

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3143

By: Shelton

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5  
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2001, Section 18, as last amended by Section 7,  
9 Chapter 2, O.S.L. 2009 (22 O.S. Supp. 2009, Section  
10 18), which relates to expungement of arrest records;  
11 modifying certain expungement categories; and  
12 providing an effective date.

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

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

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

- 20 1. The person has been acquitted;
- 21 2. The conviction was reversed with instructions to dismiss by  
22 an appellate court of competent jurisdiction, or an appellate court  
23 of competent jurisdiction reversed the conviction and the district  
24 attorney subsequently dismissed the charge;

1           3. The factual innocence of the person was established by the  
2 use of deoxyribonucleic acid (DNA) evidence subsequent to  
3 conviction, including a person who has been released from prison at  
4 the time innocence was established;

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

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

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

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

18           8. The offense was a misdemeanor, the person has not been  
19 convicted of any other misdemeanor or felony, no felony or  
20 misdemeanor charges are pending against the person, and at least ~~ten~~  
21 ~~(10)~~ five (5) years have passed since the judgment was entered;

22           9. The offense was a nonviolent felony, as defined in Section  
23 571 of Title 57 of the Oklahoma Statutes, the person has received a  
24 full pardon for the offense, the person has not been convicted of

1 any other misdemeanor or felony, no felony or misdemeanor charges  
2 are pending against the person, and at least ~~ten (10)~~ seven (7)  
3 years have passed since the conviction; or

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

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

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

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14 52-2-8108 GRS 12/30/09

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