

1 ENGROSSED SENATE
2 BILL NO. 2200

By: Sweeden and Johnson
(Constance) of the Senate

3 and

4 Sullivan of the House

5
6
7 [criminal procedure - expungement of records -
8 effective date]

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

11 SECTION 1. AMENDATORY 22 O.S. 2001, Section 18, as last
12 amended by Section 7, Chapter 2, O.S.L. 2009 (22 O.S. Supp. 2009,
13 Section 18), is amended to read as follows:

14 Section 18. Persons authorized to file a motion for
15 expungement, as provided herein, must be within one of the following
16 categories:

17 1. The person has been acquitted;

18 2. The conviction was reversed with instructions to dismiss by
19 an appellate court of competent jurisdiction, or an appellate court
20 of competent jurisdiction reversed the conviction and the district
21 attorney subsequently dismissed the charge;

22 3. The factual innocence of the person was established by the
23 use of deoxyribonucleic acid (DNA) evidence subsequent to

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1 conviction, including a person who has been released from prison at
2 the time innocence was established;

3 4. The person has received a full pardon on the basis of a
4 written finding by the Governor of actual innocence for the crime
5 for which the claimant was sentenced;

6 5. The person was arrested and no charges of any type,
7 including charges for an offense different than that for which the
8 person was originally arrested are filed or charges are dismissed
9 within one (1) year of the arrest, or all charges are dismissed on
10 the merits;

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

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

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

20 9. The offense was a nonviolent felony, as defined in Section
21 571 of Title 57 of the Oklahoma Statutes, ~~the person has received a~~
22 ~~full pardon for the offense,~~ the person has not been convicted of
23 any other misdemeanor or felony, no felony or misdemeanor charges
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1 are pending against the person, and at least ten (10) years have
2 passed since the ~~conviction~~ expiration of the sentence; or

3 10. The person has been charged or arrested or is the subject
4 of an arrest warrant for a crime that was committed by another
5 person who has appropriated or used the person's name or other
6 identification without the person's consent or authorization.

7 For purposes of this act, "expungement" shall mean the sealing
8 of criminal records. Records expunged pursuant to paragraph 10 of
9 this section shall be sealed to the public but not to law
10 enforcement agencies for law enforcement purposes.

11 SECTION 2. This act shall become effective November 1, 2010.

12 Passed the Senate the 10th day of March, 2010.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2010.

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Presiding Officer of the House
of Representatives

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