

ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE BILL NO. 1185

By: Thornbrugh, Boyd (Laura)
and Satterfield of the
House

and

Long (Lewis) of the
Senate

An Act relating to criminal procedure; amending 22
O.S. 1991, Section 1325, which relates to the
disposition of unclaimed personal property in a
sheriff's possession; authorizing campus police
agency to dispose of personal property in same
manner as sheriff; authorizing property to be sold,
destroyed, discarded, donated or transferred;
providing procedure for application, hearing and
notice for disposition of personal property;
establishing special funds where proceeds of sales
will be deposited; authorizing expenditures from
special funds; and providing an effective date.

AMENDMENT NO. 1. Page 1, line 18 1/2, insert new Sections 1
through 4 to read as follows

"SECTION 1. AMENDATORY 22 O.S. 1991, Section 18, as
amended by Section 1, Chapter 151, O.S.L. 1992 (22 O.S. Supp. 1994,
Section 18) is amended to read as follows:

Section 18. A. 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 person was arrested and no charges are filed or charges are dismissed ~~within one (1) year of the arrest;~~
3. the statute of limitations on the offense had expired and no charges were filed; ~~or~~
4. the person was under eighteen (18) years of age at the time the offense was committed and the person has received a full pardon from the Governor for the offense; or
5. The person has received a full pardon from the Governor for an offense that was:

- a. a nonviolent offense as defined in Section 571 of Title 57 of the Oklahoma Statutes.
- b. an offense that did not require the offender to comply with the provisions of the "Sex Offenders Registration Act" as set forth in Section 582 of Title 57 of the Oklahoma Statutes, and
- c. an offense that was not prohibited by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, and ten (10) years have passed since the completion of the sentence for the offense which has been pardoned, and no subsequent conviction of any crime, other than traffic offenses, has been entered against the person since the date of conviction for the offense which has been pardoned and no criminal charges are pending against the person in any state at the time the expungement is requested.

B. For purposes of this ~~act~~ section and Section 19 of this title, "expungement" shall mean the sealing of criminal records.

SECTION 2. AMENDATORY 22 O.S. 1991, Section 1105, is amended to read as follows:

Section 1105. Upon the allowance of bail and the execution of the requisite recognizance, bond or undertaking, to the state, the magistrate, judge or court, must, if the defendant is in custody, make and sign an order for his discharge, upon the delivery of which to the proper officer the defendant must be discharged. The magistrate, judge, or court, in its discretion, may authorize by court rule that the court clerk or deputy court clerk, or the sheriff or deputy sheriff, prepare and execute the order of release upon the court's behalf.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1114 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. 1. In all misdemeanor cases in which bond has been posted, the bond shall be exonerated if no action has been taken by the court within twenty-four (24) months from the date the bond was posted.

2. In all felony cases in which bond has been posted, the bond shall be exonerated if no action has been taken by the court within thirty-six (36) months from the date the bond was posted.

B. The time periods set forth in subsection A of this section may be extended by agreement between the bail bondsman and the district attorney with the approval of the court.

SECTION 4. AMENDATORY 22 O.S. 1991, Section 1230, is amended to read as follows:

Section 1230. Search warrants for occupied dwellings shall be served ~~during~~ between the hours of six o'clock a.m. ~~to~~ and ten o'clock p.m., inclusive, unless the judge finds the existence of at least one of the following circumstances: the evidence is located on the premises only between the hours of ten o'clock p.m. and six o'clock a.m.; the search to be performed is a crime scene search; the subject of the warrant is a fugitive and/or the subject of an outstanding arrest warrant; or the affidavits be positive that the

property is on the person, or in the place to be searched and the judge finds that there is likelihood that the property named in the search warrant will be destroyed, moved or concealed. ~~In which case~~
If any of the above criteria are met the judge may insert a direction that ~~it~~ the warrant be served at any time of the day or night. Search warrants for sites other than occupied dwellings may be served at any time of the day or night without special direction."

and renumber subsequent sections

AMENDMENT NO. 2. Page 1, lines 9 through 15, strike the title to read

"[criminal procedure - campus police agencies - personal property disposal - effective date]"

AMENDMENT NO. 3. Page 5, line 14 1/2, insert a new Section 6 to read as follows

"SECTION 6. AMENDATORY 22 O.S. 1991, Section 175, is amended to read as follows:

Section 175. All warrants, ~~except those issued for violation of city ordinances,~~ may be served in any county in the state; and may be served by any peace officer to whom they may be directed or delivered."

and renumber subsequent section

and conform the title to reflect the amendments when restored

Passed the Senate the 11th day of April, 1995.

President of the Senate

Passed the House of Representatives the ____ day of
_____, 1995.

Speaker of the House of
Representatives