

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1996

By: Turner

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5
6 AS INTRODUCED

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.~~ The notice
6 shall contain a brief description of the property of the owner and
7 the place and date of the hearing. ~~In addition, notice~~ Notice of
8 the hearing shall be posted in three public places in the county,
9 one being the county courthouse at the regular place assigned for
10 the posting of legal notices or shall be published in a newspaper
11 authorized by law to publish legal notices in the county in which
12 the property is located. If no newspaper authorized by law to
13 publish legal notices is published in such county, the notice shall
14 be published in a newspaper of general circulation which is
15 published in an adjoining county. The notice shall state the name
16 of the owner being notified by publication and shall be published at
17 least ten (10) days prior to the date of the hearing.

18 E. At the hearing, if no owner appears and establishes
19 ownership to the property, the court shall enter an order
20 authorizing the sheriff's office or campus police agency to donate
21 property having a value of less than Five Hundred Dollars (\$500.00)
22 to a not-for-profit corporation as defined in Title 18 of the
23 Oklahoma Statutes or to sell the personal property to the highest
24 bidder for cash, after at least five (5) days of notice has been

1 given by publication in one issue of a legal newspaper of the
2 county. The sheriff's office or campus police agency shall make a
3 return of the donation or sale and, when confirmed by the court, the
4 order confirming the donation or sale shall vest in the recipient or
5 purchaser title to the property so donated or purchased.

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

1 subsection D of this section. At the hearing, if no one appears to
2 claim and prove ownership to the money or legal tender, the court
3 shall order the same to be deposited by the sheriff's office or
4 campus police agency in the special fund, as provided in subsection
5 H of this section.

6 G. Where a sheriff's office or campus police agency has in its
7 possession under the circumstances provided in subsection A of this
8 section, personal property deemed to have potential utility to that
9 sheriff's office, campus police agency or another governmental
10 subdivision, prior to appropriating the personal property for use,
11 the sheriff's office or campus police agency shall file an
12 application in the district court requesting the court to enter an
13 order authorizing it to so appropriate or transfer the property for
14 use. The application shall describe the property, together with
15 serial numbers, if any, the date the property came into the
16 possession of the sheriff's office or campus police agency and the
17 name and address of the owner, if known. Upon filing, the
18 application, which may be joined with an application as described in
19 subsection C of this section, shall be set for hearing not less than
20 ten (10) days nor more than twenty (20) days from the filing
21 thereof. Notice of the hearing shall be given as provided in
22 subsection D of this section. The notice shall state that, upon no
23 one appearing to prove ownership to the personal property, the
24 property will be ordered by the court to be delivered for use by the

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

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

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1 Council on Law Enforcement Education and Training (CLEET) or other
2 certified trainers, providers, or agencies.

3 I. The disposition of biological evidence, as defined by
4 Section 1372 of this title, shall be governed by the provisions set
5 forth in Section 1372 of this title.

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

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