

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 ENGROSSED SENATE
5 BILL NO. 319

By: Dahm of the Senate

and

Roberts (Sean) of the House

6
7
8
9
10 An Act relating to asset forfeiture transparency;
11 amending 51 O.S. 2011, Section 24A.8, as last amended
12 by Section 2, Chapter 370, O.S.L. 2015 (51 O.S. Supp.
13 2018, Section 24A.8), which relates to law
14 enforcement records; making certain reports available
15 for public inspection; amending 63 O.S. 2011, Section
16 2-506, as last amended by Section 1, Chapter 225,
17 O.S.L. 2016 (63 O.S. Supp. 2018, Section 2-506),
18 which relates to seizure of property; requiring
19 submission of certain report; requiring publication
20 of report on certain website; updating language; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.8, as
24 last amended by Section 2, Chapter 370, O.S.L. 2015 (51 O.S. Supp.
25 2018, Section 24A.8), is amended to read as follows:

26 Section 24A.8. A. Law enforcement agencies shall make
27 available for public inspection and copying, if kept, the following
28 records:

1 1. An arrestee description, including the name, date of birth,
2 address, race, sex, physical description, and occupation of the
3 arrestee;

4 2. Facts concerning the arrest, including the cause of arrest
5 and the name of the arresting officer;

6 3. A chronological list of all incidents, including initial
7 offense report information showing the offense, date, time, general
8 location, officer, and a brief summary of what occurred;

9 4. Radio logs, including a chronological listing of the calls
10 dispatched;

11 5. Conviction information, including the name of any person
12 convicted of a criminal offense;

13 6. Disposition of all warrants, including orders signed by a
14 judge of any court commanding a law enforcement officer to arrest a
15 particular person;

16 7. A crime summary, including an agency summary of crimes
17 reported and public calls for service by classification or nature
18 and number;

19 8. Jail registers, including jail blotter data or jail booking
20 information recorded on persons at the time of incarceration showing
21 the name of each prisoner with the date and cause of commitment, the
22 authority committing the prisoner, whether committed for a criminal
23 offense, a description of the prisoner, and the date or manner of
24 discharge or escape of the prisoner;

1 9. Annual reports submitted pursuant to subsection T of Section
2 2-506 of Title 63 of the Oklahoma Statutes;

3 10. Audio and video recordings from recording equipment
4 attached to law enforcement vehicles or associated audio recordings
5 from recording equipment on the person of a law enforcement officer;
6 provided, the law enforcement agency may, before releasing any audio
7 or video recording provided for in this paragraph, redact or obscure
8 specific portions of the recording which:

- 9 a. depict the death of a person or a dead body, unless
10 the death was effected by a law enforcement officer,
- 11 b. depict nudity,
- 12 c. would identify minors under the age of sixteen (16)
13 years or would undermine any requirement to keep
14 certain juvenile records confidential as provided for
15 in Title 10A of the Oklahoma Statutes,
- 16 d. depict acts of severe violence resulting in great
17 bodily injury, as defined in Section 11-904 of Title
18 47 of the Oklahoma Statutes, against persons that are
19 clearly visible, unless the act of severe violence was
20 effected by a law enforcement officer,
- 21 e. depict great bodily injury, as defined in Section 11-
22 904 of Title 47 of the Oklahoma Statutes, unless the
23 great bodily injury was effected by a law enforcement
24 officer,

- 1 f. include personal medical information that is not
2 already public,
- 3 g. would undermine the assertion of a privilege provided
4 in Section 1-109 or Section 3-428 of Title 43A of the
5 Oklahoma Statutes for detention or transportation for
6 mental health evaluation or treatment or drug or
7 alcohol detoxification purposes,
- 8 h. include personal information other than the name or
9 license plate number of a person not arrested, cited,
10 charged or issued a written warning. Such personal
11 information shall include any government-issued
12 identification number, date of birth, address or
13 financial information, or
- 14 i. reveal the identity of law enforcement officers who
15 have become subject to internal investigation by the
16 law enforcement agency as a result of an event
17 depicted in the recording. The option to protect the
18 identity of a law enforcement officer shall not be
19 available to the law enforcement agency after the law
20 enforcement agency has concluded the investigation and
21 rendered a decision as to final disciplinary action.
22 At such time when an investigation has concluded and
23 the law enforcement agency has rendered its decision
24 as to final disciplinary action, the portions of the

1 recordings previously withheld as provided for in this
2 subparagraph shall be available for public inspection
3 and copying. The audio and video recordings withheld
4 as provided for in this subparagraph shall be
5 available for public inspection and copying before the
6 conclusion of the investigation if the investigation
7 lasts for an unreasonable amount of time; and

8 ~~10.~~

9 11. a. Audio and video recordings from recording equipment
10 attached to the person of a law enforcement officer
11 that depict:

- 12 (1) the use of any physical force or violence by a
13 law enforcement officer,
 - 14 (2) pursuits of any kind,
 - 15 (3) traffic stops,
 - 16 (4) any person being arrested, cited, charged or
17 issued a written warning,
 - 18 (5) events that directly led to any person being
19 arrested, cited, charged or receiving a written
20 warning,
 - 21 (6) detentions of any length for the purpose of
22 investigation,
- 23
24

- 1 (7) any exercise of authority by a law enforcement
2 officer that deprives a citizen of his or her
3 liberty,
4 (8) actions by a law enforcement officer that have
5 become the cause of an investigation or charges
6 being filed,
7 (9) recordings in the public interest that may
8 materially aid a determination of whether law
9 enforcement officers are appropriately performing
10 their duties as public servants, or
11 (10) any contextual events occurring before or after
12 the events depicted in divisions (1) through (9)
13 of this subparagraph.

14 b. Notwithstanding the provisions of subparagraph a of
15 this paragraph, the law enforcement agency may, before
16 releasing any audio or video recording provided for in
17 this paragraph, redact or obscure specific portions of
18 the recording that:

- 19 (1) depict the death of a person or a dead body,
20 unless the death was effected by a law
21 enforcement officer,
22 (2) depict nudity,
23 (3) would identify minors under the age of sixteen
24 (16) years or would undermine any requirement to

1 keep certain juvenile records confidential as
2 provided for in Title 10A of the Oklahoma
3 Statutes,

4 (4) depict acts of severe violence resulting in great
5 bodily injury, as defined in Section 11-904 of
6 Title 47 of the Oklahoma Statutes, against
7 persons that are clearly visible, unless the act
8 of severe violence was effected by a law
9 enforcement officer,

10 (5) depict great bodily injury, as defined in Section
11 11-904 of Title 47 of the Oklahoma Statutes,
12 unless the great bodily injury was effected by a
13 law enforcement officer,

14 (6) include personal medical information that is not
15 already public,

16 (7) undermine the assertion of a privilege as
17 provided in Section 1-109 or Section 3-428 of
18 Title 43A of the Oklahoma Statutes for detention
19 or transportation for mental health evaluation or
20 treatment or drug or alcohol detoxification
21 purposes,

22 (8) identify alleged victims of sex crimes or
23 domestic violence,
24

1 (9) identify any person who provides information to
2 law enforcement or the information provided by
3 that person when that person requests anonymity
4 or where disclosure of the identity of the person
5 or the information provided could reasonably be
6 expected to threaten or endanger the physical
7 safety or property of the person or the physical
8 safety or property of others,

9 (10) undermine the assertion of a privilege to keep
10 the identity of an informer confidential as
11 provided for in Section 2510 of Title 12 of the
12 Oklahoma Statutes,

13 (11) include personal information other than the name
14 or license plate number of a person not
15 officially arrested, cited, charged or issued a
16 written warning. Such personal information shall
17 include any government-issued identification
18 number, date of birth, address or financial
19 information,

20 (12) include information that would materially
21 compromise an ongoing criminal investigation or
22 ongoing criminal prosecution, provided that:

23 (a) ten (10) days following the formal
24 arraignment or initial appearance, whichever

occurs first, of a person charged in the case in question, the recording shall be made available for public inspection and copying with no redaction of the portions that were temporarily withheld by reliance on this division. Provided, before potential release of a recording as provided for in this subdivision, the prosecutor or legal representative of the person charged may request from the appropriate district court an extension of time during which the recording may be withheld under the provisions of this division. When a request for an extension of time has been filed with the court, the recording in question may be withheld until the court has issued a ruling. Such requests for an extension of the time during which the recording may be withheld may be made on the grounds that release of the recording will materially compromise an ongoing criminal investigation or criminal prosecution or on the grounds that release of the recording will materially compromise the right of an

1 accused to a fair trial that has yet to
2 begin. Courts considering such requests
3 shall conduct a hearing and consider whether
4 the interests of the public outweigh the
5 interests asserted by the parties. In
6 response to such requests, the court shall
7 order that the recording be made available
8 for public inspection and copying with no
9 redaction of the portions that were
10 temporarily withheld by reliance on this
11 division or order an extension of time
12 during which the recording may be withheld
13 under the provisions of this division.
14 Provided further, each such time extension
15 shall only be ordered by the court for an
16 additional six-month period of time or less
17 and cumulative time extensions shall not add
18 up to more than eighteen (18) months, or
19 (b) in the event that one hundred twenty (120)
20 days expire from the date of the events
21 depicted in the recording without any person
22 being criminally charged in the case in
23 question and release of a recording or
24 portions of a recording have been denied on

1 the grounds provided for in this division,
2 an appeal of such denial may be made to the
3 appropriate district court. In situations
4 where one hundred twenty (120) days have
5 expired since the creation of the recording,
6 criminal charges have not been filed against
7 a person and the recording is being withheld
8 on the grounds provided for in this
9 division, courts considering appeals to the
10 use of the provisions of this division for
11 temporarily withholding a recording shall
12 conduct a hearing and consider whether the
13 interests of the public outweigh the
14 interests of the parties protected by this
15 division. In response to such appeals, the
16 district court shall order that the
17 recording be made available for public
18 inspection and copying with no redaction of
19 the portions that were temporarily withheld
20 by reliance on this division or order an
21 extension of time during which the recording
22 may be withheld under the provisions of this
23 division. An order granting an extension of
24 time shall be applicable to the recording

1 against all appellants for the duration of
2 the extension. Provided, each such time
3 extension shall only be ordered by the
4 district court for an additional twelve-
5 month period of time or less and cumulative
6 time extensions shall not add up to more
7 than three (3) years. Provided, charges
8 being filed against a person in the case in
9 question automatically cancels any extension
10 of time. A new request for an extension of
11 time following an arraignment or initial
12 appearance may be requested by the parties
13 on the grounds and under the terms provided
14 for in subdivision (a) of this division.

15 The options presented in this division to
16 potentially withhold a recording or portions of a
17 recording on the grounds provided for in this
18 division shall expire in totality four (4) years
19 after the recording was made at which time all
20 recordings previously withheld on the grounds
21 provided for in this division shall be made
22 available for public inspection and copying, or
23 (13) reveal the identity of law enforcement officers
24 who have become subject to internal investigation

1 by the law enforcement agency as a result of an
2 event depicted in the recording. The option to
3 protect the identity of a law enforcement officer
4 shall not be available to the law enforcement
5 agency after the law enforcement agency has
6 concluded the investigation and rendered a
7 decision as to final disciplinary action. At
8 such time when an investigation has concluded and
9 the law enforcement agency has rendered its
10 decision as to final disciplinary action, the
11 portions of the recordings previously withheld as
12 provided for in this division shall be available
13 for public inspection and copying. The audio and
14 video recordings withheld on the grounds provided
15 for in this division shall be available for
16 public inspection and copying before the
17 conclusion of the investigation if the
18 investigation lasts for an unreasonable amount of
19 time.

20 B. Except for the records listed in subsection A of this
21 section and those made open by other state or local laws, law
22 enforcement agencies may deny access to law enforcement records
23 except where a court finds that the public interest or the interest
24 of an individual outweighs the reason for denial. The provisions of

1 this section shall not operate to deny access to law enforcement
2 records if such records have been previously made available to the
3 public as provided in the Oklahoma Open Records Act or as otherwise
4 provided by law.

5 C. Nothing contained in this section imposes any new
6 recordkeeping requirements. Law enforcement records shall be kept
7 for as long as is now or may hereafter be specified by law. Absent
8 a legal requirement for the keeping of a law enforcement record for
9 a specific time period, law enforcement agencies shall maintain
10 their records for so long as needed for administrative purposes.

11 D. Registration files maintained by the Department of
12 Corrections pursuant to the provisions of the Sex Offenders
13 Registration Act shall be made available for public inspection in a
14 manner to be determined by the Department.

15 E. The Council on Law Enforcement Education and Training
16 (C.L.E.E.T.) shall keep confidential all records it maintains
17 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and
18 deny release of records relating to any employed or certified full-
19 time officer, reserve officer, retired officer or other person;
20 teacher lesson plans, tests and other teaching materials; and
21 personal communications concerning individual students except under
22 the following circumstances:

23 1. To verify the current certification status of any peace
24 officer;

1 2. As may be required to perform the duties imposed by Section
2 3311 of Title 70 of the Oklahoma Statutes;

3 3. To provide to any peace officer copies of the records of
4 that peace officer upon submitting a written request;

5 4. To provide, upon written request, to any law enforcement
6 agency conducting an official investigation, copies of the records
7 of any peace officer who is the subject of such investigation;

8 5. To provide final orders of administrative proceedings where
9 an adverse action was taken against a peace officer; and

10 6. Pursuant to an order of the district court of the State of
11 Oklahoma.

12 F. The Department of Public Safety shall keep confidential:

13 1. All records it maintains pursuant to its authority under
14 Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway
15 Patrol Division, the Communications Division, and other divisions of
16 the Department relating to:

17 a. training, lesson plans, teaching materials, tests, and
18 test results,

19 b. policies, procedures, and operations, any of which are
20 of a tactical nature, and

21 c. the following information from radio logs:

22 (1) telephone numbers,

23 (2) addresses other than the location of incidents to
24 which officers are dispatched, and

1 (3) personal information which is contrary to the
2 provisions of the Driver's Privacy Protection
3 Act, 18 United States Code, Sections 2721 through
4 2725; and

5 2. For the purpose of preventing identity theft and invasion of
6 law enforcement computer systems, except as provided in Title 47 of
7 the Oklahoma Statutes, all driving records.

8 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-506, as
9 last amended by Section 1, Chapter 225, O.S.L. 2016 (63 O.S. Supp.
10 2018, Section 2-506), is amended to read as follows:

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

13 1. Any property described in subsection A of Section 2-503 of
14 this title. Such property shall be held as evidence until a
15 forfeiture has been declared or release ordered, except for property
16 described in paragraphs 1, 2 and 3 of subsection A of Section 2-503
17 of this title, or in the case of money, coins, and currency,
18 deposited as provided in subsection E of Section 2-503 of this
19 title; provided, any money, coins and currency taken or detained
20 pursuant to this section may be deposited in an interest-bearing
21 account by or at the direction of the district attorney in the
22 office of the county treasurer if the district attorney determines
23 the currency is not to be held as evidence. All interest earned on
24 such monies shall be returned to the claimant or forfeited with the

1 money, coins and currency which was taken or detained as provided by
2 law;

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

5 3. Any property described in subsection C of Section 2-503 of
6 this title.

7 B. Notice of seizure and intended forfeiture proceeding shall
8 be filed in the office of the clerk of the district court for the
9 county wherein such property is seized and shall be given all owners
10 and parties in interest. Notwithstanding any other provision of
11 law, no filing fees shall be assessed by the court clerk for the
12 filing of any forfeiture action.

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

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

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

23 3. Upon all other owners or interested parties, whose addresses
24 are unknown, but who are believed to have an interest in the

1 property, by one publication in a newspaper of general circulation
2 in the county where the seizure was made.

3 D. Within forty-five (45) days after the mailing or publication
4 of the notice, the owner of the property and any other party in
5 interest or claimant may file a verified answer and claim to the
6 property described in the notice of seizure and of the intended
7 forfeiture proceeding.

8 E. If at the end of forty-five (45) days after the notice has
9 been mailed or published there is no verified answer on file, the
10 court shall hear evidence upon the fact of the unlawful use and
11 shall order the property forfeited to the state, if such fact is
12 proved. Except as otherwise provided for in Section 2-503 of this
13 title, any such property shall be forfeited to the state and sold
14 under judgment of the court pursuant to the provisions of Section 2-
15 508 of this title.

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

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

23 H. The claimant of any right, title, or interest in the
24 property may prove a lien, mortgage, or conditional sales contract

1 to be a bona fide or innocent ownership interest and that such
2 right, title, or interest was created without any knowledge or
3 reason to believe that the property was being, or was to be, used
4 for the purpose charged.

5 I. In the event of such proof, the court shall order the
6 property released to the bona fide or innocent owner, lien holder,
7 mortgagee or vendor if the amount due him is equal to, or in excess
8 of, the value of the property as of the date of the seizure, it
9 being the intention of this section to forfeit only the right, title
10 or interest of the purchaser.

11 J. If the amount due to such person is less than the value of
12 the property, or if no bona fide claim is established, the property
13 shall be forfeited to the state and sold under judgment of the
14 court, as provided for in Section 2-508 of this title, except as
15 otherwise provided for in Section 2-503 of this title.

16 K. Property taken or detained under this section shall not be
17 repleviable, but shall be deemed to be in the custody of the office
18 of the district attorney of the county wherein the property was
19 seized, subject only to the orders and decrees of the court or the
20 official having jurisdiction thereof; ~~said~~ the official shall
21 maintain a true and accurate inventory and record of all such
22 property seized under the provisions of this section. The
23 provisions of this subsection shall not apply to property taken or
24 detained by the Oklahoma State Bureau of Narcotics and Dangerous

1 Drugs Control, the Department of Public Safety, the Oklahoma State
2 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
3 Commission, the Department of Corrections or the Office of the
4 Attorney General. Property taken or detained by the Oklahoma State
5 Bureau of Narcotics and Dangerous Drugs Control, the Department of
6 Public Safety, the Oklahoma State Bureau of Investigation, the
7 Alcoholic Beverage Laws Enforcement Commission, the Department of
8 Corrections or the Office of the Attorney General shall be subject
9 to the provisions of subsections E and F of Section 2-503 of this
10 title.

11 L. The proceeds of the sale of any property not taken or
12 detained by the Oklahoma State Bureau of Narcotics and Dangerous
13 Drugs Control, the Department of Public Safety, the Oklahoma State
14 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
15 Commission, the Department of Corrections or the Office of the
16 Attorney General shall be distributed as follows, in the order
17 indicated:

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

22 2. To the payment of the actual expenses of preserving the
23 property and legitimate costs related to the civil forfeiture
24 proceedings. For purposes of this paragraph, the term "legitimate

1 costs" shall not include court costs associated with any civil
2 forfeiture proceeding; and

3 3. The balance to a revolving fund in the office of the county
4 treasurer of the county wherein the property was seized, ~~said~~ the
5 fund to be used as a revolving fund solely for enforcement of
6 controlled dangerous substances laws, drug abuse prevention and drug
7 abuse education, and maintained by the district attorney in his or
8 her discretion for those purposes with a yearly accounting to the
9 board of county commissioners in whose county the fund is
10 established and to the District Attorneys Council; provided, one
11 hundred percent (100%) of the balance of the proceeds of such sale
12 of property forfeited due to nonpayment of a fine imposed pursuant
13 to the provisions of Section 2-415 of this title shall be
14 apportioned as provided in Section 2-416 of this title. The
15 revolving fund shall be audited by the State Auditor and Inspector
16 at least every two (2) years in the manner provided in Section 171
17 of Title 19 of the Oklahoma Statutes. ~~said~~ The audit shall include,
18 but not be limited to, a compliance audit. A district attorney may
19 enter into agreements with municipal, tribal, county or state
20 agencies to return to such an agency a percentage of proceeds of the
21 sale of any property seized by the agency and forfeited under the
22 provisions of this section. The District Attorneys Council shall
23 adopt guidelines which ensure that such agencies receive a
24 reasonable percentage of such proceeds, considering the relative

1 contribution of each agency to the drug enforcement and prosecution
2 operations relating to the seizure. In formulating ~~said~~ the
3 guidelines, the District Attorneys Council shall examine federal
4 guidelines on asset distribution and use ~~said~~ the guidelines as a
5 basis for establishing guidelines for this state. The Attorney
6 General is hereby authorized to mediate disputes between district
7 attorneys and such agencies concerning the application of ~~said~~ the
8 guidelines in particular instances. Any agency that receives
9 proceeds from an asset distribution shall maintain a true and
10 accurate record of all such assets.

11 M. Whenever any vehicle, airplane or vessel is forfeited under
12 the Uniform Controlled Dangerous Substances Act, the district court
13 of jurisdiction may order that the vehicle, airplane or vessel
14 seized may be retained by the state, county or city law enforcement
15 agency which seized the vehicle, airplane or vessel for its official
16 use.

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

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

24

1 P. Except as provided for in subsection Q of this section,
2 storage fees shall be paid by the agency which is processing the
3 seizure and forfeiture from funds generated by seizure and
4 forfeiture actions.

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

10 R. 1. At any hearing held relevant to this section, a report
11 of the findings of the laboratory of the Oklahoma State Bureau of
12 Investigation, the medical examiner's report of investigation or
13 autopsy report, or a laboratory report from a forensic laboratory
14 operated by the State of Oklahoma or any political subdivision
15 thereof, which has been made available to the accused by the office
16 of the district attorney or other party to the forfeiture at least
17 five (5) days prior to the hearing, with reference to all or part of
18 the evidence submitted, when certified as correct by the persons
19 making the report shall be received as evidence of the facts and
20 findings stated, if relevant and otherwise admissible in evidence.
21 If such report is deemed relevant by the forfeiture applicant or the
22 respondent, the court shall admit such report without the testimony
23 of the person making the report, unless the court, pursuant to this
24 subsection, orders such person to appear.

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

13 3. The court, upon motion of either party, shall order the
14 attendance of any person preparing a report submitted as evidence in
15 the hearing when it appears there is a substantial likelihood that
16 material evidence not contained in ~~said~~ the report may be produced
17 by the testimony of any person having prepared a report. The
18 hearing shall be held and, if sustained, an order issued not less
19 than five (5) days prior to the time when the testimony shall be
20 required.

21 4. If within five (5) days prior to the hearing or during a
22 hearing, a motion is made pursuant to this section requiring a
23 person having prepared a report to testify, the court may hear a
24 report or other evidence but shall continue the hearing until such

1 time notice of the motion and hearing is given to the person making
2 the report, the motion is heard, and, if sustained, the testimony
3 ordered can be given.

4 S. In any forfeiture proceeding under this chapter in which the
5 defendant or claimant prevails, the court may order the plaintiff
6 processing the seizure and forfeiture to pay from funds generated by
7 seizure and forfeiture actions:

8 1. Reasonable attorney fees and other litigation costs
9 reasonably incurred by the defendant or claimant directly related to
10 the claim on which the defendant or claimant prevailed;

11 2. Postjudgment interest; and

12 3. In cases involving currency or other negotiable instruments:

13 a. interest actually paid to the state from the date of
14 seizure or arrest of the property that resulted from
15 the investment of the property in an interest-bearing
16 account or instrument, and

17 b. an imputed amount of interest that such currency,
18 instruments, or proceeds would have earned at the rate
19 applicable to the thirty-day Treasury Bill, for any
20 period during which no interest was paid, not
21 including any period when the property reasonably was
22 in use as evidence in an official proceeding or in
23 conducting scientific tests for the purpose of
24 collecting evidence, commencing fifteen (15) days

1 after the property was seized by a law enforcement
2 agency or was turned over to a law enforcement agency
3 by a federal law enforcement authority.

4 T. Any law enforcement agency seizing property pursuant to this
5 section shall submit an annual report by February 1 of each year
6 identifying the property seized and the disposition of such property
7 to the Governor, the President Pro Tempore and the Chair of the
8 Public Safety Committee of the Senate, the Speaker and the Chair of
9 the Public Safety Committee of the House of Representatives and the
10 Office of the State Auditor and Inspector. All reports and data
11 submitted pursuant to this subsection shall be published as a data
12 feed on the data.ok.gov website.

13 SECTION 3. This act shall become effective November 1, 2019.

14
15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/11/2019 -
16 DO PASS.
17
18
19
20
21
22
23
24