

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2826

By: Steagall

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5
6 AS INTRODUCED

7 An Act relating to firearms; amending 22 O.S. 2021,
8 Section 1325, which relates to unclaimed property in
9 possession of the sheriff; defining term; authorizing
10 licensed firearms dealers to purchase unclaimed
11 weapons; amending 63 O.S. 2021, Section 2-508, which
12 relates to the disposition of seized property;
13 allowing law enforcement agencies to sell automobiles
14 and firearms at public sales; providing for
15 semiannual public sales; authorizing licensed
16 firearms dealers to purchase seized firearms; and
17 providing an effective date.

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

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

21 Section 1325. A. Any sheriff's office or campus police agency
22 as authorized under the Oklahoma Campus Security Act is authorized
23 to dispose of by public sale, destruction, donation, or transfer for
24 use to a governmental subdivision personal property which has come
into its possession, or deposit in a special fund, as hereafter
provided, all money or legal tender of the United States which has

1 come into its possession, whether the property or money be stolen,
2 embezzled, lost, abandoned or otherwise, the owner of the property
3 or money being unknown or not having claimed the same, and which the
4 sheriff or campus police agency has held for at least six (6)
5 months, and such property or money, or any part thereof, being no
6 longer needed to be held as evidence or otherwise used in connection
7 with any litigation. As used in this section, "personal property"
8 shall include pistols, handguns, rifles, shotguns, and all other
9 lawful firearms.

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

22 C. Where disposition by public sale is appropriate, the
23 sheriff's office or campus police agency shall file an application
24 in the district court of its county requesting the authority of the

1 court to dispose of such personal property, and shall attach to the
2 application a list describing the property, including all
3 identifying numbers and marks, if any, the date the property came
4 into the possession of the sheriff's office or campus police agency
5 and the name and address of the owner, if known. The court shall
6 set the application for hearing not less than ten (10) days nor more
7 than twenty (20) days after filing.

8 D. Written notice shall be given by the sheriff's office or
9 campus police agency of the hearing to each and every owner known
10 and as set forth in the application by first-class mail, postage
11 prepaid, and directed to the last-known address of the owner at
12 least ten (10) days prior to the date of the hearing. The notice
13 shall contain a brief description of the property of the owner and
14 the place and date of the hearing. In addition, notice of the
15 hearing shall be posted in three public places in the county, one
16 being the county courthouse at the regular place assigned for the
17 posting of legal notices or shall be published in a newspaper
18 authorized by law to publish legal notices in the county in which
19 the property is located. If no newspaper authorized by law to
20 publish legal notices is published in such county, the notice shall
21 be published in a newspaper of general circulation which is
22 published in an adjoining county. The notice shall state the name
23 of the owner being notified by publication and shall be published at
24 least ten (10) days prior to the date of the hearing.

1 E. At the hearing, if no owner appears and establishes
2 ownership to the property, the court shall enter an order
3 authorizing the sheriff's office or campus police agency to donate
4 property having a value of less than Five Hundred Dollars (\$500.00)
5 to a not-for-profit corporation as defined in Title 18 of the
6 Oklahoma Statutes or to sell the personal property to the highest
7 bidder for cash, after at least five (5) days of notice has been
8 given by publication in one issue of a legal newspaper of the
9 county. The sheriff's office or campus police agency shall make a
10 return of the donation or sale and, when confirmed by the court, the
11 order confirming the donation or sale shall vest in the recipient or
12 purchaser title to the property so donated or purchased. Only a
13 firearms dealer licensed under Section 923 of Title 18 of the United
14 States Code may purchase a pistol, handgun, rifle, shotgun, or any
15 other lawful firearm at a public sale under the provisions of this
16 subsection.

17 F. A sheriff's office having in its possession money or legal
18 tender under the circumstances provided in subsection A of this
19 section, prior to appropriating the same for deposit into a special
20 fund, shall file an application in the district court of its county
21 requesting the court to enter an order authorizing it to so
22 appropriate the money for deposit in the special fund. The
23 application shall describe the money or legal tender, together with
24 serial numbers, if any, the date the same came into the possession

1 of the sheriff's office or campus police agency, and the name and
2 address of the owner, if known. Upon filing, the application, which
3 may be joined with an application as described in subsection C of
4 this section, shall be set for hearing not less than ten (10) days
5 nor more than twenty (20) days from the filing thereof, and notice
6 of the hearing shall be given as provided in subsection D of this
7 section. The notice shall state that, upon no one appearing to
8 prove ownership to the money or legal tender, the same will be
9 ordered by the court to be deposited in the special fund by the
10 sheriff's office or campus police agency. The notice may be
11 combined with a notice to sell personal property as set forth in
12 subsection D of this section. At the hearing, if no one appears to
13 claim and prove ownership to the money or legal tender, the court
14 shall order the same to be deposited by the sheriff's office or
15 campus police agency in the special fund, as provided in subsection
16 H of this section.

17 G. Where a sheriff's office or campus police agency has in its
18 possession under the circumstances provided in subsection A of this
19 section, personal property deemed to have potential utility to that
20 sheriff's office, campus police agency or another governmental
21 subdivision, prior to appropriating the personal property for use,
22 the sheriff's office or campus police agency shall file an
23 application in the district court requesting the court to enter an
24 order authorizing it to so appropriate or transfer the property for

1 use. The application shall describe the property, together with
2 serial numbers, if any, the date the property came into the
3 possession of the sheriff's office or campus police agency and the
4 name and address of the owner, if known. Upon filing, the
5 application, which may be joined with an application as described in
6 subsection C of this section, shall be set for hearing not less than
7 ten (10) days nor more than twenty (20) days from the filing
8 thereof. Notice of the hearing shall be given as provided in
9 subsection D of this section. The notice shall state that, upon no
10 one appearing to prove ownership to the personal property, the
11 property will be ordered by the court to be delivered for use by the
12 sheriff's office or campus police agency or its authorizing
13 institution or transferred to another governmental subdivision for
14 its use. The notice may be combined with a notice to sell personal
15 property as set forth in subsection D of this section. At the
16 hearing, if no one appears to claim and prove ownership to the
17 personal property, the court shall order the property to be
18 available for use by the sheriff's office or campus police agency or
19 delivered to an appropriate person for use by the authorizing
20 institution or another governmental subdivision.

21 H. The money received from the public sale of personal property
22 as above provided, after payment of the court costs and other
23 expenses, if any, together with all money in possession of the
24 sheriff's office or campus police agency, which has been ordered by

1 the court to be deposited in the special fund, shall be deposited in
2 such fund which shall be separately maintained by the sheriff's
3 office in a special fund with the county treasurer or campus police
4 agency to be expended upon the approval of the sheriff or head of
5 the campus police agency for the purchase of equipment, materials or
6 supplies that may be used in crime prevention, education, training
7 or programming. The fund or any portion of it may be expended in
8 paying the expenses of the sheriff or any duly authorized deputy or
9 employee of the campus police agency to attend law enforcement or
10 public safety training courses which are conducted by the Oklahoma
11 Council on Law Enforcement Education and Training (CLEET) or other
12 certified trainers, providers, or agencies.

13 I. The disposition of biological evidence, as defined by
14 Section 1372 of this title, shall be governed by the provisions set
15 forth in Section 1372 of this title.

16 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-508, is
17 amended to read as follows:

18 Section 2-508. A. Except as otherwise provided, all property
19 described in paragraphs 1 and 2 of subsection A of Section 2-503 of
20 this title which is seized or surrendered pursuant to the provisions
21 of the Uniform Controlled Dangerous Substances Act shall be
22 destroyed. The destruction shall be done by or at the direction of
23 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
24 (OSBNDD), who shall have the discretion prior to destruction to

1 preserve samples of the substance for testing. In any county with a
2 population of four hundred thousand (400,000) or more according to
3 the latest Federal Decennial Census, there shall be a located site,
4 approved by the OSBNDD, for the destruction of the property. Any
5 such property submitted to the OSBNDD which it deems to be of use
6 for investigative training, educational, or analytical purposes may
7 be retained by the OSBNDD in lieu of destruction.

8 B. 1. With respect to controlled dangerous substances seized
9 or surrendered pursuant to the provisions of the Uniform Controlled
10 Dangerous Substances Act, municipal police departments, sheriffs,
11 the Oklahoma Bureau of Narcotics and Dangerous Drugs Control
12 Commission, the Oklahoma Highway Patrol, and the Oklahoma State
13 Bureau of Investigation shall have the authority to destroy seized
14 controlled dangerous substances when the amount seized in a single
15 incident exceeds ten (10) pounds. The destroying agency shall:

- 16 a. photograph the seized substance with identifying case
17 numbers or other means of identification,
- 18 b. prepare a report describing the seized substance prior
19 to the destruction,
- 20 c. retain at least one (1) pound of the substance
21 randomly selected from the seized substance for the
22 purpose of evidence, and
- 23 d. obtain and retain samples of the substance from enough
24 containers, bales, bricks, or other units of substance

1 seized to establish the presence of a weight of the
2 substance necessary to establish a violation of the
3 Trafficking in Illegal Drugs Act pursuant to
4 subsection C of Section 2-415 of this title, if such a
5 weight is present. If such weight is not present,
6 samples of the substance from each container, bale,
7 brick or other unit of substance seized shall be
8 taken. Each sample taken pursuant to this section
9 shall be large enough for the destroying agency and
10 the defendant or suspect to have an independent test
11 performed on the substance for purposes of
12 identification.

13 2. If a defendant or suspect is known to the destroying agency,
14 the destroying agency shall give at least seven (7) days' written
15 notice to the defendant, suspect or counsel for the defendant or
16 suspect of:

- 17 a. the date, the time, and the place where the
18 photographing will take place and notice of the right
19 to attend the photographing, and
- 20 b. the right to obtain samples of the controlled
21 dangerous substance for independent testing and use as
22 evidence.

23 3. The written notice shall also inform the defendant, suspect
24 or counsel for the defendant or suspect that the destroying agency

1 must be notified in writing within seven (7) days from receipt of
2 the notice of the intent of the suspect or defendant to obtain
3 random samples and make arrangements for the taking of samples. The
4 samples for the defendant or suspect must be taken by a person
5 licensed by the Drug Enforcement Administration. If the defendant
6 or counsel for the defendant fails to notify the destroying agency
7 in writing of an intent to obtain samples and fails to make
8 arrangements for the taking of samples, a sample taken pursuant to
9 subparagraph d of paragraph 1 of this subsection shall be made
10 available upon request of the defendant or suspect.

11 The representative samples, the photographs, the reports, and
12 the records made under this section and properly identified shall be
13 admissible in any court or administrative proceeding for any
14 purposes for which the seized substance itself would have been
15 admissible.

16 C. All other property not otherwise provided for in the Uniform
17 Controlled Dangerous Substances Act which has come into the
18 possession of the Oklahoma State Bureau of Narcotics and Dangerous
19 Drugs Control, the Department of Public Safety, the Oklahoma State
20 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
21 Commission, the Department of Corrections, the Office of the
22 Attorney General, or a district attorney may be disposed of by order
23 of the district court when no longer needed in connection with any
24 litigation. If the owner of the property is unknown to the agency

1 or district attorney, the agency or district attorney shall hold the
2 property for at least six (6) months prior to filing a petition for
3 disposal with the district court except for laboratory equipment
4 which may be forfeited when no longer needed in connection with
5 litigation, unless the property is perishable. The Director or
6 Commissioner of the agency, the Attorney General, or district
7 attorney shall file a petition in the district court of Oklahoma
8 County or in the case of a district attorney, the petition shall be
9 filed in a county within the jurisdiction of the district attorney
10 requesting the authority to:

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

13 2. Convert title of the property to the Oklahoma State Bureau
14 of Narcotics and Dangerous Drugs Control, the Department of Public
15 Safety, the Oklahoma State Bureau of Investigation, the Alcoholic
16 Beverage Laws Enforcement Commission, the Department of Corrections,
17 the Office of the Attorney General, or to the district attorney's
18 office for the purposes provided for in subsection J, K or L of this
19 section.

20 The Director, Commissioner, Attorney General or district
21 attorney shall attach to the petition:

22 a. a list describing the property, including all
23 identifying numbers and marks, if any,

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1 b. the date the property came into the possession of the
2 agency or district attorney, and

3 c. the name and address of the owner, if known.

4 For any item having an apparent value in excess of One Hundred
5 Dollars (\$100.00), but less than Five Hundred Dollars (\$500.00), the
6 notice of the hearing of the petition for the sale of the property,
7 except laboratory equipment used in the processing, manufacturing or
8 compounding of controlled dangerous substances in violation of the
9 provisions of the Uniform Controlled Dangerous Substances Act, shall
10 be given to every known owner, as set forth in the petition, by
11 first-class mail to the last-known address of the owner at least ten
12 (10) days prior to the date of the hearing. An affidavit of notice
13 being sent shall be filed with the court by a representative of the
14 agency, the Director or Commissioner of the agency, the Attorney
15 General or district attorney. For items in excess of Five Hundred
16 Dollars (\$500.00), a notice of the hearing of the petition for the
17 sale of said property shall be delivered to every known owner as set
18 forth in the petition by certified mail. Notice of a hearing on a
19 petition for forfeiture or sale of laboratory equipment used in the
20 processing, manufacturing or compounding of controlled dangerous
21 substances in violation of the Uniform Controlled Dangerous
22 Substances Act shall not be required.

23 The notice shall contain a brief description of the property,
24 and the location and date of the hearing. In addition, notice of

1 the hearing shall be posted in three public places in the county,
2 one such place being the county courthouse at the regular place
3 assigned for the posting of legal notices. At the hearing, if no
4 owner appears and establishes ownership of the property, the court
5 may enter an order authorizing the Director, Commissioner, Attorney
6 General, or district attorney to donate the property pursuant to
7 subsection J, K or L of this section, to sell the property at a
8 public auction, including an Internet auction, which may include
9 online bidding, to the highest bidder, or to convert title of the
10 property to the Oklahoma State Bureau of Narcotics and Dangerous
11 Drugs Control, the Department of Public Safety, the Oklahoma State
12 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
13 Commission, the Department of Corrections, or the Office of the
14 Attorney General for the purposes provided for in subsection J, K or
15 L of this section after at least ten (10) days of notice has been
16 given by publication in one issue of a legal newspaper of the
17 county. If the property is offered for sale at public auction,
18 including an Internet auction, and no bid is received that exceeds
19 fifty percent (50%) of the value of the property, such value to be
20 announced prior to the sale, the Director, Commissioner, Attorney
21 General, or district attorney may refuse to sell the item pursuant
22 to any bid received. The Director, Commissioner, Attorney General,
23 or district attorney shall make a return of the sale and, when

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1 confirmed by the court, the order confirming the sale shall vest in
2 the purchaser title to the property so purchased.

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

10 E. At the request of the Department of Public Safety, the
11 district attorney or a designee of the district attorney may conduct
12 any forfeiture proceedings as described in Section 2-503 of this
13 title on any property subject to forfeiture as described in
14 subsection A, B or C of Section 2-503 of this title. The money
15 received from the sale of property by the Department of Public
16 Safety shall be deposited in the Department of Public Safety
17 Restricted Revolving Fund and shall be expended for law enforcement
18 purposes.

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

22 G. The money received from the sale of property from the
23 Oklahoma State Bureau of Investigation shall be deposited in the
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1 OSBI Revolving Fund and shall be expended for law enforcement
2 purposes.

3 H. The Director of the Department of Corrections shall make a
4 return of the sale and when confirmed by the court, the order
5 confirming the sale shall vest in the purchaser title to the
6 property so purchased. Twenty-five percent (25%) of the money
7 received from the sale shall be disbursed to a revolving fund in the
8 office of the county treasurer of the county wherein the property
9 was seized, said fund to be used as a revolving fund solely for
10 enforcement of controlled dangerous substances laws, drug abuse
11 prevention and drug abuse education. The remaining seventy-five
12 percent (75%) shall be deposited in the Department of Corrections
13 Revolving Fund to be expended for equipment for probation and parole
14 officers and correctional officers.

15 I. The money received from the sale of property from the Office
16 of the Attorney General shall be deposited in the Attorney General
17 Law Enforcement Revolving Fund and shall be expended for law
18 enforcement purposes. The Office of the Attorney General may enter
19 into agreements with municipal, county or state agencies to return
20 to such an agency a percentage of proceeds of the sale of any
21 property seized by the agency and forfeited under the provisions of
22 this section.

23 J. Any property, including but not limited to uncontaminated
24 laboratory equipment used in the processing, manufacturing or

1 compounding of controlled dangerous substances in violation of the
2 provisions of the Uniform Controlled Dangerous Substances Act, upon
3 a court order, may be donated for classroom or laboratory use by the
4 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
5 Department of Public Safety, district attorney, the Alcoholic
6 Beverage Laws Enforcement Commission, the Department of Corrections,
7 or the Office of the Attorney General to any public secondary school
8 or technology center school in this state or any institution of
9 higher education within The Oklahoma State System of Higher
10 Education.

11 K. Any vehicle or firearm which has come into the possession
12 and title vested in the Oklahoma State Bureau of Narcotics and
13 Dangerous Drugs Control, the Department of Public Safety, the
14 Oklahoma State Bureau of Investigation, the Office of the Attorney
15 General or a district attorney, may be transferred, donated, sold at
16 a public sale, or offered for lease to any sheriff's office, tribal
17 law enforcement agency, campus police department pursuant to the
18 provisions of the Oklahoma Campus Security Act, or police department
19 in this state on an annual or semiannual basis to assist with the
20 enforcement of the provisions of the Uniform Controlled Dangerous
21 Substances Act. Each agency shall promulgate rules, regulations and
22 procedures for leasing or selling vehicles and firearms. No fully
23 automatic weapons will be subject to the leasing agreement or be
24 offered for sale. Only a firearms dealer licensed under Section 923

1 of Title 18 of the United States Code may purchase a pistol,
2 handgun, rifle, shotgun, or any other lawful firearm at a public
3 sale under the provisions of this subsection. All firearms leased
4 may be utilized only by C.L.E.E.T.-certified officers who have
5 received training in the type and class of weapon leased. Every
6 lessee shall be required to submit an annual report to the leasing
7 agency stating the condition of all leased property. A lease
8 agreement may be renewed annually at the option of the leasing
9 agency. Upon termination of a lease agreement, the property shall
10 be returned to the leasing agency for sale or other disposition.
11 All funds derived from lease agreements, public sale, or other
12 disposition of property no longer useful to law enforcement shall be
13 deposited in the agency's revolving fund, or in the case of the
14 Department of Public Safety, the Department of Public Safety
15 Restricted Revolving Fund, and shall be expended for law enforcement
16 purposes.

17 L. Before disposing of any property pursuant to subsections C
18 through I of this section, the Oklahoma State Bureau of Narcotics
19 and Dangerous Drugs Control, the Department of Public Safety, the
20 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State
21 Bureau of Investigation, the Department of Corrections, the Office
22 of the Attorney General, or a district attorney may transfer or
23 donate the property to another state agency, tribal law enforcement
24 agency, or school district for use upon request. In addition to the

1 provisions of this section, the Oklahoma State Bureau of Narcotics
2 and Dangerous Drugs Control may transfer or donate property for any
3 purpose pursuant to Section 2-106.2 of this title. The agencies and
4 any district attorney that are parties to any transfer of property
5 pursuant to this subsection shall enter into written agreements to
6 carry out any such transfer of property. Any such agreement may
7 also provide for the granting of title to any property being
8 transferred as the parties deem appropriate. If the transfer of
9 property is to a school district, a written agreement shall be
10 entered into with the superintendent of the school district. No
11 weapons may be transferred to a school district except as provided
12 for in subsection K of this section.

13 SECTION 3. This act shall become effective November 1, 2025.

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