

1 ENGROSSED HOUSE
2 BILL NO. 1185

By: West (Rick) of the House

3 and

4 Bergstrom of the Senate

5
6 An Act relating to firearms; amending 22 O.S. 2021,
7 Section 1325, which relates to unclaimed property in
8 possession of the sheriff; prohibiting the
9 destruction of historic military weapons; directing
10 agencies to donate weapons to certain veterans'
11 organizations; amending 63 O.S. 2021, Section 2-508,
12 which relates to the disposition of seized property;
13 prohibiting the destruction of historic military
14 firearms; directing agencies to donate weapons to
15 certain veterans' organizations; and providing an
16 effective date.

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

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

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

1 or money being unknown or not having claimed the same, and which the
2 sheriff or campus police agency has held for at least six (6)
3 months, and such property or money, or any part thereof, being no
4 longer needed to be held as evidence or otherwise used in connection
5 with any litigation.

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

23 C. Where disposition by public sale is appropriate, the
24 sheriff's office or campus police agency shall file an application

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

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

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1 of the owner being notified by publication and shall be published at
2 least ten (10) days prior to the date of the hearing.

3 E. At the hearing, if no owner appears and establishes
4 ownership to the property, the court shall enter an order
5 authorizing the sheriff's office or campus police agency to donate
6 property having a value of less than Five Hundred Dollars (\$500.00)
7 to a not-for-profit corporation as defined in Title 18 of the
8 Oklahoma Statutes or to sell the personal property to the highest
9 bidder for cash, after at least five (5) days of notice has been
10 given by publication in one issue of a legal newspaper of the
11 county. The sheriff's office or campus police agency shall make a
12 return of the donation or sale and, when confirmed by the court, the
13 order confirming the donation or sale shall vest in the recipient or
14 purchaser title to the property so donated or purchased.

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

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

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

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

19 H. The money received from the sale of personal property as
20 above provided, after payment of the court costs and other expenses,
21 if any, together with all money in possession of the sheriff's
22 office or campus police agency, which has been ordered by the court
23 to be deposited in the special fund, shall be deposited in such fund
24 which shall be separately maintained by the sheriff's office in a

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

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

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

16 Section 2-508. A. Except as otherwise provided, all property
17 described in paragraphs 1 and 2 of subsection A of Section 2-503 of
18 this title which is seized or surrendered pursuant to the provisions
19 of the Uniform Controlled Dangerous Substances Act shall be
20 destroyed. The destruction shall be done by or at the direction of
21 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
22 (OSBNDD), who shall have the discretion prior to destruction to
23 preserve samples of the substance for testing. In any county with a
24 population of four hundred thousand (400,000) or more according to

1 the latest Federal Decennial Census, there shall be a located site,
2 approved by the OSBNDD, for the destruction of the property. Any
3 such property submitted to the OSBNDD which it deems to be of use
4 for investigative training, educational, or analytical purposes may
5 be retained by the OSBNDD in lieu of destruction.

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

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

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

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

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

21 3. The written notice shall also inform the defendant, suspect
22 or counsel for the defendant or suspect that the destroying agency
23 must be notified in writing within seven (7) days from receipt of
24 the notice of the intent of the suspect or defendant to obtain

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

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

14 C. All other property not otherwise provided for in the Uniform
15 Controlled Dangerous Substances Act which has come into the
16 possession of the Oklahoma State Bureau of Narcotics and Dangerous
17 Drugs Control, the Department of Public Safety, the Oklahoma State
18 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
19 Commission, the Department of Corrections, the Office of the
20 Attorney General, or a district attorney may be disposed of by order
21 of the district court when no longer needed in connection with any
22 litigation. If the owner of the property is unknown to the agency
23 or district attorney, the agency or district attorney shall hold the
24 property for at least six (6) months prior to filing a petition for

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

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

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

18 The Director, Commissioner, Attorney General or district
19 attorney shall attach to the petition:

- 20 a. a list describing the property, including all
21 identifying numbers and marks, if any,
22 b. the date the property came into the possession of the
23 agency or district attorney, and
24 c. the name and address of the owner, if known.

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

20 The notice shall contain a brief description of the property,
21 and the location and date of the hearing. In addition, notice of
22 the hearing shall be posted in three public places in the county,
23 one such place being the county courthouse at the regular place
24 assigned for the posting of legal notices. At the hearing, if no

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

23 D. The money received from the sale of property by the Oklahoma
24 State Bureau of Narcotics and Dangerous Drugs Control shall be used

1 for general drug enforcement purposes. These funds shall be
2 transferred to the Bureau of Narcotics Revolving Fund established
3 pursuant to Section 2-107 of this title or in the case of a district
4 attorney, the revolving fund provided for in paragraph 3 of
5 subsection L of Section 2-506 of this title.

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

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

18 G. The money received from the sale of property from the
19 Oklahoma State Bureau of Investigation shall be deposited in the
20 OSBI Revolving Fund and shall be expended for law enforcement
21 purposes.

22 H. The Director of the Department of Corrections shall make a
23 return of the sale and when confirmed by the court, the order
24 confirming the sale shall vest in the purchaser title to the

1 property so purchased. Twenty-five percent (25%) of the money
2 received from the sale shall be disbursed to a revolving fund in the
3 office of the county treasurer of the county wherein the property
4 was seized, said fund to be used as a revolving fund solely for
5 enforcement of controlled dangerous substances laws, drug abuse
6 prevention and drug abuse education. The remaining seventy-five
7 percent (75%) shall be deposited in the Department of Corrections
8 Revolving Fund to be expended for equipment for probation and parole
9 officers and correctional officers.

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

18 J. Any property, including but not limited to uncontaminated
19 laboratory equipment used in the processing, manufacturing or
20 compounding of controlled dangerous substances in violation of the
21 provisions of the Uniform Controlled Dangerous Substances Act, upon
22 a court order, may be donated for classroom or laboratory use by the
23 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
24 Department of Public Safety, district attorney, the Alcoholic

1 Beverage Laws Enforcement Commission, the Department of Corrections,
2 or the Office of the Attorney General to any public secondary school
3 or technology center school in this state or any institution of
4 higher education within The Oklahoma State System of Higher
5 Education.

6 K. Any vehicle or firearm which has come into the possession
7 and title vested in the Oklahoma State Bureau of Narcotics and
8 Dangerous Drugs Control, the Department of Public Safety, the
9 Oklahoma State Bureau of Investigation, the Office of the Attorney
10 General or a district attorney, may be transferred, donated or
11 offered for lease to any sheriff's office, tribal law enforcement
12 agency, campus police department pursuant to the provisions of the
13 Oklahoma Campus Security Act, or police department in this state on
14 an annual basis to assist with the enforcement of the provisions of
15 the Uniform Controlled Dangerous Substances Act. Each agency shall
16 promulgate rules, regulations and procedures for leasing vehicles
17 and firearms. No fully automatic weapons will be subject to the
18 leasing agreement. All firearms leased may be utilized only by
19 C.L.E.E.T.-certified officers who have received training in the type
20 and class of weapon leased. Every lessee shall be required to
21 submit an annual report to the leasing agency stating the condition
22 of all leased property. A lease agreement may be renewed annually
23 at the option of the leasing agency. Upon termination of a lease
24 agreement, the property shall be returned to the leasing agency for

1 sale or other disposition. All funds derived from lease agreements
2 or other disposition of property no longer useful to law enforcement
3 shall be deposited in the agency's revolving fund, or in the case of
4 the Department of Public Safety, the Department of Public Safety
5 Restricted Revolving Fund, and shall be expended for law enforcement
6 purposes. If it is determined that the firearm is a weapon that has
7 historic military value, the agency having custody of the weapon
8 shall be prohibited from destroying said weapon and shall donate the
9 weapon to a local unit of a veterans' organization incorporated by
10 enactment of the Congress of the United States.

11 L. Before disposing of any property pursuant to subsections C
12 through I of this section, the Oklahoma State Bureau of Narcotics
13 and Dangerous Drugs Control, the Department of Public Safety, the
14 Alcoholic Beverage Laws Enforcement Commission, the Oklahoma State
15 Bureau of Investigation, the Department of Corrections, the Office
16 of the Attorney General, or a district attorney may transfer or
17 donate the property to another state agency, tribal law enforcement
18 agency, or school district for use upon request. In addition to the
19 provisions of this section, the Oklahoma State Bureau of Narcotics
20 and Dangerous Drugs Control may transfer or donate property for any
21 purpose pursuant to Section 2-106.2 of this title. The agencies and
22 any district attorney that are parties to any transfer of property
23 pursuant to this subsection shall enter into written agreements to
24 carry out any such transfer of property. Any such agreement may

1 also provide for the granting of title to any property being
2 transferred as the parties deem appropriate. If the transfer of
3 property is to a school district, a written agreement shall be
4 entered into with the superintendent of the school district. No
5 weapons may be transferred to a school district except as provided
6 for in subsection K of this section.

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

8 Passed the House of Representatives the 25th day of March, 2025.

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Presiding Officer of the House
of Representatives

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13 Passed the Senate the _____ day of _____, 2025.

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Presiding Officer of the Senate

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