

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3836

By: Gann

4
5
6 AS INTRODUCED

7 An Act relating to asset forfeiture; creating the
8 Asset Forfeiture Due Process and Property Rights
9 Restoration Act; defining terms; restricting
10 circumstances that allow for forfeitures; requiring
11 the state to provide clear and convincing evidence;
12 requiring sentencing prior to forfeiture proceedings;
13 authorizing the assertion of an innocent-owner
14 defense; assigning burden of proof to the state;
15 directing the deposit of proceeds into the General
16 Revenue Fund of the State Treasury; providing time
17 limitations and procedures for property disposition;
18 providing civil penalties for noncompliance;
19 authorizing the pursuit of other remedies; providing
20 criminal penalties for noncompliance; prohibiting
21 indemnification of certain penalties and costs;
22 allowing agencies to provide legal representation
23 under certain circumstances; constituting certain
24 actions as being void and a misuse of public funds;
directing the Office of Management and Enterprise
Services to develop and maintain online dashboard
with reports of seizures and criminal forfeiture
actions; requiring redaction of personally
identifiable information; prohibiting the transfer of
seized property to federal agencies; providing
exceptions; providing for the dismissal of pending
forfeiture cases; providing an exception; deeming
completed forfeiture cases as enforceable; directing
the Attorney General to promulgate rules and
procedures; repealing 21 O.S. 2021, Section 1738, as
amended by Section 1, Chapter 133, O.S.L. 2023 (21
O.S. Supp. 2025, Section 1738), which relates to the
seizure and forfeiture of property; repealing 47 O.S.
2021, Section 11-902B, which relates to the
forfeiture of motor vehicles; repealing 47 O.S. 2021,
Section 1505, as amended by Section 195, Chapter 282,

1 O.S.L. 2022 (47 O.S. Supp. 2025, Section 1505), which
2 relates to the seizure of tools and implements of
3 motor vehicle chop shops; repealing 63 O.S. 2021,
4 Sections 2-503, 2-503A, as amended by Section 58,
5 Chapter 171, O.S.L. 2025 and 2-506 (63 O.S. Supp.
6 2025, Section 2-503A), which relates to the
7 forfeiture of property used in drug crimes; repealing
8 63 O.S. 2021, Section 4255, as amended by Section 68,
9 Chapter 171, O.S.L. 2025 (63 O.S. Supp. 2025, Section
10 4255), which relates to the seizure of vessels and
11 motors; providing for codification; and providing an
12 effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2300 of Title 21, unless there
16 is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Asset
18 Forfeiture Due Process and Property Rights Restoration Act".

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 2301 of Title 21, unless there
21 is created a duplication in numbering, reads as follows:

22 A. As used in the Asset Forfeiture Due Process and Property
23 Rights Restoration Act:

24 1. "Agency" means any state law enforcement agency, district
attorney task force, a county sheriff, or police department;

2. "Criminal forfeiture" means the forfeiture of property
ordered by a court of competent jurisdiction as part of a criminal
sentence after conviction;

1 3. "Property" includes all real and personal property, tangible
2 or intangible, subject to seizure including, but not limited to,
3 currency, vehicles, and firearms; and

4 4. "Seizure" means the act of taking possession of property by
5 an agency pursuant to lawful authority.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 2302 of Title 21, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Property shall only be forfeited in this state upon the
10 property owner being convicted of a criminal offense and the state
11 meeting its burden of proof as required in subsection B of this
12 section. Criminal forfeiture proceedings as provided by law shall
13 occur only after a criminal conviction.

14 B. The state shall prove by clear and convincing evidence that
15 the property is:

16 1. An instrumentality of the offense; or

17 2. The proceeds of the offense for which the property owner was
18 convicted.

19 C. 1. Any person asserting a legal interest in seized property
20 may raise an innocent-owner defense. The state shall bear the
21 burden to prove by clear and convincing evidence that the person
22 making the innocent-owner defense is not an innocent owner.

23

24

1 D. All proceeds from criminal forfeiture shall be deposited
2 into the General Revenue Fund of the State Treasury and shall not
3 accrue to any fund of any agency involved in the seizure.

4 SECTION 4. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 2303 of Title 21, unless there
6 is created a duplication in numbering, reads as follows:

7 A. If no criminal charges are filed within sixty (60) days of
8 the seizure of any property by an agency, the property shall be
9 returned to the owner within fifteen (15) days.

10 B. If criminal charges are filed but result in dismissal,
11 acquittal, or deferred prosecution, the property shall be returned
12 within fifteen (15) days of the dismissal, acquittal, or deferred
13 prosecution.

14 C. The seizure of property retained after fifteen (15) days in
15 violation of subsections A or B of this section shall create a
16 rebuttable presumption in any subsequent litigation that the seizure
17 was unlawful.

18 D. Property retained after fifteen (15) days in violation of
19 subsections A or B of this section shall not be transferred to any
20 federal agency for forfeiture or disposal.

21 E. Any agency that fails to comply with subsections A or B of
22 this section shall be subject to the following:
23
24

1 1. A civil penalty of not less than Two Hundred Fifty Dollars
2 (\$250.00) per day for each day the property is wrongfully retained
3 beyond the statutory deadline;

4 2. The agency shall pay all attorney fees and court costs
5 incurred by the property owner in securing return of the property;

6 3. If a court finds the agency acted with intentional,
7 reckless, or deliberate indifference, the property owner shall be
8 awarded treble damages based on the fair market value of the
9 property; and

10 4. If the intentional misconduct of the agency caused the
11 failure to comply with subsections A or B of this section, the court
12 may order mandatory training and the agency shall:

13 a. conduct a formal internal investigation,

14 b. report the findings of the investigation to the
15 Attorney General, and

16 c. implement corrective or disciplinary actions.

17 F. Any agency assessed civil penalties pursuant to subsection E
18 of this section shall appear on the public dashboard of the Internet
19 website of the Office of Management and Enterprise Services for
20 three (3) years accompanied by the penalty amounts assessed and
21 judicial findings.

22 G. Nothing in this section shall prevent individuals from
23 pursuing any other remedies available under state or federal law,
24

1 including actions pursuant to Section 1983 of Title 42 of the United
2 States Code.

3 SECTION 5. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2304 of Title 21, unless there
5 is created a duplication in numbering, reads as follows:

6 A. Any peace officer, employee, or agent of an agency who
7 knowingly, willfully, or intentionally retains property beyond the
8 deadlines provided for in Section 4 of this act, transfers property
9 to a federal agency to avoid state forfeiture restrictions, or
10 knowingly files false or misleading seizure or forfeiture reports,
11 shall, upon conviction, be guilty of a misdemeanor punishable by a
12 fine of not less than One Thousand Dollars (\$1,000.00) nor more than
13 Five Thousand Dollars (\$5,000.00), imprisonment in the county jail
14 for a term of not more than one (1) year, and mandatory removal of
15 the person from any position involving seizures, asset handling,
16 evidence control, or forfeiture authority for not less than five (5)
17 years.

18 B. Any peace officer, employee, or agent of an agency convicted
19 of a second or subsequent offense shall be guilty of a felony
20 punishable by a fine of not less than Five Thousand Dollars
21 (\$5,000.00), imprisonment in the custody of the Department of
22 Corrections for a term of not more than three (3) years, and
23 permanent disqualification from employment as a peace officer,
24

1 employee, or agent of an agency or any other capacity involving
2 seizure or control of seized property.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2305 of Title 21, unless there
5 is created a duplication in numbering, reads as follows:

6 A. No agency shall indemnify, reimburse, or use public funds to
7 pay:

8 1. Civil penalties assessed under Section 4 of this act;

9 2. Fines or criminal penalties imposed under Section 5 of this
10 act;

11 3. Attorney fees or litigation costs incurred by a peace
12 officer, employee, or agent of an agency found to have acted
13 willfully or intentionally; or

14 4. Any settlement arising from claims in which willful or
15 intentional misconduct is established.

16 B. Agencies may provide legal representation to peace officers,
17 employees, or agents of an agency only for acts not involving
18 willful or intentional misconduct.

19 C. Any attempt to indemnify or reimburse in violation of this
20 section shall be void as a matter of law, constitute a misuse of
21 public funds, and shall be referred to the State Auditor and
22 Inspector and Attorney General for further investigation.

23

24

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2306 of Title 21, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Office of Management and Enterprise Services shall
5 develop and maintain a publicly accessible dashboard on the Internet
6 website of the Office of Management and Enterprise Services
7 summarizing all seizures and criminal forfeiture actions statewide.

8 B. The dashboard shall include the following information:

- 9 1. The type and estimated value of property seized;
- 10 2. The agency involved;
- 11 3. The date and location of seizure;
- 12 4. Whether criminal charges were filed;
- 13 5. Final disposition of both the criminal case and the seized
14 property; and
- 15 6. Any penalties assessed under this act.

16 C. The Office of Management and Enterprise Services shall
17 redact all personally identifying information of private citizens.

18 SECTION 8. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2307 of Title 21, unless there
20 is created a duplication in numbering, reads as follows:

21 A. No agency may transfer seized property to a federal agency
22 unless:

- 23 1. The property value exceeds Fifty Thousand Dollars
24 (\$50,000.00); and

1 2. A federal judge certifies that the seizure of property is
2 directly related to an interstate criminal enterprise.

3 B. Agencies shall not participate in federal equitable-sharing
4 programs for purposes of circumventing state forfeiture laws.

5 SECTION 9. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2308 of Title 21, unless there
7 is created a duplication in numbering, reads as follows:

8 A. Any civil forfeiture case not reduced to final judgment on
9 or before the effective date of this act shall be dismissed, and
10 property shall be returned to the owner within fifteen (15) days of
11 the effective date of this act unless connected to an active
12 criminal case eligible for criminal forfeiture.

13 B. Completed forfeitures based on a valid criminal conviction
14 shall remain enforceable.

15 SECTION 10. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2309 of Title 21, unless there
17 is created a duplication in numbering, reads as follows:

18 The Attorney General shall promulgate rules necessary to
19 implement the Asset Forfeiture Due Process and Property Rights
20 Restoration Act and establish uniform statewide criminal forfeiture
21 procedures.

22 SECTION 11. REPEALER 21 O.S. 2021, Section 1738, as
23 amended by Section 1, Chapter 133, O.S.L. 2023 (21 O.S. Supp. 2025,
24 Section 1738), is hereby repealed.

1 SECTION 12. REPEALER 47 O.S. 2021, Section 11-902b, is
2 hereby repealed.

3 SECTION 13. REPEALER 47 O.S. 2021, Section 1505, as
4 amended by Section 195, Chapter 282, O.S.L. 2022 (47 O.S. Supp.
5 2025, Section 1505), is hereby repealed.

6 SECTION 14. REPEALER 63 O.S. 2021, Sections 2-503, 2-
7 503A, as amended by Section 58, Chapter 171, O.S.L. 2025 and 2-506
8 (63 O.S. Supp. 2025, Section 2-503A), are hereby repealed.

9 SECTION 15. REPEALER 63 O.S. 2021, Section 4255, as
10 amended by Section 68, Chapter 171, O.S.L. 2025 (63 O.S. Supp. 2025,
11 Section 4255), is hereby repealed.

12 SECTION 16. This act shall become effective November 1, 2026.

13

14 60-2-14519 GRS 01/06/26

15

16

17

18

19

20

21

22

23

24