

1 **SENATE FLOOR VERSION**

2 February 21, 2023

3 SENATE BILL NO. 1088

By: Dahm

4  
5  
6 An Act relating to asset forfeiture transparency;  
7 amending 51 O.S. 2021, Section 24A.8, as amended by  
8 Section 1, Chapter 12, O.S.L. 2022 (51 O.S. Supp.  
9 2022, Section 24A.8), which relates to law  
10 enforcement records; making certain reports available  
11 for public inspection; amending 63 O.S. 2021, Section  
12 2-506, which relates to seizure of property;  
13 requiring submission of certain report; requiring  
14 publication of report on certain website; updating  
15 language; and providing an effective date.

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

17 SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.8, as  
18 amended by Section 1, Chapter 12, O.S.L. 2022 (51 O.S. Supp. 2022,  
19 Section 24A.8), is amended to read as follows:

20 Section 24A.8. A. Law enforcement agencies shall make  
21 available for public inspection and copying, if kept, the following  
22 records:

23 1. An arrestee description, including the name, date of birth,  
24 address, race, sex, physical description, and occupation of the  
arrestee;

2. Facts concerning the arrest, including the cause of arrest  
and the name of the arresting officer;

1           3. A chronological list of all incidents, including initial  
2 offense report information showing the offense, date, time, general  
3 location, officer, and a brief summary of what occurred;

4           4. Radio logs, including a chronological listing of the calls  
5 dispatched;

6           5. Conviction information, including the name of any person  
7 convicted of a criminal offense;

8           6. Disposition of all warrants, including orders signed by a  
9 judge of any court commanding a law enforcement officer to arrest a  
10 particular person;

11          7. A crime summary, including an agency summary of crimes  
12 reported and public calls for service by classification or nature  
13 and number;

14          8. Jail registers, including jail blotter data or jail booking  
15 information recorded on persons at the time of incarceration showing  
16 the name of each prisoner with the date and cause of commitment, the  
17 authority committing the prisoner, whether committed for a criminal  
18 offense, a description of the prisoner, and the date or manner of  
19 discharge or escape of the prisoner;

20          9. Annual reports submitted pursuant to subsection T of Section  
21 2-506 of Title 63 of the Oklahoma Statutes;

22          10. Audio and video recordings from recording equipment  
23 attached to law enforcement vehicles or associated audio recordings  
24 from recording equipment on the person of a law enforcement officer;

1 provided, the law enforcement agency may, before releasing any audio  
2 or video recording provided for in this paragraph, redact or obscure  
3 specific portions of the recording which:

- 4 a. depict the death of a person or a dead body, unless  
5 the death was effected by a law enforcement officer,
- 6 b. depict nudity,
- 7 c. would identify minors under the age of sixteen (16)  
8 years or would undermine any requirement to keep  
9 certain juvenile records confidential as provided for  
10 in Title 10A of the Oklahoma Statutes,
- 11 d. depict acts of severe violence resulting in great  
12 bodily injury, as defined in Section 11-904 of Title  
13 47 of the Oklahoma Statutes, against persons that are  
14 clearly visible, unless the act of severe violence was  
15 effected by a law enforcement officer,
- 16 e. depict great bodily injury, as defined in Section 11-  
17 904 of Title 47 of the Oklahoma Statutes, unless the  
18 great bodily injury was effected by a law enforcement  
19 officer,
- 20 f. include personal medical information that is not  
21 already public,
- 22 g. would undermine the assertion of a privilege provided  
23 in Section 1-109 or Section 3-428 of Title 43A of the  
24 Oklahoma Statutes for detention or transportation for

1 mental health evaluation or treatment or drug or  
2 alcohol detoxification purposes,

3 h. include personal information other than the name or  
4 license plate number of a person not arrested, cited,  
5 charged or issued a written warning. Such personal  
6 information shall include any government-issued  
7 identification number, date of birth, address or  
8 financial information, or

9 i. reveal the identity of law enforcement officers who  
10 have become subject to internal investigation by the  
11 law enforcement agency as a result of an event  
12 depicted in the recording. The option to protect the  
13 identity of a law enforcement officer shall not be  
14 available to the law enforcement agency after the law  
15 enforcement agency has concluded the investigation and  
16 rendered a decision as to final disciplinary action.  
17 At such time when an investigation has concluded and  
18 the law enforcement agency has rendered its decision  
19 as to final disciplinary action, the portions of the  
20 recordings previously withheld as provided for in this  
21 subparagraph shall be available for public inspection  
22 and copying. The audio and video recordings withheld  
23 as provided for in this subparagraph shall be  
24 available for public inspection and copying before the

1 conclusion of the investigation if the investigation  
2 lasts for an unreasonable amount of time; and

3 ~~10.~~ 11. a. Audio and video recordings from recording  
4 equipment attached to the person of a law enforcement  
5 officer that depict:

6 (1) the use of any physical force or violence by a  
7 law enforcement officer,

8 (2) pursuits of any kind,

9 (3) traffic stops,

10 (4) any person being arrested, cited, charged or  
11 issued a written warning,

12 (5) events that directly led to any person being  
13 arrested, cited, charged or receiving a written  
14 warning,

15 (6) detentions of any length for the purpose of  
16 investigation,

17 (7) any exercise of authority by a law enforcement  
18 officer that deprives a citizen of his or her  
19 liberty,

20 (8) actions by a law enforcement officer that have  
21 become the cause of an investigation or charges  
22 being filed,

23 (9) recordings in the public interest that may  
24 materially aid a determination of whether law

1 enforcement officers are appropriately performing  
2 their duties as public servants, or

3 (10) any contextual events occurring before or after  
4 the events depicted in divisions (1) through (9)  
5 of this subparagraph.

6 b. Notwithstanding the provisions of subparagraph a of  
7 this paragraph, the law enforcement agency may, before  
8 releasing any audio or video recording provided for in  
9 this paragraph, redact or obscure specific portions of  
10 the recording that:

11 (1) depict the death of a person or a dead body,  
12 unless the death was effected by a law  
13 enforcement officer,

14 (2) depict nudity,

15 (3) would identify minors under the age of sixteen  
16 (16) years or would undermine any requirement to  
17 keep certain juvenile records confidential as  
18 provided for in Title 10A of the Oklahoma  
19 Statutes,

20 (4) depict acts of severe violence resulting in great  
21 bodily injury, as defined in Section 11-904 of  
22 Title 47 of the Oklahoma Statutes, against  
23 persons that are clearly visible, unless the act  
24

1 of severe violence was effected by a law  
2 enforcement officer,

3 (5) depict great bodily injury, as defined in Section  
4 11-904 of Title 47 of the Oklahoma Statutes,  
5 unless the great bodily injury was effected by a  
6 law enforcement officer,

7 (6) include personal medical information that is not  
8 already public,

9 (7) undermine the assertion of a privilege as  
10 provided in Section 1-109 or Section 3-428 of  
11 Title 43A of the Oklahoma Statutes for detention  
12 or transportation for mental health evaluation or  
13 treatment or drug or alcohol detoxification  
14 purposes,

15 (8) identify alleged victims of sex crimes or  
16 domestic violence,

17 (9) identify any person who provides information to  
18 law enforcement or the information provided by  
19 that person when that person requests anonymity  
20 or where disclosure of the identity of the person  
21 or the information provided could reasonably be  
22 expected to threaten or endanger the physical  
23 safety or property of the person or the physical  
24 safety or property of others,

1 (10) undermine the assertion of a privilege to keep  
2 the identity of an informer confidential as  
3 provided for in Section 2510 of Title 12 of the  
4 Oklahoma Statutes,

5 (11) include personal information other than the name  
6 or license plate number of a person not  
7 officially arrested, cited, charged or issued a  
8 written warning. Such personal information shall  
9 include any government-issued identification  
10 number, date of birth, address or financial  
11 information,

12 (12) include information that would materially  
13 compromise an ongoing criminal investigation or  
14 ongoing criminal prosecution, provided that:

15 (a) ten (10) days following the formal  
16 arraignment or initial appearance, whichever  
17 occurs first, of a person charged in the  
18 case in question, the recording shall be  
19 made available for public inspection and  
20 copying with no redaction of the portions  
21 that were temporarily withheld by reliance  
22 on this division. Provided, before  
23 potential release of a recording as provided  
24 for in this subdivision, the prosecutor or



1 legal representative of the person charged  
2 may request from the appropriate district  
3 court an extension of time during which the  
4 recording may be withheld under the  
5 provisions of this division. When a request  
6 for an extension of time has been filed with  
7 the court, the recording in question may be  
8 withheld until the court has issued a  
9 ruling. Such requests for an extension of  
10 the time during which the recording may be  
11 withheld may be made on the grounds that  
12 release of the recording will materially  
13 compromise an ongoing criminal investigation  
14 or criminal prosecution or on the grounds  
15 that release of the recording will  
16 materially compromise the right of an  
17 accused to a fair trial that has yet to  
18 begin. Courts considering such requests  
19 shall conduct a hearing and consider whether  
20 the interests of the public outweigh the  
21 interests asserted by the parties. In  
22 response to such requests, the court shall  
23 order that the recording be made available  
24 for public inspection and copying with no

1 redaction of the portions that were  
2 temporarily withheld by reliance on this  
3 division or order an extension of time  
4 during which the recording may be withheld  
5 under the provisions of this division.  
6 Provided further, each such time extension  
7 shall only be ordered by the court for an  
8 additional six-month period of time or less  
9 and cumulative time extensions shall not add  
10 up to more than eighteen (18) months, or  
11 (b) in the event that one hundred twenty (120)  
12 days expire from the date of the events  
13 depicted in the recording without any person  
14 being criminally charged in the case in  
15 question and release of a recording or  
16 portions of a recording have been denied on  
17 the grounds provided for in this division,  
18 an appeal of such denial may be made to the  
19 appropriate district court. In situations  
20 where one hundred twenty (120) days have  
21 expired since the creation of the recording,  
22 criminal charges have not been filed against  
23 a person and the recording is being withheld  
24 on the grounds provided for in this

1 division, courts considering appeals to the  
2 use of the provisions of this division for  
3 temporarily withholding a recording shall  
4 conduct a hearing and consider whether the  
5 interests of the public outweigh the  
6 interests of the parties protected by this  
7 division. In response to such appeals, the  
8 district court shall order that the  
9 recording be made available for public  
10 inspection and copying with no redaction of  
11 the portions that were temporarily withheld  
12 by reliance on this division or order an  
13 extension of time during which the recording  
14 may be withheld under the provisions of this  
15 division. An order granting an extension of  
16 time shall be applicable to the recording  
17 against all appellants for the duration of  
18 the extension. Provided, each such time  
19 extension shall only be ordered by the  
20 district court for an additional twelve-  
21 month period of time or less and cumulative  
22 time extensions shall not add up to more  
23 than three (3) years. Provided, charges  
24 being filed against a person in the case in

1 question automatically cancels any extension  
2 of time. A new request for an extension of  
3 time following an arraignment or initial  
4 appearance may be requested by the parties  
5 on the grounds and under the terms provided  
6 for in subdivision (a) of this division.

7 The options presented in this division to  
8 potentially withhold a recording or portions of a  
9 recording on the grounds provided for in this  
10 division shall expire in totality four (4) years  
11 after the recording was made at which time all  
12 recordings previously withheld on the grounds  
13 provided for in this division shall be made  
14 available for public inspection and copying, or

15 (13) reveal the identity of law enforcement officers  
16 who have become subject to internal investigation  
17 by the law enforcement agency as a result of an  
18 event depicted in the recording. The option to  
19 protect the identity of a law enforcement officer  
20 shall not be available to the law enforcement  
21 agency after the law enforcement agency has  
22 concluded the investigation and rendered a  
23 decision as to final disciplinary action. At  
24 such time when an investigation has concluded and

1 the law enforcement agency has rendered its  
2 decision as to final disciplinary action, the  
3 portions of the recordings previously withheld as  
4 provided for in this division shall be available  
5 for public inspection and copying. The audio and  
6 video recordings withheld on the grounds provided  
7 for in this division shall be available for  
8 public inspection and copying before the  
9 conclusion of the investigation if the  
10 investigation lasts for an unreasonable amount of  
11 time.

12 B. 1. Except for the records listed in subsection A of this  
13 section and those made open by other state or local laws, law  
14 enforcement agencies may deny access to law enforcement records  
15 except where a court finds that the public interest or the interest  
16 of an individual outweighs the reason for denial. The provisions of  
17 this section shall not operate to deny access to law enforcement  
18 records if such records have been previously made available to the  
19 public as provided in the Oklahoma Open Records Act or as otherwise  
20 provided by law.

21 2. a. A law enforcement agency shall deny access to any  
22 audio or video recording that depicts the death of a  
23 law enforcement officer who was acting in the course  
24 of his or her official duties including any related

1 acts or events immediately preceding or subsequent to  
2 the acts or events that caused or otherwise relate to  
3 the death, except where a court finds that the public  
4 interest or the interest of an individual outweighs  
5 the reason for denial. Provided, however, a law  
6 enforcement agency may allow a family member of the  
7 deceased law enforcement officer to hear or view such  
8 audio or video recording under protocols established  
9 by the law enforcement agency. For the purposes of  
10 this subparagraph, "family member" means a spouse,  
11 adult child, parent or sibling of the deceased law  
12 enforcement officer.

13 b. Nothing in subparagraph a of this paragraph shall be  
14 construed to prohibit the prosecution and defense  
15 counsel from access to such audio or video recordings  
16 or the use of such recordings as evidence in a legal  
17 proceeding.

18 C. Nothing contained in this section imposes any new  
19 recordkeeping requirements. Law enforcement records shall be kept  
20 for as long as is now or may hereafter be specified by law. Absent  
21 a legal requirement for the keeping of a law enforcement record for  
22 a specific time period, law enforcement agencies shall maintain  
23 their records for so long as needed for administrative purposes.  
24

1 D. Registration files maintained by the Department of  
2 Corrections pursuant to the provisions of the Sex Offenders  
3 Registration Act shall be made available for public inspection in a  
4 manner to be determined by the Department.

5 E. The Council on Law Enforcement Education and Training  
6 (C.L.E.E.T.) shall keep confidential all records it maintains  
7 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and  
8 deny release of records relating to any employed or certified full-  
9 time officer, reserve officer, retired officer or other person;  
10 teacher lesson plans, tests and other teaching materials; and  
11 personal communications concerning individual students except under  
12 the following circumstances:

13 1. To verify the current certification status of any peace  
14 officer;

15 2. As may be required to perform the duties imposed by Section  
16 3311 of Title 70 of the Oklahoma Statutes;

17 3. To provide to any peace officer copies of the records of  
18 that peace officer upon submitting a written request;

19 4. To provide, upon written request, to any law enforcement  
20 agency conducting an official investigation, copies of the records  
21 of any peace officer who is the subject of such investigation;

22 5. To provide final orders of administrative proceedings where  
23 an adverse action was taken against a peace officer; and  
24

1           6. Pursuant to an order of the district court of the State of  
2 Oklahoma.

3           F. The Department of Public Safety shall keep confidential:

4           1. All records it maintains pursuant to its authority under  
5 Title 47 of the Oklahoma Statutes relating to the Oklahoma Highway  
6 Patrol Division, the Communications Division, and other divisions of  
7 the Department relating to:

8           a. training, lesson plans, teaching materials, tests and  
9 test results,

10          b. policies, procedures and operations, any of which are  
11 of a tactical nature, and

12          c. the following information from radio logs:

13           (1) telephone numbers,

14           (2) addresses other than the location of incidents to  
15 which officers are dispatched, and

16           (3) personal information which is contrary to the  
17 provisions of the Driver's Privacy Protection  
18 Act, 18 United States Code, Sections 2721 through  
19 2725; and

20          2. For the purpose of preventing identity theft and invasion of  
21 law enforcement computer systems, except as provided in Title 47 of  
22 the Oklahoma Statutes, all driving records.

23          SECTION 2.        AMENDATORY        63 O.S. 2021, Section 2-506, is  
24 amended to read as follows:



1 Section 2-506. A. Any peace officer of this state shall seize  
2 the following property:

3 1. Any property described in subsection A of Section 2-503 of  
4 this title. Such property shall be held as evidence until a  
5 forfeiture has been declared or release ordered, except for property  
6 described in paragraphs 1, 2 and 3 of subsection A of Section 2-503  
7 of this title, or in the case of money, coins, and currency,  
8 deposited as provided in subsection E of Section 2-503 of this  
9 title; provided, any money, coins and currency taken or detained  
10 pursuant to this section may be deposited in an interest-bearing  
11 account by or at the direction of the district attorney in the  
12 office of the county treasurer if the district attorney determines  
13 the currency is not to be held as evidence. All interest earned on  
14 such monies shall be returned to the claimant or forfeited with the  
15 money, coins and currency which was taken or detained as provided by  
16 law;

17 2. Any property described in subsection B of Section 2-503 of  
18 this title; or

19 3. Any property described in subsection C of Section 2-503 of  
20 this title.

21 B. Notice of seizure and intended forfeiture proceeding shall  
22 be filed in the office of the clerk of the district court for the  
23 county wherein such property is seized and shall be given all owners  
24 and parties in interest. Notwithstanding any other provision of

1 law, no filing fees shall be assessed by the court clerk for the  
2 filing of any forfeiture action.

3 C. Notice shall be given by the agency seeking forfeiture  
4 according to one of the following methods:

5 1. Upon each owner or party in interest whose right, title or  
6 interest is of record in the Tax Commission, by mailing a copy of  
7 the notice by certified mail to the address as given upon the  
8 records of the Tax Commission;

9 2. Upon each owner or party in interest whose name and address  
10 is known to the attorney in the office of the agency prosecuting the  
11 action to recover unpaid fines, by mailing a copy of the notice by  
12 registered mail to the last-known address; or

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

17 D. Within forty-five (45) days after the mailing or publication  
18 of the notice, the owner of the property and any other party in  
19 interest or claimant may file a verified answer and claim to the  
20 property described in the notice of seizure and of the intended  
21 forfeiture proceeding.

22 E. If at the end of forty-five (45) days after the notice has  
23 been mailed or published there is no verified answer on file, the  
24 court shall hear evidence upon the fact of the unlawful use and

1 shall order the property forfeited to the state, if such fact is  
2 proved. Except as otherwise provided for in Section 2-503 of this  
3 title, any such property shall be forfeited to the state and sold  
4 under judgment of the court pursuant to the provisions of Section 2-  
5 508 of this title.

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

8 G. At a hearing in a proceeding against property described in  
9 paragraphs 3 through 9 of subsection A or subsections B and C of  
10 Section 2-503 of this title, the requirements set forth in ~~said~~ the  
11 paragraph or subsection, respectively, shall be satisfied by the  
12 state by a preponderance of the evidence.

13 H. The claimant of any right, title, or interest in the  
14 property may prove a lien, mortgage, or conditional sales contract  
15 to be a bona fide or innocent ownership interest and that such  
16 right, title, or interest was created without any knowledge or  
17 reason to believe that the property was being, or was to be, used  
18 for the purpose charged.

19 I. In the event of such proof, the court shall order the  
20 property released to the bona fide or innocent owner, lien holder,  
21 mortgagee or vendor if the amount due him is equal to, or in excess  
22 of, the value of the property as of the date of the seizure, it  
23 being the intention of this section to forfeit only the right, title  
24 or interest of the purchaser.

1 J. If the amount due to such person is less than the value of  
2 the property, or if no bona fide claim is established, the property  
3 shall be forfeited to the state and sold under judgment of the  
4 court, as provided for in Section 2-508 of this title, except as  
5 otherwise provided for in Section 2-503 of this title.

6 K. Property taken or detained under this section shall not be  
7 repleviable, but shall be deemed to be in the custody of the office  
8 of the district attorney of the county wherein the property was  
9 seized, subject only to the orders and decrees of the court or the  
10 official having jurisdiction thereof; ~~said~~ the official shall  
11 maintain a true and accurate inventory and record of all such  
12 property seized under the provisions of this section. The  
13 provisions of this subsection shall not apply to property taken or  
14 detained by the Oklahoma State Bureau of Narcotics and Dangerous  
15 Drugs Control, the Department of Public Safety, the Oklahoma State  
16 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
17 Commission, the Department of Corrections or the Office of the  
18 Attorney General. Property taken or detained by the Oklahoma State  
19 Bureau of Narcotics and Dangerous Drugs Control, the Department of  
20 Public Safety, the Oklahoma State Bureau of Investigation, the  
21 Alcoholic Beverage Laws Enforcement Commission, the Department of  
22 Corrections or the Office of the Attorney General shall be subject  
23 to the provisions of subsections E and F of Section 2-503 of this  
24 title.

1 L. The proceeds of the sale of any property not taken or  
2 detained by the Oklahoma State Bureau of Narcotics and Dangerous  
3 Drugs Control, the Department of Public Safety, the Oklahoma State  
4 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
5 Commission, the Department of Corrections or the Office of the  
6 Attorney General shall be distributed as follows, in the order  
7 indicated:

8 1. To the bona fide or innocent purchaser, conditional sales  
9 vendor or mortgagee of the property, if any, up to the amount of his  
10 or her interest in the property, when the court declaring the  
11 forfeiture orders a distribution to such person;

12 2. To the payment of the actual expenses of preserving the  
13 property and legitimate costs related to the civil forfeiture  
14 proceedings. For purposes of this paragraph, the term "legitimate  
15 costs" shall not include court costs associated with any civil  
16 forfeiture proceeding; and

17 3. The balance to a revolving fund in the office of the county  
18 treasurer of the county wherein the property was seized, ~~said~~ the  
19 fund to be used as a revolving fund solely for enforcement of  
20 controlled dangerous substances laws, drug abuse prevention and drug  
21 abuse education, and maintained by the district attorney in his or  
22 her discretion for those purposes with a yearly accounting to the  
23 board of county commissioners in whose county the fund is  
24 established and to the District Attorneys Council; provided, one

1 hundred percent (100%) of the balance of the proceeds of such sale  
2 of property forfeited due to nonpayment of a fine imposed pursuant  
3 to the provisions of Section 2-415 of this title shall be  
4 apportioned as provided in Section 2-416 of this title. The  
5 revolving fund shall be audited by the State Auditor and Inspector  
6 at least every two (2) years in the manner provided in Section 171  
7 of Title 19 of the Oklahoma Statutes. ~~Said~~ The audit shall include,  
8 but not be limited to, a compliance audit. A district attorney may  
9 enter into agreements with municipal, tribal, county or state  
10 agencies to return to such an agency a percentage of proceeds of the  
11 sale of any property seized by the agency and forfeited under the  
12 provisions of this section. The District Attorneys Council shall  
13 adopt guidelines which ensure that such agencies receive a  
14 reasonable percentage of such proceeds, considering the relative  
15 contribution of each agency to the drug enforcement and prosecution  
16 operations relating to the seizure. In formulating ~~said~~ the  
17 guidelines, the District Attorneys Council shall examine federal  
18 guidelines on asset distribution and use ~~said~~ the guidelines as a  
19 basis for establishing guidelines for this state. The Attorney  
20 General is hereby authorized to mediate disputes between district  
21 attorneys and such agencies concerning the application of ~~said~~ the  
22 guidelines in particular instances. Any agency that receives  
23 proceeds from an asset distribution shall maintain a true and  
24 accurate record of all such assets.

1 M. Whenever any vehicle, airplane or vessel is forfeited under  
2 the Uniform Controlled Dangerous Substances Act, the district court  
3 of jurisdiction may order that the vehicle, airplane or vessel  
4 seized may be retained by the state, county or city law enforcement  
5 agency which seized the vehicle, airplane or vessel for its official  
6 use.

7 N. If the court finds that the state failed to satisfy the  
8 required showing provided for in subsection G of this section, the  
9 court shall order the property released to the owner or owners.

10 O. Except as provided for in subsection Q of this section, a  
11 bona fide or innocent owner, lien holder, mortgagee or vendor that  
12 recovers property pursuant to this section shall not be liable for  
13 storage fees.

14 P. Except as provided for in subsection Q of this section,  
15 storage fees shall be paid by the agency which is processing the  
16 seizure and forfeiture from funds generated by seizure and  
17 forfeiture actions.

18 Q. The bona fide or innocent owner, lien holder, mortgagee or  
19 vendor shall reclaim subject seized property within thirty (30) days  
20 of written notice from the seizing agency. If such person fails to  
21 reclaim the property within the thirty-day time period, then storage  
22 fees may be assessed against their secured interest.

23 R. 1. At any hearing held relevant to this section, a report  
24 of the findings of the laboratory of the Oklahoma State Bureau of

1 Investigation, the medical examiner's report of investigation or  
2 autopsy report, or a laboratory report from a forensic laboratory  
3 operated by the State of Oklahoma or any political subdivision  
4 thereof, which has been made available to the accused by the office  
5 of the district attorney or other party to the forfeiture at least  
6 five (5) days prior to the hearing, with reference to all or part of  
7 the evidence submitted, when certified as correct by the persons  
8 making the report shall be received as evidence of the facts and  
9 findings stated, if relevant and otherwise admissible in evidence.  
10 If such report is deemed relevant by the forfeiture applicant or the  
11 respondent, the court shall admit such report without the testimony  
12 of the person making the report, unless the court, pursuant to this  
13 subsection, orders such person to appear.

14 2. When any alleged controlled dangerous substance has been  
15 submitted to the laboratory of the OSBI for analysis, and such  
16 analysis shows that the submitted material is a controlled dangerous  
17 substance, the distribution of which constitutes a felony under the  
18 laws of this state, no portion of such substance shall be released  
19 to any other person or laboratory except to the criminal justice  
20 agency originally submitting the substance to the OSBI for analysis,  
21 absent an order of a district court. The defendant shall  
22 additionally be required to submit to the court a procedure for  
23 transfer and analysis of the subject material to ensure the  
24



1 integrity of the sample and to prevent the material from being used  
2 in any illegal manner.

3 3. The court, upon motion of either party, shall order the  
4 attendance of any person preparing a report submitted as evidence in  
5 the hearing when it appears there is a substantial likelihood that  
6 material evidence not contained in ~~said~~ the report may be produced  
7 by the testimony of any person having prepared a report. The  
8 hearing shall be held and, if sustained, an order issued not less  
9 than five (5) days prior to the time when the testimony shall be  
10 required.

11 4. If within five (5) days prior to the hearing or during a  
12 hearing, a motion is made pursuant to this section requiring a  
13 person having prepared a report to testify, the court may hear a  
14 report or other evidence but shall continue the hearing until such  
15 time notice of the motion and hearing is given to the person making  
16 the report, the motion is heard, and, if sustained, the testimony  
17 ordered can be given.

18 S. In any forfeiture proceeding under this chapter in which the  
19 defendant or claimant prevails, the court may order the plaintiff  
20 processing the seizure and forfeiture to pay from funds generated by  
21 seizure and forfeiture actions:

22 1. Reasonable attorney fees and other litigation costs  
23 reasonably incurred by the defendant or claimant directly related to  
24 the claim on which the defendant or claimant prevailed;

1 2. Postjudgment interest; and

2 3. In cases involving currency or other negotiable instruments:

3 a. interest actually paid to the state from the date of  
4 seizure or arrest of the property that resulted from  
5 the investment of the property in an interest-bearing  
6 account or instrument, and

7 b. an imputed amount of interest that such currency,  
8 instruments, or proceeds would have earned at the rate  
9 applicable to the thirty-day Treasury Bill, for any  
10 period during which no interest was paid, not  
11 including any period when the property reasonably was  
12 in use as evidence in an official proceeding or in  
13 conducting scientific tests for the purpose of  
14 collecting evidence, commencing fifteen (15) days  
15 after the property was seized by a law enforcement  
16 agency or was turned over to a law enforcement agency  
17 by a federal law enforcement authority.

18 T. Any law enforcement agency seizing property pursuant to this  
19 section shall submit an annual report by February 1 of each year  
20 identifying the property seized and the disposition of such property  
21 to the Governor, the President Pro Tempore and the Chair of the  
22 Public Safety Committee of the Senate, the Speaker and the Chair of  
23 the Public Safety Committee of the House of Representatives and the  
24 Office of the State Auditor and Inspector. All reports and data

1 submitted pursuant to this subsection shall be published as a data  
2 feed on the data.ok.gov website.

3 SECTION 3. This act shall become effective November 1, 2023.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
5 February 21, 2023 - DO PASS

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