

SHORT TITLE: Criminal procedure; providing for additional category for expungement; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 93

By: Brown

AS INTRODUCED

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. 1994, Section 18), which relates to expungement of records; providing for additional category for expungement; and providing an effective date.

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. 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 for the offense; or
5. The person has been convicted of a crime which is:

- a. a nonviolent offense as defined in Section 571 of Title 57 of the Oklahoma Statutes,
- b. an offense that does 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. not an offense prohibited by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes.

To be eligible for expungement, a person categorized under this paragraph must be the recipient of a full pardon from the Governor, must show that ten (10) years have passed since the completion of the sentence with no subsequent conviction of any crime, other than traffic offenses, and must have no criminal charges currently pending in any state.

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

SECTION 2. This act shall become effective November 1, 1995.

45-1-0728

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