

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)
2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 440

By: Smith of the Senate

and

Hastings, Vaughn, Davis
and Pettigrew of the
House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 18, as amended by Section 1, Chapter 151, O.S.L. 1992 (22 O.S. Supp. 1996, Section 18), which relates to expungement of records; expanding categories of persons authorized to file a motion for expungement; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 18, as amended by Section 1, Chapter 151, O.S.L. 1992 (22 O.S. Supp. 1996, 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 person has been acquitted;
2. The conviction was reversed with instructions to dismiss by an appellate court of competent jurisdiction, or an appellate court of competent jurisdiction reversed the conviction and the district attorney subsequently dismissed the charge;
3. The person was arrested and no charges are filed or charges are dismissed within one (1) year of the arrest;
- ~~3.~~ 4. The statute of limitations on the offense had expired and no charges were filed; or

~~4.~~ 5. The person was under eighteen (18) years of age at the time the offense was committed and the person has received a full pardon for the offense.

For purposes of this act, "expungement" shall mean the sealing of criminal records.

SECTION 2. 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.

46-1-7826

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