

EHB 2271

THE STATE SENATE
Thursday, April 8, 2004

ENGROSSED

House Bill No. 2271

As Amended

ENGROSSED HOUSE BILL NO. 2271 - By: COLEMAN of the House and REYNOLDS of the Senate.

[criminal procedure - amending 22 O.S., Section 18 - expungement of records - effective date]

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;

1 4. The person was arrested and no charges of any type,
2 including charges for an offense different than that for which the
3 person was originally arrested are filed or **all** charges are
4 dismissed ~~within one (1) year of the arrest;~~

5 5. The statute of limitations on the offense had expired and no
6 charges were filed;

7 6. The person was under eighteen (18) years of age at the time
8 the offense was committed and the person has received a full pardon
9 for the offense;

10 7. The offense was a misdemeanor, the person has not been
11 convicted of any other misdemeanor or felony, no felony or
12 misdemeanor charges are pending against the person, and at least ten
13 (10) years have passed since the judgment was entered; or

14 8. The offense was a nonviolent felony, as defined in Section
15 571 of Title 57 of the Oklahoma Statutes, the person has received a
16 full pardon for the offense, the person has not been convicted of
17 any other misdemeanor or felony, no felony or misdemeanor charges
18 are pending against the person, and at least ten (10) years have
19 passed since the conviction.

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-30-04 - DO
24 PASS, As Amended.