1 municipal, tribal, county, state or federal law enforcement
2 agencies, or other state agencies with CLEET-certified law
3 enforcement officers, assisting in the forfeiture or underlying
4 criminal investigation, to return to such an agency a percentage of
5 said proceeds.

6 ~~The Bureau may expend up to Two Million Dollars (\$2,000,000.00)~~
7 ~~of the forfeited funds within a fiscal year without prior approval~~
8 ~~of the Legislature. Documentation of such expenditures shall be~~
9 ~~forwarded to the Governor, Speaker of the House of Representatives~~
10 ~~and the President Pro Tempore of the Senate on a quarterly basis.~~
11 ~~Any additional expenditures of forfeited funds shall be pre-approved~~
12 ~~by the annual appropriations process or the Contingency Review~~
13 ~~Board.~~

14 G. Any agency that acquires seized or forfeited property or
15 money shall maintain a true and accurate inventory and record of all
16 such property seized pursuant to this section.

17 SECTION 9. AMENDATORY Section 1, Chapter 170, O.S.L.
18 2008 (63 O.S. Supp. 2008, Section 2-503.1a), is amended to read as
19 follows:

20 Section 2-503.1a Sections ~~±~~ 2-503.1a through ~~9~~ 2-503.1i of this
21 title and Sections 11 through 13 of this act shall be known and may
22 be cited as the "Drug Money Laundering and Wire Transmitter Act".
23
24

1 SECTION 10. AMENDATORY Section 9, Chapter 170, O.S.L.
2 2008 (63 O.S. Supp. 2008, Section 2-503.1i), is amended to read as
3 follows:

4 Section 2-503.1i A. The Oklahoma State Bureau of Narcotics and
5 Dangerous Drugs Control shall have authority to intercept, seize and
6 forfeit any funds or equipment in violation of any provision of the
7 Drug Money Laundering and Wire Transmitter Act or in violation of
8 Section 2-503.1 of ~~Title 63 of the Oklahoma Statutes~~ this title.

9 B. A warrant for the seizure of property pursuant to Section
10 1222 of Title 22 of the Oklahoma Statutes may be issued by a
11 district judge upon finding of probable cause for funds believed to
12 be used or intended for any violation of the Uniform Controlled
13 Dangerous Substances Act to any licensee under the Oklahoma
14 Financial Transaction Reporting Act.

15 C. The State Banking Commissioner or designee upon receipt of
16 an affidavit of probable cause from an agent of the Bureau, may
17 issue an emergency notice requiring a temporary freeze on an account
18 to any financial institution or money services business under its
19 jurisdiction. Such freeze shall halt all transactions in the
20 account. During the fifteen-day freeze, an account holder may file
21 an emergency appeal to the district court. The district court shall
22 schedule a hearing on the emergency appeal within three (3) judicial
23 days of the request. The provisions of Section 2201 et seq. of
24 Title 6 of the Oklahoma Statutes shall not apply to this section.

1 This freeze shall not exceed fifteen (15) days and shall
2 automatically expire unless:

3 1. A subsequent seizure warrant is issued by a district judge;

4 or

5 2. A notice of forfeiture is filed on the contents of the
6 account pursuant to Section 2-503 of this title.

7 D. No financial institution shall have liability to an account
8 holder for acting pursuant to this section.

9 SECTION 11. 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 A. Any licensee of a money transmission, transmitter or wire
13 transmitter business pursuant to the Oklahoma Financial Transaction
14 Reporting Act and their delegates shall collect a fee of Five
15 Dollars (\$5.00) for each transaction not in excess of Five Hundred
16 Dollars (\$500.00) and in addition to such fee an amount equal to one
17 percent (1%) of the amount in excess of Five Hundred Dollars
18 (\$500.00).

19 B. The fee prescribed by subsection A of this section shall be
20 remitted quarterly to the Oklahoma Tax Commission on such forms as
21 the Commission, with the assistance of the Oklahoma State Bureau of
22 Narcotics and Dangerous Drugs Control, may prescribe for such
23 purpose. All required forms and remittances shall be filed with the
24

1 Tax Commission not later than the fifteenth day of the month
2 following the close of each calendar quarter.

3 C. The Oklahoma Tax Commission shall apportion all revenues
4 derived from the fee to the Drug Money Laundering and Wire
5 Transmitter Revolving Fund.

6 D. Every licensee and their delegates shall post a notice on a
7 form prescribed by the Director of the Oklahoma State Bureau of
8 Narcotics and Dangerous Drugs Control that notifies customers that
9 upon filing an individual income tax return with either a valid
10 social security number or a valid taxpayer identification number the
11 customer shall be entitled to an income tax credit equal to the
12 amount of the fee paid by the customer for the transaction.

13 E. The Oklahoma Tax Commission shall be afforded all provisions
14 currently under law to enforce the provisions of subsection B of
15 this section. If a licensee fails to file reports or fails to remit
16 the fee authorized by subsection B of this section, the Oklahoma Tax
17 Commission shall have the authority pursuant to Section 212 of Title
18 68 of the Oklahoma Statutes to suspend the license of the licensee
19 and its delegates. A notification of the suspension shall also be
20 sent to the State Banking Commissioner and the Director of the
21 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. The
22 licensee and its delegates may not reapply for a license until all
23 required reports have been filed and all required fee amounts have
24 been remitted.

1 F. Upon request from the Oklahoma Tax Commission, the State
2 Banking Commissioner may make a claim against the surety bond of the
3 licensee on behalf of the State of Oklahoma.

4 G. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
5 Control and its attorneys may assist the Oklahoma Tax Commission in
6 conducting audits and the prosecution and/or seeking of legal
7 remedies to ensure compliance with this act.

8 SECTION 12. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 2-503.1k of Title 63, unless
10 there is created a duplication in numbering, reads as follows:

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

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

15 2. Any county where a prosecution for the underlying specified
16 unlawful activity could be brought, if the defendant participated in
17 the transfer of the proceeds of the specified unlawful activity from
18 that county to the county where the financial or monetary
19 transaction is conducted.

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

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

6 SECTION 13. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 2-503.11 of Title 63, unless
8 there is created a duplication in numbering, reads as follows:

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

10 1. "Conducts" includes initiating, concluding, or participating
11 in initiating, or concluding a transaction;

12 2. "Financial institution" includes:

13 a. any financial institution, as defined in Section
14 5312(a)(2) of Title 31 of the United States Code, or
15 the regulations promulgated thereunder, and

16 b. any foreign bank, as defined in Section 3101 of Title
17 12 of the United States Code;

18 3. "Financial transaction" means:

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

21 (1) involving the movement of funds by wire or other
22 means,

23 (2) involving one or more monetary instruments, or
24

- 1 (3) involving the transfer of title to any real
2 property, vehicle, vessel, or aircraft; or
3 b. a transaction involving the use of a financial
4 institution which is engaged in, or the activities of
5 which affect, state, interstate or foreign commerce
6 in any way or degree;

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

13 5. "Monetary instruments" means:

- 14 a. coin or currency of the United States or of any other
15 country, travelers' checks, personal checks, bank
16 checks, and money orders, or
17 b. investment securities or negotiable instruments, in
18 bearer form or otherwise in such form that title
19 thereto passes upon delivery;

20 6. "Money transmitting" includes transferring funds by any and
21 all means including, but not limited to, transfers within this
22 state, country or to locations abroad by wire, check, draft,
23 facsimile, or courier;

1 7. "Proceeds" means all things of value furnished, or intended
2 to be furnished, in exchange for a controlled dangerous substance in
3 violation of the Uniform Controlled Dangerous Substances Act,
4 including all proceeds traceable to such an exchange, and all
5 monies, negotiable instruments, and securities used, or intended to
6 be used to facilitate any violation of the Uniform Controlled
7 Dangerous Substances Act;

8 8. "Specified unlawful activity" means any violation of the
9 Uniform Controlled Dangerous Substances Act; and

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

18 SECTION 14. AMENDATORY 63 O.S. 2001, Section 2-506, as
19 last amended by Section 4, Chapter 248, O.S.L. 2007 (63 O.S. Supp.
20 2008, Section 2-506), is amended to read as follows:

21 Section 2-506. A. Any peace officer of this state shall seize
22 the following property:

23 1. Any property described in subsection A of Section 2-503 of
24 this title. Such property shall be held as evidence until a

1 forfeiture has been declared or release ordered, except for property
2 described in paragraphs 1, 2 and 3 of subsection A of Section 2-503
3 of this title, or in the case of money, coins, and currency,
4 deposited as provided in subsection E of Section 2-503 of this
5 title; provided, any money, coins and currency taken or detained
6 pursuant to this section may be deposited in an interest-bearing
7 account by or at the direction of the district attorney in the
8 office of the county treasurer if the district attorney determines
9 the currency is not to be held as evidence. All interest earned on
10 such monies shall be returned to the claimant or forfeited with the
11 money, coins and currency which was taken or detained as provided by
12 law;

13 2. Any property described in subsection B of Section 2-503 of
14 this title; or

15 3. Any property described in subsection C of Section 2-503 of
16 this title.

17 B. Notice of seizure and intended forfeiture proceeding shall
18 be filed in the office of the clerk of the district court for the
19 county wherein such property is seized and shall be given all owners
20 and parties in interest. Notwithstanding any other provision of
21 law, no filing fees shall be assessed by the court clerk for the
22 filing of any forfeiture action.

23 C. Notice shall be given by the agency seeking forfeiture
24 according to one of the following methods:

1 1. Upon each owner or party in interest whose right, title or
2 interest is of record in the Tax Commission, by mailing a copy of
3 the notice by certified mail to the address as given upon the
4 records of the Tax Commission;

5 2. Upon each owner or party in interest whose name and address
6 is known to the attorney in the office of the agency prosecuting the
7 action to recover unpaid fines, by mailing a copy of the notice by
8 registered mail to the last-known address; or

9 3. Upon all other owners or interested parties, whose addresses
10 are unknown, but who are believed to have an interest in the
11 property, by one publication in a newspaper of general circulation
12 in the county where the seizure was made.

13 D. Within forty-five (45) days after the mailing or publication
14 of the notice, the owner of the property and any other party in
15 interest or claimant may file a verified answer and claim to the
16 property described in the notice of seizure and of the intended
17 forfeiture proceeding.

18 E. If at the end of forty-five (45) days after the notice has
19 been mailed or published there is no verified answer on file, the
20 court shall hear evidence upon the fact of the unlawful use and
21 shall order the property forfeited to the state, if such fact is
22 proved.

23 F. If a verified answer is filed, the forfeiture proceeding
24 shall be set for hearing.

1 G. At a hearing in a proceeding against property described in
2 paragraphs 3 through 9 of subsection A or subsections B and C of
3 Section 2-503 of this title, the requirements set forth in said
4 paragraph or subsection, respectively, shall be satisfied by the
5 state by a preponderance of the evidence.

6 H. The claimant of any right, title, or interest in the
7 property may prove a lien, mortgage, or conditional sales contract
8 to be a bona fide or innocent ownership interest and that such
9 right, title, or interest was created without any knowledge or
10 reason to believe that the property was being, or was to be, used
11 for the purpose charged.

12 I. In the event of such proof, the court shall order the
13 property released to the bona fide or innocent owner, lien holder,
14 mortgagee or vendor if the amount due him is equal to, or in excess
15 of, the value of the property as of the date of the seizure, it
16 being the intention of this section to forfeit only the right, title
17 or interest of the purchaser.

18 J. If the amount due to such person is less than the value of
19 the property, or if no bona fide claim is established, the property
20 shall be forfeited to the state and sold under judgment of the
21 court, as on sale upon execution, and as provided for in Section 2-
22 508 of this title, except as otherwise provided for in Section 2-503
23 of this title.

1 K. Property taken or detained under this section shall not be
2 repleviable, but shall be deemed to be in the custody of the office
3 of the district attorney of the county wherein the property was
4 seized, subject only to the orders and decrees of the court or the
5 official having jurisdiction thereof; said official shall maintain a
6 true and accurate inventory and record of all such property seized
7 under the provisions of this section. The provisions of this
8 subsection shall not apply to property taken or detained by the
9 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the
10 Department of Public Safety, the Oklahoma State Bureau of
11 Investigation, the Alcoholic Beverage Laws Enforcement Commission,
12 the Department of Corrections or the Office of the Attorney General.
13 Property taken or detained by the Oklahoma State Bureau of Narcotics
14 and Dangerous Drugs Control, the Department of Public Safety, the
15 Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws
16 Enforcement Commission, the Department of Corrections or the Office
17 of the Attorney General shall be subject to the provisions of
18 subsections E and F of Section 2-503 of this title.

19 L. The proceeds of the sale of any property not taken or
20 detained by the Oklahoma State Bureau of Narcotics and Dangerous
21 Drugs Control, the Department of Public Safety, the Oklahoma State
22 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
23 Commission, the Department of Corrections or the Office of the
24

1 Attorney General shall be distributed as follows, in the order
2 indicated:

3 1. To the bona fide or innocent purchaser, conditional sales
4 vendor or mortgagee of the property, if any, up to the amount of his
5 or her interest in the property, when the court declaring the
6 forfeiture orders a distribution to such person;

7 2. To the payment of the actual expenses of preserving the
8 property and legitimate costs related to the civil forfeiture
9 proceedings. For purposes of this paragraph, the term "legitimate
10 costs" shall not include court costs associated with any civil
11 forfeiture proceeding; and

12 3. The balance to a revolving fund in the office of the county
13 treasurer of the county wherein the property was seized, said fund
14 to be used as a revolving fund solely for enforcement of controlled
15 dangerous substances laws, drug abuse prevention and drug abuse
16 education, and maintained by the district attorney in his or her
17 discretion for those purposes with a yearly accounting to the board
18 of county commissioners in whose county the fund is established and
19 to the District Attorneys Council; provided, one hundred percent
20 (100%) of the balance of the proceeds of such sale of property
21 forfeited due to nonpayment of a fine imposed pursuant to the
22 provisions of Section 2-415 of this title shall be apportioned as
23 provided in Section 2-416 of this title. The revolving fund shall
24 be audited by the State Auditor and Inspector at least every two (2)

1 years in the manner provided in Section 171 of Title 19 of the
2 Oklahoma Statutes. Said audit shall include, but not be limited to,
3 a compliance audit. A district attorney may enter into agreements
4 with municipal, tribal, county or state agencies to return to such
5 an agency a percentage of proceeds of the sale of any property
6 seized by the agency and forfeited under the provisions of this
7 section. The District Attorneys Council shall adopt guidelines
8 which ensure that such agencies receive a reasonable percentage of
9 such proceeds, considering the relative contribution of each agency
10 to the drug enforcement and prosecution operations relating to the
11 seizure. In formulating said guidelines, the District Attorneys
12 Council shall examine federal guidelines on asset distribution and
13 use said guidelines as a basis for establishing guidelines for this
14 state. The Attorney General is hereby authorized to mediate
15 disputes between district attorneys and such agencies concerning the
16 application of said guidelines in particular instances. Any agency
17 that receives proceeds from an asset distribution shall maintain a
18 true and accurate record of all such assets.

19 M. Whenever any vehicle, airplane or vessel is forfeited under
20 the Uniform Controlled Dangerous Substances Act, the district court
21 of jurisdiction may order that the vehicle, airplane or vessel
22 seized may be retained by the state, county or city law enforcement
23 agency which seized the vehicle, airplane or vessel for its official
24 use.

1 N. If the court finds that the state failed to satisfy the
2 required showing provided for in subsection G of this section, the
3 court shall order the property released to the owner or owners.

4 O. Except as provided for in subsection Q of this section, a
5 bona fide or innocent owner, lien holder, mortgagee or vendor that
6 recovers property pursuant to this section shall not be liable for
7 storage fees.

8 P. Except as provided for in subsection Q of this section,
9 storage fees shall be paid by the agency which is processing the
10 seizure and forfeiture from funds generated by seizure and
11 forfeiture actions.

12 Q. The bona fide or innocent owner, lien holder, mortgagee or
13 vendor shall reclaim subject seized property within thirty (30) days
14 of written notice from the seizing agency. If such person fails to
15 reclaim the property within the thirty-day time period, then storage
16 fees may be assessed against their secured interest.

17 R. 1. At any hearing held relevant to this section, a report
18 of the findings of the laboratory of the Oklahoma State Bureau of
19 Investigation, the medical examiner's report of investigation or
20 autopsy report, or a laboratory report from a forensic laboratory
21 operated by the State of Oklahoma or any political subdivision
22 thereof, which has been made available to the accused by the office
23 of the district attorney or other party to the forfeiture at least
24 five (5) days prior to the hearing, with reference to all or part of

1 the evidence submitted, when certified as correct by the persons
2 making the report shall be received as evidence of the facts and
3 findings stated, if relevant and otherwise admissible in evidence.
4 If such report is deemed relevant by the forfeiture applicant or the
5 respondent, the court shall admit such report without the testimony
6 of the person making the report, unless the court, pursuant to this
7 subsection, orders such person to appear.

8 2. When any alleged controlled dangerous substance has been
9 submitted to the laboratory of the OSBI for analysis, and such
10 analysis shows that the submitted material is a controlled dangerous
11 substance, the distribution of which constitutes a felony under the
12 laws of this state, no portion of such substance shall be released
13 to any other person or laboratory except to the criminal justice
14 agency originally submitting the substance to the OSBI for analysis,
15 absent an order of a district court. The defendant shall
16 additionally be required to submit to the court a procedure for
17 transfer and analysis of the subject material to ensure the
18 integrity of the sample and to prevent the material from being used
19 in any illegal manner.

20 3. The court, upon motion of either party, shall order the
21 attendance of any person preparing a report submitted as evidence in
22 the hearing when it appears there is a substantial likelihood that
23 material evidence not contained in said report may be produced by
24 the testimony of any person having prepared a report. The hearing

1 shall be held and, if sustained, an order issued not less than five
2 (5) days prior to the time when the testimony shall be required.

3 4. If within five (5) days prior to the hearing or during a
4 hearing, a motion is made pursuant to this section requiring a
5 person having prepared a report to testify, the court may hear a
6 report or other evidence but shall continue the hearing until such
7 time notice of the motion and hearing is given to the person making
8 the report, the motion is heard, and, if sustained, the testimony
9 ordered can be given.

10 SECTION 15. AMENDATORY 63 O.S. 2001, Section 2-508, as
11 last amended by Section 16, Chapter 168, O.S.L. 2004 (63 O.S. Supp.
12 2008, Section 2-508), is amended to read as follows:

13 Section 2-508. A. Except as otherwise provided, all property
14 described in paragraphs 1 and 2 of subsection A of Section 2-503 of
15 this title which is seized or surrendered pursuant to the provisions
16 of the Uniform Controlled Dangerous Substances Act shall be
17 destroyed. The destruction shall be done by or at the direction of
18 the Oklahoma State Bureau of Investigation, who shall have the
19 discretion prior to destruction to preserve samples of the substance
20 for testing. In any county with a population of four hundred
21 thousand (400,000) or more according to the latest Federal Decennial
22 Census, there shall be a located site, approved by the Oklahoma
23 State Bureau of Investigation, for the destruction of the property.
24 Any such property submitted to the Oklahoma State Bureau of

1 Investigation which it deems to be of use for investigative
2 training, educational, or analytical purposes may be retained by the
3 Oklahoma State Bureau of Investigation in lieu of destruction.

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

- 12 a. photograph the seized substance with identifying case
13 numbers or other means of identification,
- 14 b. prepare a report describing the seized substance prior
15 to the destruction,
- 16 c. retain at least one (1) pound of the substance
17 randomly selected from the seized substance for the
18 purpose of evidence, and
- 19 d. obtain and retain samples of the substance from enough
20 containers, bales, bricks, or other units of substance
21 seized to establish the presence of a weight of the
22 substance necessary to establish a violation of the
23 Trafficking in Illegal Drugs Act pursuant to
24 subsection C of Section 2-415 of this title, if such a

1 weight is present. If such weight is not present,
2 samples of the substance from each container, bale,
3 brick or other unit of substance seized shall be
4 taken. Each sample taken pursuant to this section
5 shall be large enough for the destroying agency and
6 the defendant or suspect to have an independent test
7 performed on the substance for purposes of
8 identification.

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

- 13 a. the date, the time, and the place where the
14 photographing will take place and notice of the right
15 to attend the photographing, and
- 16 b. the right to obtain samples of the controlled
17 dangerous substance for independent testing and use as
18 evidence.

19 3. The written notice shall also inform the defendant, suspect
20 or counsel for the defendant or suspect that the destroying agency
21 must be notified in writing within seven (7) days from receipt of
22 the notice of the intent of the suspect or defendant to obtain
23 random samples and make arrangements for the taking of samples. The
24 samples for the defendant or suspect must be taken by a person

1 licensed by the Drug Enforcement Administration. If the defendant
2 or counsel for the defendant fails to notify the destroying agency
3 in writing of an intent to obtain samples and fails to make
4 arrangements for the taking of samples, a sample taken pursuant to
5 subparagraph d of paragraph 1 of this subsection shall be made
6 available upon request of the defendant or suspect.

7 The representative samples, the photographs, the reports, and
8 the records made under this section and properly identified shall be
9 admissible in any court or administrative proceeding for any
10 purposes for which the seized substance itself would have been
11 admissible.

12 C. All other property not otherwise provided for in the Uniform
13 Controlled Dangerous Substances Act which has come into the
14 possession of the Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control, the Department of Public Safety, the Oklahoma State
16 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
17 Commission, the Department of Corrections, the Office of the
18 Attorney General, or a district attorney may be disposed of by order
19 of the district court when no longer needed in connection with any
20 litigation. If the owner of the property is unknown to the ~~Bureau~~
21 agency or district attorney, the ~~Bureau~~ agency or district attorney
22 shall hold the property for at least six (6) months prior to filing
23 a petition for disposal with the district court except for
24 laboratory equipment which may be forfeited when no longer needed in

1 connection with litigation, unless the property is perishable. The
2 Director or Commissioner of the agency, the Attorney General, or
3 district attorney shall file a petition in the district court of
4 Oklahoma County or in the case of a district attorney, the petition
5 shall be filed in a county within the ~~district attorney's~~
6 jurisdiction of the district attorney requesting the authority to:

7 1. Conduct a sale of the property; or
8 2. Convert title of the property to the Oklahoma State Bureau
9 of Narcotics and Dangerous Drugs Control, the Department of Public
10 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic
11 Beverage Laws Enforcement Commission, the Department of Corrections,
12 the Office of the Attorney General, or to the district attorney's
13 office for ~~donation or transfer~~ the purposes provided for in
14 ~~accordance with subsection I or K~~ J, K or L of this section, ~~or~~

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

18 The Director, Commissioner, Attorney General or district
19 attorney shall attach to the petition:

- 20 a. a list describing the property, including all
21 identifying numbers and marks, if any,
22 b. the date the property came into the possession of the
23 ~~Bureau~~ agency or district attorney, and
24 c. the name and address of the owner, if known. ~~The~~

1 For any item having an apparent value in excess of One Hundred
2 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the
3 notice of the hearing of the petition for the sale of the property,
4 except laboratory equipment used in the processing, manufacturing or
5 compounding of controlled dangerous substances in violation of the
6 provisions of the Uniform Controlled Dangerous Substances Act, shall
7 be given to every known owner, as set forth in the petition, by
8 ~~certified~~ first-class mail to the last-known address of the owner at
9 least ten (10) days prior to the date of the hearing. An affidavit
10 of notice being sent shall be filed with the court by a
11 representative of the agency, the Director or Commissioner of the
12 agency, the Attorney General or district attorney. For items in
13 excess of Five Hundred Dollars (\$500.00), a notice of the hearing of
14 the petition for the sale of said property shall be delivered to
15 every known owner as set forth in the petition by certified mail.
16 Notice of a hearing on a petition for forfeiture or sale of
17 laboratory equipment used in the processing, manufacturing or
18 compounding of controlled dangerous substances in violation of the
19 Uniform Controlled Dangerous Substances Act shall not be required.
20 The notice shall contain a brief description of the property, and
21 the location and date of the hearing. In addition, notice of the
22 hearing shall be posted in three public places in the county, one
23 such place being the county courthouse at the regular place assigned
24 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, Commissioner, Attorney
3 General, or district attorney to donate the property pursuant to
4 subsection ~~±~~ J, K or L of this section, to sell the property at a
5 public auction to the highest bidder, or to convert title of the
6 property to the Oklahoma State Bureau of Narcotics and Dangerous
7 Drugs Control, the Department of Public Safety, the Oklahoma State
8 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
9 Commission, the Department of Corrections, or the Office of the
10 Attorney General for the ~~purpose of leasing or transferring the~~
11 ~~property pursuant to~~ purposes provided for in subsection J ~~or~~, K or
12 L of this section after at least ten (10) ~~days~~ days of notice has
13 been given by publication in one issue of a legal newspaper of the
14 county. If the property is offered for sale at public auction and
15 no bid is received that exceeds fifty percent (50%) of the value of
16 the property, such value to be announced prior to the sale, the
17 Director, Commissioner, Attorney General, or district attorney may
18 refuse to sell the item pursuant to any bid received. The Director,
19 Commissioner, Attorney General, or district attorney shall make a
20 return of the sale and, when confirmed by the court, the order
21 confirming the sale shall vest in the purchaser title to the
22 property so purchased.

23 D. The money received from the sale of property by the Oklahoma
24 State Bureau of Narcotics and Dangerous Drugs Control shall be used

1 ~~for the purpose of purchasing controlled dangerous substances to be~~
2 ~~used as evidence in narcotic cases and fees for informers, or~~
3 ~~employees and other associated expenses necessary to apprehend and~~
4 ~~convict violators of the laws of the State of Oklahoma regulating~~
5 ~~controlled dangerous substances~~ general drug enforcement purposes.
6 These funds shall be transferred to the ~~agency special account~~
7 Bureau of Narcotics Revolving Fund established pursuant to Section
8 ~~7.2 2-107 of Title 62 of the Oklahoma Statutes or the Bureau of~~
9 ~~Narcotics Revolving Fund~~ this title or in the case of a district
10 attorney, the revolving fund provided for in ~~that district for drug~~
11 ~~education and enforcement~~ paragraph 3 of subsection L of Section 2-
12 506 of this title. ~~The Director of the Bureau of Narcotics and~~
13 ~~Dangerous Drugs Control and the Director of State Finance are hereby~~
14 ~~authorized and directed to promulgate in writing the necessary rules~~
15 ~~and regulations requiring strict accountability relative to the~~
16 ~~expenditure of the above funds. In the case of a district attorney,~~
17 ~~the accountability relative to the expenditure of the fund shall be~~
18 ~~according to rules already existing for county revolving funds.~~

19 ~~D.~~ E. At the request of the Department of Public Safety, the
20 district attorney or a designee of the district attorney may conduct
21 any forfeiture proceedings as described in Section 2-503 of this
22 title on any property subject to forfeiture as described in
23 subsection A, B, or C of Section 2-503 of this title. ~~Except as~~
24 ~~provided in subsection A of this section, all other property not~~

~~otherwise provided for in the Uniform Controlled Dangerous Substances Act which has come into the possession of the Oklahoma Department of Public Safety may be disposed of by order of the district court when no longer needed in connection with any litigation. If the owner of the property is unknown to the Department, the Department shall hold the property for at least six (6) months prior to filing a petition for disposal with the district court, unless the property is perishable. The Commissioner of Public Safety shall file a petition in the district court of Oklahoma County requesting the authority to conduct a sale of the property or to convert title of the property to the Oklahoma Department of Public Safety. The Commissioner of Public Safety shall attach to the petition a list describing the property, including all identifying numbers and marks, if any, the date the property came into the possession of the Department, and the name and address of the owner, if known. The notice of the hearing of the petition for the sale of the property shall be given to every known owner, as set forth in the petition, by certified mail to the last known address of the owner and party in last possession if applicable, at least ten (10) days prior to the date of the hearing. The notice shall contain a brief description of the property, and the location and date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned~~

1 ~~for the posting of legal notices. At the hearing, if no owner~~
2 ~~appears and establishes ownership of the property, the court may~~
3 ~~enter an order authorizing the Commissioner of Public Safety to~~
4 ~~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 Public Safety for the purpose~~
7 ~~of leasing or transferring the property pursuant to subsection J or~~
8 ~~K of this section after at least five (5) days' notice has been~~
9 ~~given by publication in one issue of a legal newspaper of the~~
10 ~~county. The Commissioner of Public Safety shall make a return of~~
11 ~~the sale and, when confirmed by the court, the order confirming the~~
12 ~~sale shall vest in the purchaser title to the property so purchased.~~
13 ~~The money received from the sale~~ of property by the Department of
14 Public Safety ~~shall be deposited in the Department of Public Safety~~
15 ~~Revolving Fund and shall be expended for law enforcement purposes.~~

16 ~~E. Except as provided in subsection A of this section, all~~
17 ~~other property not otherwise provided for in the Uniform Controlled~~
18 ~~Dangerous Substances Act which has come into the possession of the~~
19 ~~Alcoholic Beverage Laws Enforcement Commission may be disposed of by~~
20 ~~order of the district court when no longer needed in connection with~~
21 ~~any litigation. If the owner of the property is unknown to the~~
22 ~~Alcoholic Beverage Laws Enforcement Commission, the Commission shall~~
23 ~~hold the property for at least six (6) months prior to filing a~~
24 ~~petition for disposal with the district court, unless the property~~

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

1 ~~the county. The Director of the Alcoholic Beverage Laws Enforcement~~
2 ~~Commission shall make a return of the sale and, when confirmed by~~
3 ~~the court, the order confirming the sale shall vest in the purchaser~~
4 ~~title to the property so purchased. F. The money received from the~~
5 ~~sale of property by the Alcoholic Beverage Laws Enforcement~~
6 Commission shall be deposited in the General Revenue Fund of the
7 state.

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

~~of the petition for the sale of the property shall be given to every known owner, as set forth in the petition, by certified mail to the last known address of the owner and party in last possession if applicable, at least ten (10) days prior to the date of the hearing. The notice shall contain a brief description of the property, and the location and date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Director of the Oklahoma State Bureau of Investigation to donate the property pursuant to subsection I of this section, to sell the property to the highest bidder, or convert title of the property to the Oklahoma State Bureau of Investigation for the purpose of leasing or transferring the property pursuant to subsection J or K of this section after at least five (5) days' notice has been given by publication in one issue of a legal newspaper of the county. The Director of the Oklahoma State Bureau of Investigation shall make a return of the sale and, when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. G. The money received from the sale of property from the Oklahoma State Bureau of Investigation shall be deposited in the OSBI Revolving Fund and shall be expended for law enforcement purposes.~~

1 ~~G. Except as provided in subsection A of this section, all~~
2 ~~other property not otherwise provided for in the Uniform Controlled~~
3 ~~Dangerous Substances Act which has come into the possession of the~~
4 ~~Oklahoma Department of Corrections after being seized from persons~~
5 ~~not in the custody or supervision of the Department of Corrections~~
6 ~~may be disposed of by order of the district court when no longer~~
7 ~~needed in connection with any litigation. If the owner of the~~
8 ~~property is unknown to the Department, the Department shall hold the~~
9 ~~property for at least six (6) months prior to filing a petition for~~
10 ~~disposal with the district court, unless the property is perishable.~~
11 ~~The Director of the Oklahoma Department of Corrections shall file a~~
12 ~~petition in the district court of the county of seizure requesting~~
13 ~~the authority to conduct a sale of the property or to convert title~~
14 ~~to the property to the Oklahoma Department of Corrections. The~~
15 ~~Director of the Oklahoma Department of Corrections shall attach to~~
16 ~~the petition a list describing the property, including all~~
17 ~~identifying numbers and marks, if any, the date the property came~~
18 ~~into possession of the Department and the name and address of the~~
19 ~~owner, if known. The notice of the hearing of the petition for the~~
20 ~~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~~
22 ~~of the owner and party in last possession if applicable, at least~~
23 ~~ten (10) days prior to the date of the hearing. The notice shall~~
24 ~~contain a brief description of the property and the location and~~

~~date of the hearing. In addition, notice of the hearing shall be posted in three public places in the county, one such place being the county courthouse at the regular place assigned for the posting of legal notices. At the hearing, if no owner appears and establishes ownership of the property, the court may enter an order authorizing the Director of the Oklahoma Department of Corrections to donate the property pursuant to subsection I of this section, to sell the property to the highest bidder or convert title of the property to the Oklahoma Department of Corrections after at least five (5) days' notice has been given by publication in one issue of a legal newspaper of the county.~~ H. The Director of the Oklahoma Department of Corrections shall make a return of the sale and when confirmed by the court, the order confirming the sale shall vest in the purchaser title to the property so purchased. Twenty-five percent (25%) of the money received from the sale shall be disbursed to a revolving fund in the office of the county treasurer of the county wherein the property was seized, said fund to be used as a revolving fund solely for enforcement of controlled dangerous substances laws, drug abuse prevention and drug abuse education. The remaining seventy-five percent (75%) shall be deposited in the Department of Corrections Revolving Fund to be expended for equipment for probation and parole officers and correctional officers.

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

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

~~I.~~ J. Any property, including but not limited to uncontaminated laboratory equipment used in the processing, manufacturing or compounding of controlled dangerous substances in violation of the provisions of the Uniform Controlled Dangerous Substances Act, upon

1 a court order, may be donated for classroom or laboratory use by the
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
3 Oklahoma Department of Public Safety, district attorney, the
4 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma
5 Department of Corrections, or the Office of the Attorney General to
6 any public secondary school or technology center school in this
7 state or any institution of higher education within The Oklahoma
8 State System of Higher Education.

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

1 A lease agreement may be renewed annually at the option of the
2 leasing agency. Upon termination of a lease agreement, the property
3 shall be returned to the leasing agency for sale or other
4 disposition. All funds derived from lease agreements or other
5 disposition of property no longer useful to law enforcement shall be
6 deposited in the agency's revolving fund and shall be expended for
7 law enforcement purposes.

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

1 ~~this section~~ may transfer or donate the property to another state
2 agency, tribal law enforcement agency, or school district for use
3 upon request. In addition to the provisions of this section, the
4 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control may
5 transfer or donate property for any purpose pursuant to Section 2-
6 106.2 of this title. The agencies and any district attorney that
7 are parties to any transfer of property pursuant to this subsection
8 shall enter into written agreements to carry out any such transfer
9 of property. Any such agreement may also provide for the granting
10 of title to any property being transferred as the parties deem
11 appropriate. If the transfer of property is to a school district, a
12 written agreement shall be entered into with the superintendent of
13 the school district. No weapons may be transferred to a school
14 district except as provided for in subsection K of this section.

15 SECTION 16. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2357.401 of Title 68, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Except as otherwise provided by subsection B and subsection
19 C of this section, for taxable years beginning January 1, 2009,
20 there shall be allowed a credit against the tax imposed pursuant to
21 Section 2355 of Title 68 of the Oklahoma Statutes in the amount of
22 all electronic funds transfers fees paid by an individual or entity
23 pursuant to Section 11 of this act.

1 B. For any fees paid by a person or entity for the taxable year
2 beginning January 1, 2009, the credit otherwise authorized by this
3 section shall not be claimed for an individual prior to January 1,
4 2011. Subject to the requirements of this subsection, an individual
5 taxpayer shall be able to claim the credit authorized by this
6 section for all fees paid during the tax year ending December 31,
7 2009, and the tax year ending December 31, 2010, on the income tax
8 return filed for the tax year ending December 31, 2010.

9 C. For any fees paid by an entity other than a natural person
10 for the taxable year beginning January 1, 2009, the credit otherwise
11 authorized by this section shall not be claimed on an income tax
12 return prior to January 1, 2011. Subject to the requirements of
13 this subsection, an entity other than a natural person shall be able
14 to claim the credit authorized by this section for all fees paid
15 during a tax year ending at any time during calendar year 2009 and
16 for all fees paid during calendar year 2010 on the income tax return
17 filed for the tax year ending not later than December 31, 2010.

18 D. The credit authorized by this section shall not be used to
19 reduce the income tax liability of the taxpayer to less than zero
20 (0).

21 E. To the extent not used in any taxable year, the credit
22 authorized by this section may be carried over, in order, to each of
23 the five (5) succeeding taxable years.
24

1 SECTION 17. AMENDATORY 70 O.S. 2001, Section 1210.224,
2 is amended to read as follows:

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

11 SECTION 18. AMENDATORY 74 O.S. 2001, Section 78, as last
12 amended by Section 1, Chapter 169, O.S.L. 2007 (74 O.S. Supp. 2008,
13 Section 78), is amended to read as follows:

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

22 B. The Director of Central Services shall:

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

- 1 2. Hire personnel as necessary to provide fleet management
2 services to state agencies;
- 3 3. Acquire facilities to maintain vehicles;
- 4 4. Promulgate rules for efficient and economical operations to
5 provide fleet management services to state agencies; and
- 6 5. Report to the Governor, Speaker of the House of
7 Representatives, and President Pro Tempore of the Senate those
8 agencies that fail to comply with the provisions of law and the
9 rules of the Fleet Management Division regarding submission of
10 reports, vehicle use, and vehicle maintenance.
- 11 C. The rules shall include provisions to:
- 12 1. Establish uniform written vehicle acquisition, leasing,
13 maintenance, repairs, and disposal standards for use by all state
14 agencies to justify actual need for vehicles;
- 15 2. Establish standards for routine vehicle inspection and
16 maintenance;
- 17 3. Provide standards and forms for recordkeeping of fleet
18 operation, maintenance, and repair costs for mandatory use by all
19 state agencies to report the data to the Fleet Management Division
20 on a monthly basis;
- 21 4. Provide standards and utilize methods for disposal of
22 vehicles pursuant to the Oklahoma Surplus Property Act and any other
23 applicable state laws;
- 24

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

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

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

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

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

19 D. The Fleet Manager shall:

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

22 2. Conduct on-site inspections to verify state agency or
23 supplier compliance with Division standards for inspections,
24 maintenance and recordkeeping;

1 3. Assess state agency needs for vehicles and types of
2 vehicles;

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

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

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

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

17 8. Provide, upon the request of the Governor, the President Pro
18 Tempore of the Senate or the Speaker of the House of
19 Representatives, reports from data the Fleet Manager collects.

20 SECTION 19. AMENDATORY 74 O.S. 2001, Section 78a, is
21 amended to read as follows:

22 Section 78a. A. State agencies with authority to own motor
23 vehicles shall submit a requisition to the Director of Central
24 Services prior to acquisition of a motor vehicle. The requisition

1 shall state the type of vehicle, the intended purpose of the
2 vehicle, a statement that the agency has actual need for the
3 vehicle, the supplier of the vehicle, that the state agency has
4 sufficient funds to acquire and maintain the vehicle and cite the
5 statutory authority of the state agency to acquire a vehicle.

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

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

16 SECTION 20. This act shall become effective July 1, 2009.

17 SECTION 21. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21
22 52-1-8049 MAH 05/19/09
23
24