

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 1996

By: Turner

7 POLICY COMMITTEE RECOMMENDATION

8 An Act relating to criminal procedure; amending 22
9 O.S. 2021, Section 1325, which relates to procedures
10 for disposing of unclaimed property; updating written
11 notice requirements; and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1325, is
14 amended to read as follows:

15 Section 1325. A. Any sheriff's office or campus police agency
16 as authorized under the Oklahoma Campus Security Act is authorized
17 to dispose of by public sale, destruction, donation, or transfer for
18 use to a governmental subdivision personal property which has come
19 into its possession, or deposit in a special fund, as hereafter
20 provided, all money or legal tender of the United States which has
21 come into its possession, whether the property or money be stolen,
22 embezzled, lost, abandoned or otherwise, the owner of the property
23 or money being unknown or not having claimed the same, and which the
24 sheriff or campus police agency has held for at least six (6)

1 months, and such property or money, or any part thereof, being no
2 longer needed to be held as evidence or otherwise used in connection
3 with any litigation.

4 B. Where personal property held under the circumstances
5 provided in subsection A of this section is determined by the agency
6 having custody to be unsuitable for disposition by public sale due
7 to its condition or assessed by agency personnel as having limited
8 or no resale value, it may be destroyed, discarded as solid waste or
9 donated to a charitable organization designated by the U.S. Internal
10 Revenue Service as a 501(c)(3) nonprofit organization. Where
11 disposition by destruction, discard, or donation is made of personal
12 property, a report describing the property by category and quantity,
13 and indicating what disposition was made for each item or lot, shall
14 be submitted to the presiding judge of the district court within ten
15 (10) days following the disposition.

16 C. Where disposition by public sale is appropriate, the
17 sheriff's office or campus police agency shall file an application
18 in the district court of its county requesting the authority of the
19 court to dispose of such personal property, and shall attach to the
20 application a list describing the property, including all
21 identifying numbers and marks, if any, the date the property came
22 into the possession of the sheriff's office or campus police agency
23 and the name and address of the owner, if known. The court shall
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1 set the application for hearing not less than ten (10) days nor more
2 than twenty (20) days after filing.

3 D. Written notice shall be given by the sheriff's office or
4 campus police agency of the hearing to each and every owner if known
5 and as set forth in the application by first-class mail, postage
6 prepaid, and directed to the last-known address of the owner at
7 least ten (10) days prior to the date of the hearing, unless the
8 personal property is held by the sheriff's office as inmate
9 commissary and is less than Fifty Dollars (\$50.00) in which case
10 notice by first-class mail shall not be required. The notice shall
11 contain a brief description of the property of the owner and the
12 place and date of the hearing. ~~In addition, notice~~ Notice of the
13 hearing shall be posted in three public places in the county, one
14 being the county courthouse at the regular place assigned for the
15 posting of legal notices or shall be published in a newspaper
16 authorized by law to publish legal notices in the county in which
17 the property is located. If no newspaper authorized by law to
18 publish legal notices is published in such county, the notice shall
19 be published in a newspaper of general circulation which is
20 published in an adjoining county. The notice shall state the name
21 of the owner being notified by publication and shall be published at
22 least ten (10) days prior to the date of the hearing.

23 E. At the hearing, if no owner appears and establishes
24 ownership to the property, the court shall enter an order

1 authorizing the sheriff's office or campus police agency to donate
2 property having a value of less than Five Hundred Dollars (\$500.00)
3 to a not-for-profit corporation as defined in Title 18 of the
4 Oklahoma Statutes or to sell the personal property to the highest
5 bidder for cash, after at least five (5) days of notice has been
6 given by publication in one issue of a legal newspaper of the
7 county. The sheriff's office or campus police agency shall make a
8 return of the donation or sale and, when confirmed by the court, the
9 order confirming the donation or sale shall vest in the recipient or
10 purchaser title to the property so donated or purchased.

11 F. A sheriff's office having in its possession money or legal
12 tender under the circumstances provided in subsection A of this
13 section, prior to appropriating the same for deposit into a special
14 fund, shall file an application in the district court of its county
15 requesting the court to enter an order authorizing it to so
16 appropriate the money for deposit in the special fund. The
17 application shall describe the money or legal tender, together with
18 serial numbers, if any, the date the same came into the possession
19 of the sheriff's office or campus police agency, and the name and
20 address of the owner, if known. Upon filing, the application, which
21 may be joined with an application as described in subsection C of
22 this section, shall be set for hearing not less than ten (10) days
23 nor more than twenty (20) days from the filing thereof, and notice
24 of the hearing shall be given as provided in subsection D of this

1 section. The notice shall state that, upon no one appearing to
2 prove ownership to the money or legal tender, the same will be
3 ordered by the court to be deposited in the special fund by the
4 sheriff's office or campus police agency. The notice may be
5 combined with a notice to sell personal property as set forth in
6 subsection D of this section. At the hearing, if no one appears to
7 claim and prove ownership to the money or legal tender, the court
8 shall order the same to be deposited by the sheriff's office or
9 campus police agency in the special fund, as provided in subsection
10 H of this section.

11 G. Where a sheriff's office or campus police agency has in its
12 possession under the circumstances provided in subsection A of this
13 section, personal property deemed to have potential utility to that
14 sheriff's office, campus police agency or another governmental
15 subdivision, prior to appropriating the personal property for use,
16 the sheriff's office or campus police agency shall file an
17 application in the district court requesting the court to enter an
18 order authorizing it to so appropriate or transfer the property for
19 use. The application shall describe the property, together with
20 serial numbers, if any, the date the property came into the
21 possession of the sheriff's office or campus police agency and the
22 name and address of the owner, if known. Upon filing, the
23 application, which may be joined with an application as described in
24 subsection C of this section, shall be set for hearing not less than

1 ten (10) days nor more than twenty (20) days from the filing
2 thereof. Notice of the hearing shall be given as provided in
3 subsection D of this section. The notice shall state that, upon no
4 one appearing to prove ownership to the personal property, the
5 property will be ordered by the court to be delivered for use by the
6 sheriff's office or campus police agency or its authorizing
7 institution or transferred to another governmental subdivision for
8 its use. The notice may be combined with a notice to sell personal
9 property as set forth in subsection D of this section. At the
10 hearing, if no one appears to claim and prove ownership to the
11 personal property, the court shall order the property to be
12 available for use by the sheriff's office or campus police agency or
13 delivered to an appropriate person for use by the authorizing
14 institution or another governmental subdivision.

15 H. The money received from the sale of personal property as
16 above provided, after payment of the court costs and other expenses,
17 if any, together with all money in possession of the sheriff's
18 office or campus police agency, which has been ordered by the court
19 to be deposited in the special fund, shall be deposited in such fund
20 which shall be separately maintained by the sheriff's office in a
21 special fund with the county treasurer or campus police agency to be
22 expended upon the approval of the sheriff or head of the campus
23 police agency for the purchase of equipment, materials or supplies
24 that may be used in crime prevention, education, training or

1 programming. The fund or any portion of it may be expended in
2 paying the expenses of the sheriff or any duly authorized deputy or
3 employee of the campus police agency to attend law enforcement or
4 public safety training courses which are conducted by the Oklahoma
5 Council on Law Enforcement Education and Training (CLEET) or other
6 certified trainers, providers, or agencies.

7 I. The disposition of biological evidence, as defined by
8 Section 1372 of this title, shall be governed by the provisions set
9 forth in Section 1372 of this title.

10 SECTION 2. This act shall become effective November 1, 2025.

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