

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3283

By: Hall

7 AS INTRODUCED

8 An Act relating to crimes and punishments; amending
9 21 O.S. 2021, Section 2002, which relates to criminal
seizure and forfeiture proceedings; modifying burden
of proof requirement for forfeiture proceedings; and
providing an effective date.

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

12
13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 2002, is
14 amended to read as follows:

15 Section 2002. A. Any commissioned peace officer of this state
16 is authorized to seize any currency, negotiable instrument, monetary
17 instrument, equipment or property used or involved in, used to
18 facilitate, delivered from or traceable to a violation of Section
19 2001 of this title. The seized item may be held as evidence until a
20 forfeiture has been declared or a release ordered. Forfeiture
21 actions under this section may be brought by the district attorney
22 or Attorney General in the proper county of venue as petitioner;
23 provided, in the event the district attorney or Attorney General

1 elects not to file such action, or fails to file such action within
2 ninety (90) days of the date of the seizure of the item, the item
3 shall be returned to the owner.

4 B. Notice of seizure and intended forfeiture proceeding shall
5 be filed in the office of the clerk of the district court for the
6 county wherein the item is seized and shall be given to all owners
7 and parties in interest.

8 C. Notice shall be given according to one of the following
9 methods:

10 1. Upon each owner, lienholder, or party in interest whose name
11 and address is known, served in the manner of service of process in
12 civil cases prescribed by Section 2004 of Title 12 of the Oklahoma
13 Statutes; or

14 2. Upon all other owners, whose addresses are unknown, but who
15 are believed to have an interest in the property, by one publication
16 in a newspaper of general circulation in the county where the
17 seizure was made.

18 D. Within sixty (60) days after the mailing or publication of
19 the notice, the owner of the property and any other party in
20 interest or claimant may file a verified answer and claim to the
21 item described in the notice of seizure and of the intended
22 forfeiture proceeding.

23 E. If at the end of sixty (60) days after the notice has been
24 mailed or published there is no verified answer on file, the court

1 shall hear evidence upon the fact of the unlawful use and may order
2 the item forfeited to the state, if such fact is proven.

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

5 G. Proceedings under this section shall be special proceedings.

6 H. At the hearing, the petitioner shall prove by a
7 ~~preponderance of the~~ clear and convincing evidence that the property
8 was used in the attempt or commission of an act specified in
9 subsection A of this section with knowledge by the owner of the
10 item.

11 I. The claimant of any right, title, or interest in the item
12 may prove the lien, mortgage, or conditional sales contract to be
13 bona fide and that the right, title, or interest created by the item
14 was created without any knowledge or reason to believe that the item
15 was being, or was to be, used for the purpose charged.

16 J. In the event of such proof, the court may order the item
17 released to the bona fide or innocent owner, lienholder, mortgagee,
18 or vendor if the amount due such person is equal to, or in excess
19 of, the value of the item as of the date of the seizure, it being
20 the intention of this section to forfeit only the right, title, or
21 interest of the purchaser.

22 K. If the amount due to such person is less than the value of
23 the item, or if no bona fide claim is established, the item may be
24 forfeited to the state and may be sold pursuant to judgment of the

1 court, as on sale upon execution, and as provided in Section 2-508
2 of Title 63 of the Oklahoma Statutes, except as otherwise provided
3 for by law.

4 L. A seized item taken or detained pursuant to this section
5 shall not be repleviable, but shall be deemed to be in the custody
6 of the petitioner or in the custody of the law enforcement agency.
7 The petitioner shall release the seized item to the owner of the
8 item if it is determined that the owner had no knowledge of the
9 illegal use of the item or if there is insufficient evidence to
10 sustain the burden of showing illegal use of the item. If the owner
11 of the property stipulates to the forfeiture and waives the hearing,
12 the petitioner may determine if the value of the item is equal to or
13 less than the outstanding lien. If such lien exceeds the value of
14 the item, the item may be released to the lienholder. A seized item
15 which has not been released by the petitioner shall be subject to
16 the orders and decrees of the court or the official having
17 jurisdiction thereof.

18 M. Attorney fees shall not be assessed against the state or the
19 petitioner for any actions or proceeding pursuant to this section.

20 N. The proceeds of the sale of any property shall be
21 distributed as follows, in the order indicated:

22 1. To the bona fide or innocent purchaser, conditional sales
23 vendor, or mortgagee of the item, if any, up to the amount of the
24

1 interest of that person in the property, when the court declaring
2 the forfeiture orders a distribution to such person;

3 2. To the payment of the actual reasonable expenses of
4 preserving the item;

5 3. To the victim of the crime to compensate the victim for any
6 loss incurred as a result of the act for which the item was
7 forfeited; and

8 4. The balance to a revolving fund in the office of the county
9 treasurer of the county wherein the property was seized, to be
10 distributed as follows: one-half (1/2) to the investigating law
11 enforcement agency and one-half (1/2) to the district attorney to be
12 used to defray any lawful expenses of the office of the district
13 attorney. If the petitioner is not the district attorney, then the
14 one-half (1/2) which would have been designated to that office shall
15 be distributed to the petitioner.

16 O. If the court finds that the item was not used in the attempt
17 or commission of an act specified in subsection A of this section
18 and was not an item subject to forfeiture pursuant to subsection B
19 of this section, the court shall order the item released to the
20 owner as the right, title, or interest as determined by the court.

21 P. No vehicle, airplane, or vessel used by a person as a common
22 carrier in the transaction of business as a common carrier shall be
23 forfeited pursuant to the provisions of this section unless it shall
24 be proven that the owner or other person in charge of such

1 conveyance was a consenting party or privy to the attempt or
2 commission of an act specified in subsection A or B of this section.
3 No item shall be forfeited pursuant to the provisions of this
4 section by reason of any act or omission established by the owner
5 thereof to have been committed or omitted without the knowledge or
6 consent of such owner, and by any person other than such owner while
7 the item was unlawfully in the possession of a person other than the
8 owner in violation of the criminal laws of the United States or of
9 any state.

10 Q. Whenever any item is forfeited pursuant to this section, the
11 district court having jurisdiction of the proceeding may order that
12 the forfeited item may be retained for its official use by the
13 state, county, or municipal law enforcement agency which seized the
14 item.

15 SECTION 2. This act shall become effective November 1, 2026.

16
17 60-2-14063 GRS 12/31/25
18
19
20
21
22
23
24