

An Act

ENROLLED HOUSE
BILL NO. 1412

By: Joyner of the House

and

Ballenger of the Senate

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 1261, which relates to liquor and gambling paraphernalia; modifying filing procedure; and providing an effective date _____

SUBJECT: Seizure of liquor and gambling paraphernalia

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 1261, is amended to read as follows:

Section 1261. In all cases where wines, whiskey, beer or other intoxicating liquors mentioned in the Constitution or laws of this state or any personal property used for the purpose of violating any of the prohibitory liquor laws or gambling laws of this state, shall be seized by any officer or person with or without a search warrant, such officer or person is hereby required within five (5) days to make a written report under oath and file the same with the county court clerk of the proper or respective county where the same shall be so seized, which report shall in detail state the name of the officer or person making the seizure, the place where seized and an inventory of the property, articles or intoxicating liquors so taken into possession, and within said five (5) days said person is hereby required to deliver the same to the sheriff of the county and take the sheriff's receipt therefor, in duplicate and such sheriff shall retain the same and all thereof, until the same shall be destroyed pursuant to the orders of the court. In computing the time, five (5) days, Sundays and holidays shall be excluded and not counted. A duplicate copy of said receipt shall immediately be filed with said county court clerk, who shall keep a record of same, provided the sheriff and his deputies shall be required to make the affidavit and

issue the receipt and otherwise comply with the provisions of this act. Provided, that all liquors so seized shall be preserved for use as evidence in the trial of any action growing out of such seizure and all officers seizing any such liquors are hereby required to mark the bottles or containers for identification by writing thereon the date of the seizure and the name of the person from whom seized. The sheriff shall be liable on his bond for the safe keeping of all such property so turned over to him under the provisions of this act.

SECTION 2. This act shall become effective November 1, 2011.

Passed the House of Representatives the 7th day of March, 2011.

Chris Steele

Presiding Officer of the House of Representatives

Passed the Senate the 11th day of April, 2011.

Kevin Daniel

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this 12th
day of April, 2011,
at 12:01 o'clock P.M.

By: Jessica R. Payson

Approved by the Governor of the State of Oklahoma the 18th day of
April, 2011, at 2:19 o'clock P.M.

Mary Fallin

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
18th day of April, 2011,
at 3:21 o'clock P.M.

By: Michelle R. Day