



1 Dangerous Substances Act are deemed contraband and shall be seized  
2 and summarily forfeited.

3 B. All hazardous materials and all property contaminated with  
4 hazardous materials described in paragraph 2 of subsection A of  
5 Section 2-503 of this title, used or intended to be used by persons  
6 to unlawfully manufacture or attempt to manufacture any controlled  
7 dangerous substance, shall be summarily forfeited to the state and  
8 submitted to the Oklahoma State Bureau of Investigation (OSBI),  
9 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
10 (OBN), the Oklahoma Highway Patrol (OHP), or the Office of the  
11 Attorney General for prompt destruction in accordance with state and  
12 federal laws.

13 C. Species of plants from which controlled substances in  
14 Schedules I or II of the Uniform Controlled Dangerous Substances Act  
15 may be derived which have been planted or cultivated in violation of  
16 the Uniform Controlled Dangerous Substances Act, or of which the  
17 owners or cultivators are unknown, or which are wild growths, may be  
18 seized by peace officers, summarily forfeited and, in lieu of the  
19 eradication procedures contained in Section 2-509 of this title,  
20 promptly cut and burned where seized or destroyed by applications of  
21 herbicides approved for such purpose and registered for use in  
22 Oklahoma by the Oklahoma Department of Agriculture, Food, and  
23 Forestry. The Oklahoma State Bureau of Narcotics and Dangerous  
24 Drugs Control shall ensure that persons spraying the plants are

1 trained in the appropriate use of the herbicide and any safety and  
2 protection issues pursuant to the requirements of the Oklahoma  
3 Department of Agriculture, Food, and Forestry.

4 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-507, is  
5 amended to read as follows:

6 Section 2-507. Any peace officer of this state seizing any of  
7 the property described in paragraphs 1 and 2 of subsection A of  
8 Section 2-503 of this title shall cause a written inventory to be  
9 made and maintain custody of the same until all legal actions have  
10 been exhausted unless such property has been placed in lawful  
11 custody of a court or state or federal law enforcement agency or  
12 unless otherwise provided by law. After all legal actions have been  
13 exhausted with respect to such property, the property shall be  
14 surrendered by the court, law enforcement agency or person having  
15 custody of the same to the Oklahoma State Bureau of Investigation  
16 (OSBI), Oklahoma State Bureau of Narcotics and Dangerous Drugs  
17 Control (OBN), the Oklahoma Highway Patrol (OHP), or the Office of  
18 the Attorney General to be destroyed as provided in Section 2-508 of  
19 this title. The property shall be accompanied with a written  
20 inventory on forms to be furnished by the Oklahoma State Bureau of  
21 Investigation.

22 SECTION 3. AMENDATORY 63 O.S. 2021, Section 2-508, is  
23 amended to read as follows:

24

1 Section 2-508. A. Except as otherwise provided, all property  
2 described in paragraphs 1 and 2 of subsection A of Section 2-503 of  
3 this title which is seized or surrendered pursuant to the provisions  
4 of the Uniform Controlled Dangerous Substances Act shall be  
5 destroyed. The destruction shall be done by or at the direction of  
6 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
7 ~~(OSBND)~~ (OBN), who shall have the discretion prior to destruction  
8 to preserve samples of the substance for testing. In any county  
9 with a population of four hundred thousand (400,000) or more  
10 according to the latest Federal Decennial Census, there shall be a  
11 located site, approved by the ~~OSBND~~ OBN, for the destruction of the  
12 property. Any such property submitted to the ~~OSBND~~ OBN which it  
13 deems to be of use for investigative training, educational, or  
14 analytical purposes may be retained by the ~~OSBND~~ OBN in lieu of  
15 destruction.

16 B. 1. With respect to controlled dangerous substances seized  
17 or surrendered pursuant to the provisions of the Uniform Controlled  
18 Dangerous Substances Act, municipal police departments, sheriffs,  
19 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
20 ~~Commission~~ (OBN), the Oklahoma Highway Patrol (OHP), ~~and~~ the  
21 Oklahoma State Bureau of Investigation (OSBI), or the Office of the  
22 Attorney General shall have the authority to destroy seized  
23 controlled dangerous substances when the amount seized in a single  
24 incident exceeds ten (10) pounds. The destroying agency shall:

- 1 a. photograph the seized substance with identifying case  
2 numbers or other means of identification,  
3 b. prepare a report describing the seized substance prior  
4 to the destruction,  
5 c. retain at least one (1) pound of the substance  
6 randomly selected from the seized substance for the  
7 purpose of evidence, and  
8 d. obtain and retain samples of the substance from enough  
9 containers, bales, bricks, or other units of substance  
10 seized to establish the presence of a weight of the  
11 substance necessary to establish a violation of the  
12 Trafficking in Illegal Drugs Act pursuant to  
13 subsection C of Section 2-415 of this title, if such a  
14 weight is present. If such weight is not present,  
15 samples of the substance from each container, bale,  
16 brick or other unit of substance seized shall be  
17 taken. Each sample taken pursuant to this section  
18 shall be large enough for the destroying agency and  
19 the defendant or suspect to have an independent test  
20 performed on the substance for purposes of  
21 identification.

22 2. If a defendant or suspect is known to the destroying agency,  
23 the destroying agency shall give at least seven (7) days' written  
24

1 notice to the defendant, suspect or counsel for the defendant or  
2 suspect of:

3 a. the date, the time, and the place where the  
4 photographing will take place and notice of the right  
5 to attend the photographing, and

6 b. the right to obtain samples of the controlled  
7 dangerous substance for independent testing and use as  
8 evidence.

9 3. The written notice shall also inform the defendant, suspect  
10 or counsel for the defendant or suspect that the destroying agency  
11 must be notified in writing within seven (7) days from receipt of  
12 the notice of the intent of the suspect or defendant to obtain  
13 random samples and make arrangements for the taking of samples. The  
14 samples for the defendant or suspect must be taken by a person  
15 licensed by the Drug Enforcement Administration. If the defendant  
16 or counsel for the defendant fails to notify the destroying agency  
17 in writing of an intent to obtain samples and fails to make  
18 arrangements for the taking of samples, a sample taken pursuant to  
19 subparagraph d of paragraph 1 of this subsection shall be made  
20 available upon request of the defendant or suspect.

21 The representative samples, the photographs, the reports, and  
22 the records made under this section and properly identified shall be  
23 admissible in any court or administrative proceeding for any  
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1 purposes for which the seized substance itself would have been  
2 admissible.

3 C. All other property not otherwise provided for in the Uniform  
4 Controlled Dangerous Substances Act which has come into the  
5 possession of the Oklahoma State Bureau of Narcotics and Dangerous  
6 Drugs Control, the Department of Public Safety, the Oklahoma State  
7 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
8 Commission, the Department of Corrections, the Office of the  
9 Attorney General, or a district attorney may be disposed of by order  
10 of the district court when no longer needed in connection with any  
11 litigation. If the owner of the property is unknown to the agency  
12 or district attorney, the agency or district attorney shall hold the  
13 property for at least six (6) months prior to filing a petition for  
14 disposal with the district court except for laboratory equipment  
15 which may be forfeited when no longer needed in connection with  
16 litigation, unless the property is perishable. The Director or  
17 Commissioner of the agency, the Attorney General, or district  
18 attorney shall file a petition in the district court of Oklahoma  
19 County or in the case of a district attorney, the petition shall be  
20 filed in a county within the jurisdiction of the district attorney  
21 requesting the authority to:

22 1. Conduct a sale of the property at a public auction or use an  
23 Internet auction, which may include online bidding; or

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1           2. Convert title of the property to the Oklahoma State Bureau  
2 of Narcotics and Dangerous Drugs Control, the Department of Public  
3 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic  
4 Beverage Laws Enforcement Commission, the Department of Corrections,  
5 the Office of the Attorney General, or to the district attorney's  
6 office for the purposes provided for in subsection J, K or L of this  
7 section.

8           The Director, Commissioner, Attorney General or district  
9 attorney shall attach to the petition:

- 10           a. a list describing the property, including all  
11                 identifying numbers and marks, if any,
- 12           b. the date the property came into the possession of the  
13                 agency or district attorney, and
- 14           c. the name and address of the owner, if known.

15           For any item having an apparent value in excess of One Hundred  
16 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the  
17 notice of the hearing of the petition for the sale of the property,  
18 except laboratory equipment used in the processing, manufacturing or  
19 compounding of controlled dangerous substances in violation of the  
20 provisions of the Uniform Controlled Dangerous Substances Act, shall  
21 be given to every known owner, as set forth in the petition, by  
22 first-class mail to the last-known address of the owner at least ten  
23 (10) days prior to the date of the hearing. An affidavit of notice  
24 being sent shall be filed with the court by a representative of the

1 agency, the Director or Commissioner of the agency, the Attorney  
2 General or district attorney. For items in excess of Five Hundred  
3 Dollars (\$500.00), a notice of the hearing of the petition for the  
4 sale of ~~said~~ such property shall be delivered to every known owner  
5 as set forth in the petition by certified mail. Notice of a hearing  
6 on a petition for forfeiture or sale of laboratory equipment used in  
7 the processing, manufacturing, or compounding of controlled  
8 dangerous substances in violation of the Uniform Controlled  
9 Dangerous Substances Act shall not be required.

10 The notice shall contain a brief description of the property,  
11 and the location and date of the hearing. In addition, notice of  
12 the hearing shall be posted in three public places in the county,  
13 one such place being the county courthouse at the regular place  
14 assigned for the posting of legal notices. At the hearing, if no  
15 owner appears and establishes ownership of the property, the court  
16 may enter an order authorizing the Director, Commissioner, Attorney  
17 General, or district attorney to donate the property pursuant to  
18 subsection J, K or L of this section, to sell the property at a  
19 public auction, including an Internet auction, which may include  
20 online bidding, to the highest bidder, or to convert title of the  
21 property to the Oklahoma State Bureau of Narcotics and Dangerous  
22 Drugs Control, the Department of Public Safety, the Oklahoma State  
23 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
24 Commission, the Department of Corrections, or the Office of the

1 Attorney General for the purposes provided for in subsection J, K or  
2 L of this section after at least ten (10) days of notice ~~has~~ have  
3 been given by publication in one issue of a legal newspaper of the  
4 county. If the property is offered for sale at public auction,  
5 including an Internet auction, and no bid is received that exceeds  
6 fifty percent (50%) of the value of the property, such value to be  
7 announced prior to the sale, the Director, Commissioner, Attorney  
8 General, or district attorney may refuse to sell the item pursuant  
9 to any bid received. The Director, Commissioner, Attorney General,  
10 or district attorney shall make a return of the sale and, when  
11 confirmed by the court, the order confirming the sale shall vest in  
12 the purchaser title to the property so purchased.

13 D. The money received from the sale of property by the Oklahoma  
14 State Bureau of Narcotics and Dangerous Drugs Control shall be used  
15 for general drug enforcement purposes. These funds shall be  
16 transferred to the Bureau of Narcotics Revolving Fund established  
17 pursuant to Section 2-107 of this title or in the case of a district  
18 attorney, the revolving fund provided for in paragraph 3 of  
19 subsection L of Section 2-506 of this title.

20 E. At the request of the Department of Public Safety, the  
21 district attorney or a designee of the district attorney may conduct  
22 any forfeiture proceedings as described in Section 2-503 of this  
23 title on any property subject to forfeiture as described in  
24 subsection A, B or C of Section 2-503 of this title. The money

1 received from the sale of property by the Department of Public  
2 Safety shall be deposited in the Department of Public Safety  
3 Restricted Revolving Fund and shall be expended for law enforcement  
4 purposes.

5 F. The money received from the sale of property by the  
6 Alcoholic Beverage Laws Enforcement Commission shall be deposited in  
7 the General Revenue Fund of the state.

8 G. The money received from the sale of property from the  
9 Oklahoma State Bureau of Investigation shall be deposited in the  
10 OSBI Revolving Fund and shall be expended for law enforcement  
11 purposes.

12 H. The Director of the Department of Corrections shall make a  
13 return of the sale and when confirmed by the court, the order  
14 confirming the sale shall vest in the purchaser title to the  
15 property so purchased. Twenty-five percent (25%) of the money  
16 received from the sale shall be disbursed to a revolving fund in the  
17 office of the county treasurer of the county wherein the property  
18 was seized, ~~said~~ such fund to be used as a revolving fund solely for  
19 enforcement of controlled dangerous substances laws, drug abuse  
20 prevention and drug abuse education. The remaining seventy-five  
21 percent (75%) shall be deposited in the Department of Corrections  
22 Revolving Fund to be expended for equipment for probation and parole  
23 officers and correctional officers.

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1 I. The money received from the sale of property from the Office  
2 of the Attorney General shall be deposited in the Attorney ~~General~~  
3 General's Law Enforcement Revolving Fund and shall be expended for  
4 law enforcement purposes. The Office of the Attorney General may  
5 enter into agreements with municipal, county or state agencies to  
6 return to such an agency a percentage of proceeds of the sale of any  
7 property seized by the agency and forfeited under the provisions of  
8 this section.

9 J. Any property, including but not limited to uncontaminated  
10 laboratory equipment used in the processing, manufacturing or  
11 compounding of controlled dangerous substances in violation of the  
12 provisions of the Uniform Controlled Dangerous Substances Act, upon  
13 a court order, may be donated for classroom or laboratory use by the  
14 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,  
15 Department of Public Safety, district attorney, the Alcoholic  
16 Beverage Laws Enforcement Commission, the Department of Corrections,  
17 or the Office of the Attorney General to any public secondary school  
18 or technology center school in this state or any institution of  
19 higher education within The Oklahoma State System of Higher  
20 Education.

21 K. Any vehicle or firearm which has come into the possession  
22 and title vested in the Oklahoma State Bureau of Narcotics and  
23 Dangerous Drugs Control, the Department of Public Safety, the  
24 Oklahoma State Bureau of Investigation, the Office of the Attorney

1 General, or a district attorney, may be transferred, donated or  
2 offered for lease to any sheriff's office, tribal law enforcement  
3 agency, campus police department pursuant to the provisions of the  
4 Oklahoma Campus Security Act, or police department in this state on  
5 an annual basis to assist with the enforcement of the provisions of  
6 the Uniform Controlled Dangerous Substances Act. Each agency shall  
7 promulgate rules, regulations and procedures for leasing vehicles  
8 and firearms. No fully automatic weapons will be subject to the  
9 leasing agreement. All firearms leased may be utilized only by  
10 ~~C.L.E.E.T.-certified~~ CLEET-certified officers who have received  
11 training in the type and class of weapon leased. Every lessee shall  
12 be required to submit an annual report to the leasing agency stating  
13 the condition of all leased property. A lease agreement may be  
14 renewed annually at the option of the leasing agency. Upon  
15 termination of a lease agreement, the property shall be returned to  
16 the leasing agency for sale or other disposition. All funds derived  
17 from lease agreements or other disposition of property no longer  
18 useful to law enforcement shall be deposited in the agency's  
19 revolving fund, or in the case of the Department of Public Safety,  
20 the Department of Public Safety Restricted Revolving Fund, and shall  
21 be expended for law enforcement purposes.

22 L. Before disposing of any property pursuant to subsections C  
23 through I of this section, the Oklahoma State Bureau of Narcotics  
24 and Dangerous Drugs Control, the Department of Public Safety, the

1 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State  
2 Bureau of Investigation, the Department of Corrections, the Office  
3 of the Attorney General, or a district attorney may transfer or  
4 donate the property to another state agency, tribal law enforcement  
5 agency, or school district for use upon request. In addition to the  
6 provisions of this section, the Oklahoma State Bureau of Narcotics  
7 and Dangerous Drugs Control may transfer or donate property for any  
8 purpose pursuant to Section 2-106.2 of this title. The agencies and  
9 any district attorney that are parties to any transfer of property  
10 pursuant to this subsection shall enter into written agreements to  
11 carry out any such transfer of property. Any such agreement may  
12 also provide for the granting of title to any property being  
13 transferred as the parties deem appropriate. If the transfer of  
14 property is to a school district, a written agreement shall be  
15 entered into with the superintendent of the school district. No  
16 weapons may be transferred to a school district except as provided  
17 for in subsection K of this section.

18 SECTION 4. This act shall become effective November 1, 2024.

19  
20 COMMITTEE REPORT BY: COMMITTEE ON ALCOHOL, TOBACCO AND CONTROLLED  
21 SUBSTANCES, dated 04/10/2024 - DO PASS.  
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