

An Act

ENROLLED SENATE
BILL NO. 417

By: Fields of the Senate

and

Biggs of the House

An Act relating to the Oklahoma Department of Agriculture, Food, and Forestry; authorizing the Department to take possession of abandoned and stolen personal property; requiring maintenance and storage of certain records; authorizing the sale and disposal of certain property; providing for codification; and providing an effective date.

SUBJECT: Disposal of abandoned or stolen property by Department of Agriculture, Food, and Forestry

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-14.2 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Department of Agriculture, Food, and Forestry is hereby authorized to take possession of, store, and dispose of certain abandoned and stolen personal property as provided in this section.

B. The Department shall maintain a permanent record identifying the date and circumstances under which the Department acquired each piece of abandoned or stolen property, the place where each piece of property was found or located, and a detailed description of each article of property. All abandoned or stolen property shall be

stored in a suitable place to protect it from deterioration; provided, that if the property is perishable, it may be sold in a manner to maximize value as set forth in subsection C below.

C. If the abandoned or stolen personal property is of a perishable nature and reasonable attempts to locate and identify the owner of the property are not successful, the property may be sold at once without notice.

1. The Department shall use its best efforts to obtain the best possible price for the perishable property.

2. The proceeds from the sale shall be held in a segregated account for a period of six (6) months for the benefit of the property's owner.

3. Subsequent to the sale, notice concerning the holding of proceeds from the sale of the perishable property shall be published once a week for two (2) successive weeks in a newspaper of general circulation published in the city or town closest to the location where the property was recovered and, in the case of cities and towns in which no newspaper is published, by posting the notice in a conspicuous place at the city hall or police station.

4. If the proceeds are not claimed within six (6) months, after deducting and paying all expenses incurred in the recovery, storage, maintenance, and sale of the property, the net funds shall be deposited in the State Department of Agriculture Evidence and Law Enforcement Fund.

D. Six (6) months after the Department comes into possession of any other abandoned or stolen property, it may dispose of the property by public or private auction.

1. Notice of the time and place of sale shall first be given by publication of notice once a week for two (2) successive weeks in a newspaper of general circulation published in the city or town in question and, in the case of cities and towns in which no newspaper is published, by posting notice in a conspicuous place at the city hall or police station.

2. The first publication or posting of notice, as the case may be, shall be at least twenty (20) days before the sale.

3. Each article shall be sold separately and a notation in the permanent record shall be made of the amount received for each article of property.

4. The person making the sale shall have the right to reject any and all bids if the amount bid is unreasonably low and shall have the right to continue the sales from time to time.

5. After deducting and paying all expenses incurred in the taking up, storing, maintaining, and selling of the property, the balance, if any, shall be deposited in the State Department of Agriculture Evidence and Law Enforcement Fund.

SECTION 2. This act shall become effective November 1, 2015.

Passed the Senate the 30th day of April, 2015.

Nathan Dahm
Presiding Officer of the Senate

Passed the House of Representatives the 1st day of April, 2015.

Lee R. Dingman
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 4th
day of May, 20 15, at 3:30 o'clock P M.

By: Audrey Redwell

Approved by the Governor of the State of Oklahoma this 8th
day of May, 20 15, at 10:42 o'clock A M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 8th
day of May, 20 15, at 3:21 o'clock P M.

By: Ch. Benze