

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 673

By: Deevers

AS INTRODUCED

An Act relating to asset forfeiture; amending 21 O.S. 2021, Section 1738, as amended by Section 1, Chapter 133, O.S.L. 2023 (21 O.S. Supp. 2024, Section 1738), which relates to seizure and forfeiture proceedings; requiring forfeiture proceedings follow related criminal convictions; amending 63 O.S. 2021, Section 2-506, which relates to seizure of property by peace officer; requiring forfeiture proceedings follow related criminal convictions; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1738, as amended by Section 1, Chapter 133, O.S.L. 2023 (21 O.S. Supp. 2024, Section 1738), is amended to read as follows:

Section 1738. A. 1. Any commissioned peace officer of this state is authorized to seize any equipment, vehicle, airplane, vessel or any other conveyance that is used in the commission of any armed robbery offense defined in Section 801 of this title, used to facilitate the intentional discharge of any kind of firearm in violation of Section 652 of this title, used in violation of the Trademark Anti-Counterfeiting Act, used in the attempt or commission

1 of any act of burglary in the first or second degree, motor vehicle  
2 theft, unauthorized use of a vehicle, obliteration of distinguishing  
3 numbers on vehicles or criminal possession of vehicles with altered,  
4 removed or obliterated numbers as defined by Sections 1431, 1435,  
5 1716, 1719 and 1720 of this title or Sections 4-104 and 4-107 of  
6 Title 47 of the Oklahoma Statutes, used in the commission of any  
7 arson offense defined in Section 1401, 1402, 1403, 1404 or 1405 of  
8 this title, used in any manner to facilitate or participate in the  
9 commission of any human trafficking offense in violation of Section  
10 748 of this title, or used by any defendant when such vehicle or  
11 other conveyance is used in any manner by a prostitute, pimp or  
12 panderer to facilitate or participate in the commission of any  
13 prostitution offense in violation of Sections 1028, 1029 or 1030 of  
14 this title; provided, however, that the vehicle or conveyance of a  
15 customer or anyone merely procuring the services of a prostitute  
16 shall not be included.

17 2. No conveyance used by a person as a common carrier in the  
18 transaction of business as a common carrier shall be forfeited under  
19 the provisions of this section unless it shall appear that the owner  
20 or other person in charge of such conveyance was a consenting party  
21 or privy to the unlawful use of the conveyance in violation of this  
22 section.

23 3. No conveyance shall be forfeited under the provisions of  
24 this section by reason of any act or omission established by the  
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1 owner thereof to have been committed or omitted without the  
2 knowledge or consent of such owner, and if the act is committed by  
3 any person other than such owner, the owner shall establish further  
4 that the conveyance was unlawfully in the possession of a person  
5 other than the owner in violation of the criminal laws of the United  
6 States or of any state.

7 B. In addition to the property described in subsection A of  
8 this section, the following property is also subject to forfeiture  
9 pursuant to this section:

10 1. Property used in the commission of theft of livestock or in  
11 any manner to facilitate the theft of livestock;

12 2. The proceeds gained from the commission of theft of  
13 livestock;

14 3. Personal property acquired with proceeds gained from the  
15 commission of theft of livestock;

16 4. All conveyances, including aircraft, vehicles or vessels,  
17 and horses or dogs which are used to transport or in any manner to  
18 facilitate the transportation for the purpose of the commission of  
19 theft of livestock;

20 5. Any items having a counterfeit mark and all property that is  
21 owned by or registered to the defendant that is employed or used in  
22 connection with any violation of the Trademark Anti-Counterfeiting  
23 Act;

1           6. Any weapon possessed, used or available for use in any  
2 manner during the commission of a felony within the State of  
3 Oklahoma, or any firearm that is possessed by a convicted felon;

4           7. Any police scanner used in violation of Section 1214 of this  
5 title;

6           8. Any computer and its components and peripherals, including  
7 but not limited to the central processing unit, monitor, keyboard,  
8 printers, scanners, software, and hardware, when it is used in the  
9 commission of any crime in this state;

10          9. All property used in the commission of, or in any manner to  
11 facilitate, a violation of Section 1040.12a of this title;

12          10. All conveyances, including aircraft, vehicles or vessels,  
13 monies, coins and currency, or other instrumentality used or  
14 intended to be used, in any manner or part, to commit a violation of  
15 paragraph 1 of subsection A of Section 1021 of this title, where the  
16 victim of the crime is a minor child, subsection B of Section 1021  
17 of this title, Section 1021.2 of this title, paragraph 1 of  
18 subsection A of Section 1111 of this title, or paragraphs 2 and 3 of  
19 subsection A of Section 1123 of this title;

20          11. All conveyances, including aircraft, vehicles or vessels,  
21 monies, coins and currency, or other instrumentality used in any  
22 manner or part, to commit any violation of the provisions set forth  
23 in Section 748 of this title;

1           12. Any and all property used in any manner or part to  
2 facilitate, participate or further the commission of a human  
3 trafficking offense in violation of Section 748 of this title, and  
4 all property, including monies, real estate, or any other tangible  
5 assets or property of or derived from or used by a prostitute, pimp  
6 or panderer in any manner or part to facilitate, participate or  
7 further the commission of any prostitution offense in violation of  
8 Sections 1028, 1029 or 1030 of this title; provided, however, any  
9 monies, real estate or any other tangible asset or property of a  
10 customer or anyone merely procuring the services of a prostitute  
11 shall not be included;

12           13. Any vehicle, airplane, vessel, or parts of a vehicle whose  
13 numbers have been removed, altered or obliterated so as to prevent  
14 determination of the true identity or ownership of said property and  
15 parts of vehicles which probable cause indicates are stolen but  
16 whose true ownership cannot be determined;

17           14. Any and all equipment or instrumentality used in any manner  
18 or part to commit any act of catalytic converter theft in violation  
19 of subsection B of Section 1435 of this title and any monies, coins,  
20 currency, or financial instruments used, derived from or traceable  
21 as proceeds from a violation of subsection B of Section 1435 of this  
22 title;

23           15. Any and all equipment or instrumentality used in any manner  
24 or part to commit any act of copper theft in violation of Section  
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1 1727 of this title, and any monies, coins, currency, or financial  
2 instruments used, derived from or traceable as proceeds from a  
3 violation of Section 1727 of this title; and

4 16. Any and all equipment or instrumentality used in any manner  
5 or part to commit any violation of the Oklahoma Scrap Metal Dealers  
6 Act, and any monies, coins, currency, or financial instruments used  
7 or traceable as proceeds from a violation of the Oklahoma Scrap  
8 Metal Dealers Act.

9 C. Property described in subsection A or B of this section may  
10 be held as evidence until a forfeiture has been declared or a  
11 release ordered. ~~Forfeiture~~ Following the conviction of a person  
12 for an offense to which forfeiture applies, forfeiture actions under  
13 this section may be brought by the district attorney in the proper  
14 county of venue as petitioner; provided, in the event the district  
15 attorney elects not to file such action, or fails to file such  
16 action within ninety (90) days of the date of the ~~seizure of such~~  
17 ~~equipment~~ conviction, the property shall be returned to the owner.

18 D. Notice of seizure and intended forfeiture proceeding shall  
19 be filed in the office of the clerk of the district court for the  
20 county wherein such property is seized and shall be given all owners  
21 and parties in interest.

22 E. Notice shall be given according to one of the following  
23 methods:

1           1. Upon each owner or party in interest whose right, title, or  
2 interest is of record in the Oklahoma Tax Commission or with the  
3 county clerk for filings under the Uniform Commercial Code, served  
4 in the manner of service of process in civil cases prescribed by  
5 Section 2004 of Title 12 of the Oklahoma Statutes;

6           2. Upon each owner or party in interest whose name and address  
7 is known, served in the manner of service of process in civil cases  
8 prescribed by Section 2004 of Title 12 of the Oklahoma Statutes; or

9           3. Upon all other owners, whose addresses are unknown, but who  
10 are believed to have an interest in the property by one publication  
11 in a newspaper of general circulation in the county where the  
12 seizure was made.

13           F. Within sixty (60) days after the mailing or publication of  
14 the notice, the owner of the property and any other party in  
15 interest or claimant may file a verified answer and claim to the  
16 property described in the notice of seizure and of the intended  
17 forfeiture proceeding.

18           G. If at the end of sixty (60) days after the notice has been  
19 mailed or published there is no verified answer on file, the court  
20 shall hear evidence upon the fact of the unlawful use and may order  
21 the property forfeited to the state, if such fact is proven.

22           H. If a verified answer is filed, the forfeiture proceeding  
23 shall be set for hearing.

1 I. At the hearing the petitioner shall prove by clear and  
2 convincing evidence that property was used in the attempt or  
3 commission of an act specified in subsection A of this section or is  
4 property described in subsection B of this section with knowledge by  
5 the owner of the property.

6 J. The claimant of any right, title, or interest in the  
7 property may prove the lien, mortgage, or conditional sales contract  
8 to be bona fide and that the right, title, or interest created by  
9 the document was created without any knowledge or reason to believe  
10 that the property was being, or was to be, used for the purpose  
11 charged.

12 K. In the event of such proof, the court may order the property  
13 released to the bona fide or innocent owner, lien holder, mortgagee,  
14 or vendor if the amount due such person is equal to, or in excess  
15 of, the value of the property as of the date of the seizure, it  
16 being the intention of this section to forfeit only the right,  
17 title, or interest of the purchaser, except for items bearing a  
18 counterfeit mark or used exclusively to manufacture a counterfeit  
19 mark.

20 L. If the amount due to such person is less than the value of  
21 the property, or if no bona fide claim is established, the property  
22 may be forfeited to the state and may be sold pursuant to judgment  
23 of the court, as on sale upon execution, and as provided in Section  
24 2-508 of Title 63 of the Oklahoma Statutes, except as otherwise



1 provided for by law and for property bearing a counterfeit mark  
2 which shall be destroyed.

3 M. Property taken or detained pursuant to this section shall  
4 not be repleviable, but shall be deemed to be in the custody of the  
5 petitioner or in the custody of the law enforcement agency as  
6 provided in the Trademark Anti-Counterfeiting Act. Except for  
7 property required to be destroyed pursuant to the Trademark Anti-  
8 Counterfeiting Act, the petitioner shall release said property to  
9 the owner of the property if it is determined that the owner had no  
10 knowledge of the illegal use of the property or if there is  
11 insufficient evidence to sustain the burden of showing illegal use  
12 of such property. If the owner of the property stipulates to the  
13 forfeiture and waives the hearing, the petitioner may determine if  
14 the value of the property is equal to or less than the outstanding  
15 lien. If such lien exceeds the value of the property, the property  
16 may be released to the lien holder. Property which has not been  
17 released by the petitioner shall be subject to the orders and  
18 decrees of the court or the official having jurisdiction thereof.

19 N. The petitioner, or the law enforcement agency holding  
20 property pursuant to the Trademark Anti-Counterfeiting Act, shall  
21 not be held civilly liable for having custody of the seized property  
22 or proceeding with a forfeiture action as provided for in this  
23 section.

1 O. Attorney fees shall not be assessed against the state or the  
2 petitioner for any actions or proceeding pursuant to Section 1701 et  
3 seq. of this title.

4 P. The proceeds of the sale of any property shall be  
5 distributed as follows, in the order indicated:

6 1. To the bona fide or innocent purchaser, conditional sales  
7 vendor, or mortgagee of the property, if any, up to the amount of  
8 such person's interest in the property, when the court declaring the  
9 forfeiture orders a distribution to such person;

10 2. To the payment of the actual reasonable expenses of  
11 preserving the property;

12 3. To the victim of the crime to compensate said victim for any  
13 loss incurred as a result of the act for which such property was  
14 forfeited; and

15 4. The balance to a revolving fund in the office of the county  
16 treasurer of the county wherein the property was seized, to be  
17 distributed as follows: one-third (1/3) to the investigating law  
18 enforcement agency; one-third (1/3) of said fund to be used and  
19 maintained as a revolving fund by the district attorney to be used  
20 to defray any lawful expenses of the office of the district  
21 attorney; and one-third (1/3) to go to the jail maintenance fund,  
22 with a yearly accounting to the board of county commissioners in  
23 whose county the fund is established. If the petitioner is not the  
24 district attorney, then the one-third (1/3) which would have been

1 designated to that office shall be distributed to the petitioner.

2 Monies distributed to the jail maintenance fund shall be used to pay  
3 costs for the storage of such property if such property is ordered  
4 released to a bona fide or innocent owner, lien holder, mortgagee,  
5 or vendor and if such funds are available in said fund.

6 Q. If the court finds that the property was not used in the  
7 attempt or commission of an act specified in subsection A of this  
8 section and was not property subject to forfeiture pursuant to  
9 subsection B of this section and is not property bearing a  
10 counterfeit mark, the court shall order the property released to the  
11 owner as the right, title, or interest appears on record in the Tax  
12 Commission as of the seizure.

13 R. No vehicle, airplane, or vessel used by a person as a common  
14 carrier in the transaction of business as a common carrier shall be  
15 forfeited pursuant to the provisions of this section unless it shall  
16 be proven that the owner or other person in charge of such  
17 conveyance was a consenting party or privy to the attempt or  
18 commission of an act specified in subsection A or B of this section.  
19 No property shall be forfeited pursuant to the provisions of this  
20 section by reason of any act or omission established by the owner  
21 thereof to have been committed or omitted without the knowledge or  
22 consent of such owner, and by any person other than such owner while  
23 such property was unlawfully in the possession of a person other  
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1 than the owner in violation of the criminal laws of the United  
2 States or of any state.

3 S. Whenever any property is forfeited pursuant to this section,  
4 the district court having jurisdiction of the proceeding may order  
5 that the forfeited property may be retained for its official use by  
6 the state, county, or municipal law enforcement agency which seized  
7 the property.

8 SECTION 2. AMENDATORY 63 O.S. 2021, Section 2-506, is  
9 amended to read as follows:

10 Section 2-506. A. Any peace officer of this state shall seize  
11 the following property:

12 1. Any property described in subsection A of Section 2-503 of  
13 this title. Such property shall be held as evidence until a  
14 forfeiture has been declared or release ordered, except for property  
15 described in paragraphs 1, 2 and 3 of subsection A of Section 2-503  
16 of this title, or in the case of money, coins, and currency,  
17 deposited as provided in subsection E of Section 2-503 of this  
18 title; provided, any money, coins and currency taken or detained  
19 pursuant to this section may be deposited in an interest-bearing  
20 account by or at the direction of the district attorney in the  
21 office of the county treasurer if the district attorney determines  
22 the currency is not to be held as evidence. All interest earned on  
23 such monies shall be returned to the claimant or forfeited with the  
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1 money, coins and currency which was taken or detained as provided by  
2 law;

3 2. Any property described in subsection B of Section 2-503 of  
4 this title; or

5 3. Any property described in subsection C of Section 2-503 of  
6 this title.

7 B. Forfeiture actions under this section may only be brought  
8 following the conviction of a person for an offense to which  
9 forfeiture applies. Notice of seizure and intended forfeiture  
10 proceeding shall be filed in the office of the clerk of the district  
11 court for the county wherein such property is seized and shall be  
12 given all owners and parties in interest. Notwithstanding any other  
13 provision of law, no filing fees shall be assessed by the court  
14 clerk for the filing of any forfeiture action.

15 C. Notice shall be given by the agency seeking forfeiture  
16 according to one of the following methods:

17 1. Upon each owner or party in interest whose right, title or  
18 interest is of record in the Tax Commission, by mailing a copy of  
19 the notice by certified mail to the address as given upon the  
20 records of the Tax Commission;

21 2. Upon each owner or party in interest whose name and address  
22 is known to the attorney in the office of the agency prosecuting the  
23 action to recover unpaid fines, by mailing a copy of the notice by  
24 registered mail to the last-known address; or

1           3. Upon all other owners or interested parties, whose addresses  
2 are unknown, but who are believed to have an interest in the  
3 property, by one publication in a newspaper of general circulation  
4 in the county where the seizure was made.

5           D. Within forty-five (45) days after the mailing or publication  
6 of the notice, the owner of the property and any other party in  
7 interest or claimant may file a verified answer and claim to the  
8 property described in the notice of seizure and of the intended  
9 forfeiture proceeding.

10          E. If at the end of forty-five (45) days after the notice has  
11 been mailed or published there is no verified answer on file, the  
12 court shall hear evidence upon the fact of the unlawful use and  
13 shall order the property forfeited to the state, if such fact is  
14 proved. Except as otherwise provided for in Section 2-503 of this  
15 title, any such property shall be forfeited to the state and sold  
16 under judgment of the court pursuant to the provisions of Section 2-  
17 508 of this title.

18          F. If a verified answer is filed, the forfeiture proceeding  
19 shall be set for hearing.

20          G. At a hearing in a proceeding against property described in  
21 paragraphs 3 through 9 of subsection A or subsections B and C of  
22 Section 2-503 of this title, the requirements set forth in said  
23 paragraph or subsection, respectively, shall be satisfied by the  
24 state by a preponderance of the evidence.

1 H. The claimant of any right, title, or interest in the  
2 property may prove a lien, mortgage, or conditional sales contract  
3 to be a bona fide or innocent ownership interest and that such  
4 right, title, or interest was created without any knowledge or  
5 reason to believe that the property was being, or was to be, used  
6 for the purpose charged.

7 I. In the event of such proof, the court shall order the  
8 property released to the bona fide or innocent owner, lien holder,  
9 mortgagee or vendor if the amount due him is equal to, or in excess  
10 of, the value of the property as of the date of the seizure, it  
11 being the intention of this section to forfeit only the right, title  
12 or interest of the purchaser.

13 J. If the amount due to such person is less than the value of  
14 the property, or if no bona fide claim is established, the property  
15 shall be forfeited to the state and sold under judgment of the  
16 court, as provided for in Section 2-508 of this title, except as  
17 otherwise provided for in Section 2-503 of this title.

18 K. Property taken or detained under this section shall not be  
19 repleviable, but shall be deemed to be in the custody of the office  
20 of the district attorney of the county wherein the property was  
21 seized, subject only to the orders and decrees of the court or the  
22 official having jurisdiction thereof; said official shall maintain a  
23 true and accurate inventory and record of all such property seized  
24 under the provisions of this section. The provisions of this

1 subsection shall not apply to property taken or detained by the  
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the  
3 Department of Public Safety, the Oklahoma State Bureau of  
4 Investigation, the Alcoholic Beverage Laws Enforcement Commission,  
5 the Department of Corrections or the Office of the Attorney General.  
6 Property taken or detained by the Oklahoma State Bureau of Narcotics  
7 and Dangerous Drugs Control, the Department of Public Safety, the  
8 Oklahoma State Bureau of Investigation, the Alcoholic Beverage Laws  
9 Enforcement Commission, the Department of Corrections or the Office  
10 of the Attorney General shall be subject to the provisions of  
11 subsections E and F of Section 2-503 of this title.

12 L. The proceeds of the sale of any property not taken or  
13 detained by the Oklahoma State Bureau of Narcotics and Dangerous  
14 Drugs Control, the Department of Public Safety, the Oklahoma State  
15 Bureau of Investigation, the Alcoholic Beverage Laws Enforcement  
16 Commission, the Department of Corrections or the Office of the  
17 Attorney General shall be distributed as follows, in the order  
18 indicated:

19 1. To the bona fide or innocent purchaser, conditional sales  
20 vendor or mortgagee of the property, if any, up to the amount of his  
21 or her interest in the property, when the court declaring the  
22 forfeiture orders a distribution to such person;

23 2. To the payment of the actual expenses of preserving the  
24 property and legitimate costs related to the civil forfeiture



1 proceedings. For purposes of this paragraph, the term "legitimate  
2 costs" shall not include court costs associated with any civil  
3 forfeiture proceeding; and

4 3. The balance to a revolving fund in the office of the county  
5 treasurer of the county wherein the property was seized, said fund  
6 to be used as a revolving fund solely for enforcement of controlled  
7 dangerous substances laws, drug abuse prevention and drug abuse  
8 education, and maintained by the district attorney in his or her  
9 discretion for those purposes with a yearly accounting to the board  
10 of county commissioners in whose county the fund is established and  
11 to the District Attorneys Council; provided, one hundred percent  
12 (100%) of the balance of the proceeds of such sale of property  
13 forfeited due to nonpayment of a fine imposed pursuant to the  
14 provisions of Section 2-415 of this title shall be apportioned as  
15 provided in Section 2-416 of this title. The revolving fund shall  
16 be audited by the State Auditor and Inspector at least every two (2)  
17 years in the manner provided in Section 171 of Title 19 of the  
18 Oklahoma Statutes. Said audit shall include, but not be limited to,  
19 a compliance audit. A district attorney may enter into agreements  
20 with municipal, tribal, county or state agencies to return to such  
21 an agency a percentage of proceeds of the sale of any property  
22 seized by the agency and forfeited under the provisions of this  
23 section. The District Attorneys Council shall adopt guidelines  
24 which ensure that such agencies receive a reasonable percentage of

1 such proceeds, considering the relative contribution of each agency  
2 to the drug enforcement and prosecution operations relating to the  
3 seizure. In formulating said guidelines, the District Attorneys  
4 Council shall examine federal guidelines on asset distribution and  
5 use said guidelines as a basis for establishing guidelines for this  
6 state. The Attorney General is hereby authorized to mediate  
7 disputes between district attorneys and such agencies concerning the  
8 application of said guidelines in particular instances. Any agency  
9 that receives proceeds from an asset distribution shall maintain a  
10 true and accurate record of all such assets.

11 M. Whenever any vehicle, airplane or vessel is forfeited under  
12 the Uniform Controlled Dangerous Substances Act, the district court  
13 of jurisdiction may order that the vehicle, airplane or vessel  
14 seized may be retained by the state, county or city law enforcement  
15 agency which seized the vehicle, airplane or vessel for its official  
16 use.

17 N. If the court finds that the state failed to satisfy the  
18 required showing provided for in subsection G of this section, the  
19 court shall order the property released to the owner or owners.

20 O. Except as provided for in subsection Q of this section, a  
21 bona fide or innocent owner, lien holder, mortgagee or vendor that  
22 recovers property pursuant to this section shall not be liable for  
23 storage fees.

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1 P. Except as provided for in subsection Q of this section,  
2 storage fees shall be paid by the agency which is processing the  
3 seizure and forfeiture from funds generated by seizure and  
4 forfeiture actions.

5 Q. The bona fide or innocent owner, lien holder, mortgagee or  
6 vendor shall reclaim subject seized property within thirty (30) days  
7 of written notice from the seizing agency. If such person fails to  
8 reclaim the property within the thirty-day time period, then storage  
9 fees may be assessed against their secured interest.

10 R. 1. At any hearing held relevant to this section, a report  
11 of the findings of the laboratory of the Oklahoma State Bureau of  
12 Investigation, the medical examiner's report of investigation or  
13 autopsy report, or a laboratory report from a forensic laboratory  
14 operated by the State of Oklahoma or any political subdivision  
15 thereof, which has been made available to the accused by the office  
16 of the district attorney or other party to the forfeiture at least  
17 five (5) days prior to the hearing, with reference to all or part of  
18 the evidence submitted, when certified as correct by the persons  
19 making the report shall be received as evidence of the facts and  
20 findings stated, if relevant and otherwise admissible in evidence.  
21 If such report is deemed relevant by the forfeiture applicant or the  
22 respondent, the court shall admit such report without the testimony  
23 of the person making the report, unless the court, pursuant to this  
24 subsection, orders such person to appear.

1           2. When any alleged controlled dangerous substance has been  
2 submitted to the laboratory of the OSBI for analysis, and such  
3 analysis shows that the submitted material is a controlled dangerous  
4 substance, the distribution of which constitutes a felony under the  
5 laws of this state, no portion of such substance shall be released  
6 to any other person or laboratory except to the criminal justice  
7 agency originally submitting the substance to the OSBI for analysis,  
8 absent an order of a district court. The defendant shall  
9 additionally be required to submit to the court a procedure for  
10 transfer and analysis of the subject material to ensure the  
11 integrity of the sample and to prevent the material from being used  
12 in any illegal manner.

13           3. The court, upon motion of either party, shall order the  
14 attendance of any person preparing a report submitted as evidence in  
15 the hearing when it appears there is a substantial likelihood that  
16 material evidence not contained in said report may be produced by  
17 the testimony of any person having prepared a report. The hearing  
18 shall be held and, if sustained, an order issued not less than five  
19 (5) days prior to the time when the testimony shall be required.

20           4. If within five (5) days prior to the hearing or during a  
21 hearing, a motion is made pursuant to this section requiring a  
22 person having prepared a report to testify, the court may hear a  
23 report or other evidence but shall continue the hearing until such  
24 time notice of the motion and hearing is given to the person making

1 the report, the motion is heard, and, if sustained, the testimony  
2 ordered can be given.

3 S. In any forfeiture proceeding under this chapter in which the  
4 defendant or claimant prevails, the court may order the plaintiff  
5 processing the seizure and forfeiture to pay from funds generated by  
6 seizure and forfeiture actions:

7 1. Reasonable attorney fees and other litigation costs  
8 reasonably incurred by the defendant or claimant directly related to  
9 the claim on which the defendant or claimant prevailed;

10 2. Postjudgment interest; and

11 3. In cases involving currency or other negotiable instruments:

12 a. interest actually paid to the state from the date of  
13 seizure or arrest of the property that resulted from  
14 the investment of the property in an interest-bearing  
15 account or instrument, and

16 b. an imputed amount of interest that such currency,  
17 instruments, or proceeds would have earned at the rate  
18 applicable to the thirty-day Treasury Bill, for any  
19 period during which no interest was paid, not  
20 including any period when the property reasonably was  
21 in use as evidence in an official proceeding or in  
22 conducting scientific tests for the purpose of  
23 collecting evidence, commencing fifteen (15) days  
24 after the property was seized by a law enforcement

1 agency or was turned over to a law enforcement agency  
2 by a federal law enforcement authority.

3 SECTION 3. This act shall become effective November 1, 2025.  
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5 60-1-1397 TEK 1/19/2025 5:41:08 AM  
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