

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 3907

By: Kannady

AS INTRODUCED

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 certain information about property seized and forfeited under state

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

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

8 2. Date of seizure;

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

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

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

16 6. Estimated dollar value of the seizure by two major types of
17 property;

18 7. Suspected criminal offense that was the basis for the
19 seizure;

20 8. Criminal case number;

21 9. Name of the district court where the criminal case was
22 filed;

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

4 11. Forfeiture case number;

5 12. Name of the district court where the forfeiture case was
6 filed;

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

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

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

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

18 17. Estimated dollar value of the forfeited assets by two major
19 types of property.

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

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

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

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

13 C. Not more than one hundred twenty (120) days after the close
14 of the fiscal year, the Attorney General shall submit to the Speaker
15 of the Oklahoma House of Representatives, President Pro Tempore of
16 the Oklahoma State Senate, and the Governor a written report
17 summarizing seizure activity in this state, for the preceding fiscal
18 year, the type, approximate value, and disposition of the property
19 seized, and the amount of any proceeds received by state and local
20 law enforcement agencies. Summary data on seizures, forfeitures and
21 receipt of forfeiture proceeds shall be disaggregated by the agency.
22 The report shall also be made available on the public website of the
23 Attorney General.

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

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

16 F. The Attorney General may recoup its costs for establishing
17 and maintaining the case tracking system and searchable public
18 website provided for in subsection A of this section, by charging an
19 annual fee to the law enforcement agencies submitting reports to the
20 Attorney General. The law enforcement agency may use forfeiture
21 proceeds to pay the costs of compiling and reporting data under the
22 provisions of this section and to pay any fees imposed by the
23 Attorney General.

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

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

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

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8 58-2-9221 GRS 12/30/21
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