

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 3907

By: Kannady

COMMITTEE SUBSTITUTE

An Act relating to seized or forfeited property; directing the Attorney General to establish and maintain case tracking system and public website for seized and forfeited property; providing list of information to be included on the website; directing law enforcement agencies and task forces to submit information on a monthly basis; directing the Attorney General to update case tracking system and public website; directing the Attorney General to submit annual report to certain public officials; providing penalties for failing to submit information to the Attorney General; authorizing the Attorney General to charge fees; authorizing law enforcement agencies to use forfeiture proceeds to pay certain costs; declaring data and reports as public information; providing for the adoption of rules; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-507.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Attorney General shall establish and maintain a case tracking system and searchable public website that shall include

1 certain information about property seized and forfeited under state  
2 law. The Attorney General shall assign the responsibility to report  
3 each element to the relevant law enforcement agencies. The  
4 following information about property seized and forfeited shall be  
5 included on the website:

6 1. Name of the law enforcement agency that seized the property  
7 or, if seized by a multijurisdictional state task force, the name of  
8 the lead state agency;

9 2. Date of seizure;

10 3. Place of seizure which may include, but not be limited to, a  
11 residence, business, or traffic stop;

12 4. If the place of seizure is at a traffic stop on an  
13 interstate or state highway, the direction of the traffic flow;

14 5. Type of property seized including, but not limited to,  
15 currency or, if the property is not currency, a description of the  
16 property seized including the make, model, and year;

17 6. Estimated dollar value of each seizure by three major  
18 categories of property:

19 a. currency and near-currency instruments,

20 b. motor vehicles, and

21 c. other property;

22 7. Suspected criminal offense that was the basis for the  
23 seizure;

24 8. Criminal case number;

1        9. Name of the district court where the criminal case was  
2 filed;

3        10. The outcome of the criminal case including, but not limited  
4 to, instances where charges are not filed, charges are dropped,  
5 acquittals, plea agreements, and jury convictions;

6        11. Forfeiture case number;

7        12. Name of the district court where the forfeiture case was  
8 filed;

9        13. Whether the owner of the property defaulted on the  
10 forfeiture claim;

11       14. If the owner of the property did not default on the  
12 forfeiture claim, the name of the suspect, innocent owner, creditor,  
13 or other claimant who litigated the forfeiture case;

14       15. Date of court order or date of disposition of property;

15       16. Status of property disposition, specifically if the  
16 property was returned to the owner, the property was partially  
17 returned to the owner or if the property was sold, destroyed, or  
18 retained by a law enforcement agency, or if the property is pending  
19 disposition; and

20       17. Estimated dollar value of each forfeiture by three major  
21 categories of property:

22           a. currency and near-currency instruments,

23           b. motor vehicles, and

24           c. other property.

1       B. 1. The law enforcement agency that seizes property and the  
2 district attorney that prosecutes related criminal cases and  
3 forfeiture proceedings shall submit monthly to the Attorney General  
4 the information required under the provisions of subsection A of  
5 this section.

6       2. The commander of a multijurisdictional task force may  
7 appoint one agency to report its seizures and submit monthly to the  
8 Attorney General the information required under the provisions of  
9 subsection A of this section.

10       3. If a law enforcement agency has made no seizures during the  
11 previous year, a report shall be filed by the law enforcement agency  
12 specifying that it did not engage in seizures or forfeitures during  
13 the reporting period.

14       4. Upon receiving the information required under subsection A  
15 of this section, the Attorney General shall update the case tracking  
16 system and public website within thirty (30) days of receiving said  
17 information.

18       C. Not more than one hundred twenty (120) days after the close  
19 of the fiscal year, the Attorney General shall submit to the Speaker  
20 of the Oklahoma House of Representatives, President Pro Tempore of  
21 the Oklahoma State Senate, and the Governor a written report  
22 summarizing seizure activity in this state for the preceding fiscal  
23 year, the type, approximate value, and disposition of the property  
24 seized, and the amount of any proceeds received by state and local

1 law enforcement agencies. Summary data on seizures, forfeitures,  
2 and receipt of forfeiture proceeds shall be disaggregated by the  
3 agency. The report shall also be made available on the public  
4 website of the Attorney General.

5 D. The Attorney General may include in the aggregate report  
6 required by subsection C of this section recommendations to improve  
7 statutes, rules, and policies to better ensure that seizures,  
8 forfeitures, and expenditures are conducted and reported in a manner  
9 that is fair to crime victims, innocent property owners, secured  
10 interest holders, citizens, law enforcement, and taxpayers.

11 E. If a law enforcement agency fails to submit a report to the  
12 Attorney General within thirty (30) days after the report is due and  
13 there is no good cause for such failure, as determined by the  
14 Attorney General, the law enforcement agency shall be subject to a  
15 civil fine of Five Hundred Dollars (\$500.00) or the equivalent of  
16 one-quarter (1/4) of the forfeiture proceeds received by the law  
17 enforcement agency, whichever is greater. All monies received by  
18 the Attorney General shall be remitted to the State Treasurer to be  
19 credited to the General Revenue Fund in the State Treasury.

20 F. The Attorney General may recoup the costs for establishing  
21 and maintaining the case tracking system and searchable public  
22 website provided for in subsection A of this section by charging an  
23 annual fee to the law enforcement agencies submitting reports to the  
24 Attorney General. The law enforcement agency may use forfeiture

1 proceeds to pay the costs of compiling and reporting data under the  
2 provisions of this section and to pay any fees imposed by the  
3 Attorney General.

4 G. The data and reports compiled and prepared under the  
5 provisions of this section shall be deemed public information for  
6 purposes of the Oklahoma Open Records Act.

7 H. The Attorney General may adopt rules necessary to implement  
8 the provisions of this section.

9 SECTION 2. This act shall become effective November 1, 2022.

10  
11 58-2-10395 GRS 02/09/22  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24