

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 HOUSE BILL 1185

By: West (Rick) of the House

5 and

6 Bergstrom of the Senate

7

8 AS INTRODUCED

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

20

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

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

24 Section 1325. A. Any sheriff's office or campus police agency
25 as authorized under the Oklahoma Campus Security Act is authorized
26 to dispose of by public sale, destruction, donation, or transfer for
27 use to a governmental subdivision personal property which has come
28 into its possession, or deposit in a special fund, as hereafter

1 provided, all money or legal tender of the United States which has
2 come into its possession, whether the property or money be stolen,
3 embezzled, lost, abandoned or otherwise, the owner of the property
4 or money being unknown or not having claimed the same, and which the
5 sheriff or campus police agency has held for at least six (6)
6 months, and such property or money, or any part thereof, being no
7 longer needed to be held as evidence or otherwise used in connection
8 with any litigation.

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

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

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

1 publish legal notices is published in such county, the notice shall
2 be published in a newspaper of general circulation which is
3 published in an adjoining county. The notice shall state the name
4 of the owner being notified by publication and shall be published at
5 least ten (10) days prior to the date of the hearing.

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

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

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

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

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

22 H. The money received from the sale of personal property as
23 above provided, after payment of the court costs and other expenses,
24 if any, together with all money in possession of the sheriff's

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

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

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

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

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

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

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

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

15 2. If a defendant or suspect is known to the destroying agency,

16 the destroying agency shall give at least seven (7) days' written
17 notice to the defendant, suspect or counsel for the defendant or
18 suspect of:

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

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

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

18 C. All other property not otherwise provided for in the Uniform
19 Controlled Dangerous Substances Act which has come into the
20 possession of the Oklahoma State Bureau of Narcotics and Dangerous
21 Drugs Control, the Department of Public Safety, the Oklahoma State
22 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement
23 Commission, the Department of Corrections, the Office of the
24 Attorney General, or a district attorney may be disposed of by order

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

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

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

22 The Director, Commissioner, Attorney General or district
23 attorney shall attach to the petition:

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

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

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

1 or district attorney shall make a return of the sale and, when
2 confirmed by the court, the order confirming the sale shall vest in
3 the purchaser title to the property so purchased.

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

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

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

23 G. The money received from the sale of property from the
24 Oklahoma State Bureau of Investigation shall be deposited in the

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 or
16 offered for lease to any sheriff's office, tribal law enforcement
17 agency, campus police department pursuant to the provisions of the
18 Oklahoma Campus Security Act, or police department in this state on
19 an annual basis to assist with the enforcement of the provisions of
20 the Uniform Controlled Dangerous Substances Act. Each agency shall
21 promulgate rules, regulations and procedures for leasing vehicles
22 and firearms. No fully automatic weapons will be subject to the
23 leasing agreement. All firearms leased may be utilized only by
24 C.L.E.E.T.-certified officers who have received training in the type

1 and class of weapon leased. Every lessee shall be required to
2 submit an annual report to the leasing agency stating the condition
3 of all leased property. A lease agreement may be renewed annually
4 at the option of the leasing agency. Upon termination of a lease
5 agreement, the property shall be returned to the leasing agency for
6 sale or other disposition. All funds derived from lease agreements
7 or other disposition of property no longer useful to law enforcement
8 shall be deposited in the agency's revolving fund, or in the case of
9 the Department of Public Safety, the Department of Public Safety
10 Restricted Revolving Fund, and shall be expended for law enforcement
11 purposes. If it is determined that the firearm is a weapon that has
12 historic military value, the agency having custody of the weapon
13 shall be prohibited from destroying said weapon and shall donate the
14 weapon to a local unit of a veterans' organization incorporated by
15 enactment of the Congress of the United States.

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

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

12 SECTION 3. This act shall become effective November 1, 2025.
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14 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
OVERSIGHT, dated 02/26/2025 - DO PASS.
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