

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 27

BY: ROBERTS

AS INTRODUCED

AN ACT RELATING TO CRIMES AND PUNISHMENTS AND
CRIMINAL PROCEDURE; AMENDING SECTION 1, CHAPTER 84,
O.S.L. 1985 (21 O.S. SUPP. 1990, SECTION 445),
WHICH RELATES TO UNAUTHORIZED ENTRY INTO PENAL
INSTITUTION AND SECTION 1, CHAPTER 87, O.S.L. 1987
(22 O.S. SUPP. 1990, SECTION 18), WHICH RELATES TO
EXPUNGEMENT OF RECORDS; MODIFYING LANGUAGE;
MODIFYING STATUTORY REFERENCE; AND DECLARING AN
EMERGENCY.

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

SECTION 1. AMENDATORY Section 1, Chapter 84, O.S.L. 1985
(21 O.S. Supp. 1990, Section 445), is amended to read as follows:

Section 445. Any person who willfully gains unauthorized entry
into any state penal institution, jail, any place where prisoners
are located, or the penal institution grounds, upon conviction,
shall be guilty of a felony punishable by imprisonment in the State
Penitentiary for not less than one (1) year ~~or~~ nor more than five
(5) years, or by the imposition of a fine of not less than Five
Hundred Dollars (\$500.00) ~~or~~ nor more than One Thousand Dollars
(\$1,000.00), or by both such fine and imprisonment.

SECTION 2. AMENDATORY Section 1, Chapter 87, O.S.L. 1987 (22 O.S. Supp. 1990, Section 18), is amended to read as follows:

Section 18. Persons authorized to file a motion for expungement, as provided herein, must be within one of the following categories:

1. ~~the~~ The person has been acquitted;
2. ~~the~~ The person was arrested and no charges are filed or charges are dismissed within one (1) year of the arrest; or
3. ~~the~~ The statute of limitations on the offense had expired and no charges were filed.

For purposes of ~~this act~~ Sections 18 and 19 of this title, "expungement" shall mean the sealing of criminal records.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.