

1 ENGROSSED HOUSE
2 BILL NO. 1996

By: Turner of the House

3 and

4 Hamilton of the Senate

5
6
7 An Act relating to criminal procedure; amending 22
8 O.S. 2021, Section 1325, which relates to procedures
9 for disposing of unclaimed property; updating written
10 notice requirements; and providing an effective date.

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

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

14 Section 1325. A. Any sheriff's office or campus police agency
15 as authorized under the Oklahoma Campus Security Act is authorized
16 to dispose of by public sale, destruction, donation, or transfer for
17 use to a governmental subdivision personal property which has come
18 into its possession, or deposit in a special fund, as hereafter
19 provided, all money or legal tender of the United States which has
20 come into its possession, whether the property or money be stolen,
21 embezzled, lost, abandoned or otherwise, the owner of the property
22 or money being unknown or not having claimed the same, and which the
23 sheriff or campus police agency has held for at least six (6)
24 months, and such property or money, or any part thereof, being no

1 longer needed to be held as evidence or otherwise used in connection
2 with any litigation.

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

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

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

21 E. At the hearing, if no owner appears and establishes
22 ownership to the property, the court shall enter an order
23 authorizing the sheriff's office or campus police agency to donate
24 property having a value of less than Five Hundred Dollars (\$500.00)

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

9 F. A sheriff's office having in its possession money or legal
10 tender under the circumstances provided in subsection A of this
11 section, prior to appropriating the same for deposit into a special
12 fund, shall file an application in the district court of its county
13 requesting the court to enter an order authorizing it to so
14 appropriate the money for deposit in the special fund. The
15 application shall describe the money or legal tender, together with
16 serial numbers, if any, the date the same came into the possession
17 of the sheriff's office or campus police agency, and the name and
18 address of the owner, if known. Upon filing, the application, which
19 may be joined with an application as described in subsection C of
20 this section, shall be set for hearing not less than ten (10) days
21 nor more than twenty (20) days from the filing thereof, and notice
22 of the hearing shall be given as provided in subsection D of this
23 section. The notice shall state that, upon no one appearing to
24 prove ownership to the money or legal tender, the same will be

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

9 G. Where a sheriff's office or campus police agency has in its
10 possession under the circumstances provided in subsection A of this
11 section, personal property deemed to have potential utility to that
12 sheriff's office, campus police agency or another governmental
13 subdivision, prior to appropriating the personal property for use,
14 the sheriff's office or campus police agency shall file an
15 application in the district court requesting the court to enter an
16 order authorizing it to so appropriate or transfer the property for
17 use. The application shall describe the property, together with
18 serial numbers, if any, the date the property came into the
19 possession of the sheriff's office or campus police agency and the
20 name and address of the owner, if known. Upon filing, the
21 application, which may be joined with an application as described in
22 subsection C of this section, shall be set for hearing not less than
23 ten (10) days nor more than twenty (20) days from the filing
24 thereof. Notice of the hearing shall be given as provided in

1 subsection D of this section. The notice shall state that, upon no
2 one appearing to prove ownership to the personal property, the
3 property will be ordered by the court to be delivered for use by the
4 sheriff's office or campus police agency or its authorizing
5 institution or transferred to another governmental subdivision for
6 its use. The notice may be combined with a notice to sell personal
7 property as set forth in subsection D of this section. At the
8 hearing, if no one appears to claim and prove ownership to the
9 personal property, the court shall order the property to be
10 available for use by the sheriff's office or campus police agency or
11 delivered to an appropriate person for use by the authorizing
12 institution or another governmental subdivision.

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

