

ENROLLED HOUSE
BILL NO. 2271

By: Coleman of the House

and

Reynolds of the Senate

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 18, as last amended by Section 17, Chapter 3, O.S.L. 2003 (22 O.S. Supp. 2003, Section 18), which relates to expungement of records; modifying grounds for expungement; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 18, as last amended by Section 17, Chapter 3, O.S.L. 2003 (22 O.S. Supp. 2003, 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 factual innocence of the person was established by the use of deoxyribonucleic acid (DNA) evidence subsequent to conviction;
4. The person was arrested and no charges of any type, including charges for an offense different than that for which the person was originally arrested are filed or charges are dismissed within one (1) year of the arrest, or all charges are dismissed on the merits;
5. The statute of limitations on the offense had expired and no charges were filed;
6. 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;
7. The offense was a misdemeanor, the person has not been convicted of any other misdemeanor or felony, no felony or misdemeanor charges are pending against the person, and at least ten (10) years have passed since the judgment was entered; or

8. The offense was a nonviolent felony, as defined in Section 571 of Title 57 of the Oklahoma Statutes, the person has received a full pardon for the offense, the person has not been convicted of any other misdemeanor or felony, no felony or misdemeanor charges are pending against the person, and at least ten (10) years have passed since the conviction.

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

SECTION 2. This act shall become effective November 1, 2004.

Passed the House of Representatives the 3rd day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 20th day of April, 2004.

Presiding Officer of the Senate