

1                           **SENATE FLOOR VERSION**  
2                           April 15, 2025

3 ENGROSSED HOUSE  
4 BILL NO. 1996

By: Turner of the House

5                           and  
6                           Hamilton of the Senate  
7

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

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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)

1 months, and such property or money, or any part thereof, being no  
2 longer needed to be held as evidence or otherwise used in connection  
3 with any litigation.

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

16       C. Where disposition by public sale is appropriate, the  
17 sheriff's office or campus police agency shall file an application  
18 in the district court of its county requesting the authority of the  
19 court to dispose of such personal property, and shall attach to the  
20 application a list describing the property, including all  
21 identifying numbers and marks, if any, the date the property came  
22 into the possession of the sheriff's office or campus police agency  
23 and the name and address of the owner, if known. The court shall

1 set the application for hearing not less than ten (10) days nor more  
2 than twenty (20) days after filing.

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

23       E. At the hearing, if no owner appears and establishes  
24 ownership to the property, the court shall enter an order

1 authorizing the sheriff's office or campus police agency to donate  
2 property having a value of less than Five Hundred Dollars (\$500.00)  
3 to a not-for-profit corporation as defined in Title 18 of the  
4 Oklahoma Statutes or to sell the personal property to the highest  
5 bidder for cash, after at least five (5) days of notice has been  
6 given by publication in one issue of a legal newspaper of the  
7 county. The sheriff's office or campus police agency shall make a  
8 return of the donation or sale and, when confirmed by the court, the  
9 order confirming the donation or sale shall vest in the recipient or  
10 purchaser title to the property so donated or purchased.

11 F. A sheriff's office having in its possession money or legal  
12 tender under the circumstances provided in subsection A of this  
13 section, prior to appropriating the same for deposit into a special  
14 fund, shall file an application in the district court of its county  
15 requesting the court to enter an order authorizing it to so  
16 appropriate the money for deposit in the special fund. The  
17 application shall describe the money or legal tender, together with  
18 serial numbers, if any, the date the same came into the possession  
19 of the sheriff's office or campus police agency, and the name and  
20 address of the owner, if known. Upon filing, the application, which  
21 may be joined with an application as described in subsection C of  
22 this section, shall be set for hearing not less than ten (10) days  
23 nor more than twenty (20) days from the filing thereof, and notice  
24 of the hearing shall be given as provided in subsection D of this

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

11 G. Where a sheriff's office or campus police agency has in its  
12 possession under the circumstances provided in subsection A of this  
13 section, personal property deemed to have potential utility to that  
14 sheriff's office, campus police agency or another governmental  
15 subdivision, prior to appropriating the personal property for use,  
16 the sheriff's office or campus police agency shall file an  
17 application in the district court requesting the court to enter an  
18 order authorizing it to so appropriate or transfer the property for  
19 use. The application shall describe the property, together with  
20 serial numbers, if any, the date the property came into the  
21 possession of the sheriff's office or campus police agency and the  
22 name and address of the owner, if known. Upon filing, the  
23 application, which may be joined with an application as described in  
24 subsection C of this section, shall be set for hearing not less than

1 ten (10) days nor more than twenty (20) days from the filing  
2 thereof. Notice of the hearing shall be given as provided in  
3 subsection D of this section. The notice shall state that, upon no  
4 one appearing to prove ownership to the personal property, the  
5 property will be ordered by the court to be delivered for use by the  
6 sheriff's office or campus police agency or its authorizing  
7 institution or transferred to another governmental subdivision for  
8 its use. The notice may be combined with a notice to sell personal  
9 property as set forth in subsection D of this section. At the  
10 hearing, if no one appears to claim and prove ownership to the  
11 personal property, the court shall order the property to be  
12 available for use by the sheriff's office or campus police agency or  
13 delivered to an appropriate person for use by the authorizing  
14 institution or another governmental subdivision.

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

1 programming. The fund or any portion of it may be expended in  
2 paying the expenses of the sheriff or any duly authorized deputy or  
3 employee of the campus police agency to attend law enforcement or  
4 public safety training courses which are conducted by the Oklahoma  
5 Council on Law Enforcement Education and Training (CLEET) or other  
6 certified trainers, providers, or agencies.

7 I. The disposition of biological evidence, as defined by  
8 Section 1372 of this title, shall be governed by the provisions set  
9 forth in Section 1372 of this title.

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

11 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
April 15, 2025 - DO PASS

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