

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3907

By: Kannady

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8 COMMITTEE SUBSTITUTE

9 An Act relating to seized or forfeited property;
10 directing the Attorney General to establish and
11 maintain case tracking system and public website for
12 seized and forfeited property; providing list of
13 information to be included on the website; directing
14 law enforcement agencies and task forces to submit
15 information on a monthly basis; directing the
16 Attorney General to update case tracking system and
17 public website; directing the Attorney General to
18 submit annual report to certain public officials;
19 providing penalties for failing to submit information
20 to the Attorney General; authorizing the Attorney
21 General to charge fees; authorizing law enforcement
22 agencies to use forfeiture proceeds to pay certain
23 costs; declaring data and reports as public
24 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:

1 A. The Attorney General shall establish and maintain a case
2 tracking system and searchable public website that shall include
3 certain information about property seized and forfeited under state
4 law. The Attorney General shall assign the responsibility to report
5 each element to the relevant law enforcement agencies. The
6 following information about property seized and forfeited shall be
7 included on the website:

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

11 2. Date of seizure;

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

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

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

19 6. Estimated dollar value of each seizure by three major
20 categories of property:

21 a. currency and near-currency instruments,

22 b. motor vehicles, and

23 c. other property;

1 7. Suspected criminal offense that was the basis for the
2 seizure;

3 8. Criminal case number;

4 9. Name of the district court where the criminal case was
5 filed;

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

9 11. Forfeiture case number;

10 12. Name of the district court where the forfeiture case was
11 filed;

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

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

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

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

23 17. Estimated dollar value of each forfeiture by three major
24 categories of property:

- a. currency and near-currency instruments,
- b. motor vehicles, and
- c. other property.

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

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

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

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

C. Not more than one hundred twenty (120) days after the close of the fiscal year, the Attorney General shall submit to the Speaker of the Oklahoma House of Representatives, President Pro Tempore of the Oklahoma State Senate, and the Governor a written report

1 summarizing seizure activity in this state for the preceding fiscal
2 year, the type, approximate value, and disposition of the property
3 seized, and the amount of any proceeds received by state and local
4 law enforcement agencies. Summary data on seizures, forfeitures,
5 and receipt of forfeiture proceeds shall be disaggregated by the
6 agency. The report shall also be made available on the public
7 website of the Attorney General.

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

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

23 F. The Attorney General may recoup the costs for establishing
24 and maintaining the case tracking system and searchable public

1 website provided for in subsection A of this section by charging an
2 annual fee to the law enforcement agencies submitting reports to the
3 Attorney General. The law enforcement agency may use forfeiture
4 proceeds to pay the costs of compiling and reporting data under the
5 provisions of this section and to pay any fees imposed by the
6 Attorney General.

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

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

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

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14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
15 02/10/2022 - DO PASS, As Amended.
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