

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 619

By: Wilcoxson

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 18, as amended by Section 1, Chapter 475, O.S.L. 2002 (22 O.S. Supp. 2002, Section 18), which relates to expungement of criminal records; providing for expungement of criminal record for certain young adults and nonviolent offenders after certain period of time and under certain conditions; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 18, as amended by Section 1, Chapter 475, O.S.L. 2002 (22 O.S. Supp. 2002, 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 of the offense;
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 ~~are~~ were filed or charges ~~are~~ were dismissed ~~within one (1) year of the arrest~~;
5. The statute of limitations on the offense had expired and no charges were filed;

6. The person was a juvenile or 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 person was under eighteen (18) years of age at the time the offense was committed and at least ten (10) years have passed since the completion date of the sentence, and the person has not been convicted of any other misdemeanor or felony offense and no misdemeanor or felony charges are pending against the person.

8. 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. 9. 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; or~~

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

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.