

1 1. The person has been acquitted;

2 2. The conviction was reversed with instructions to dismiss by
3 an appellate court of competent jurisdiction, or an appellate court
4 of competent jurisdiction reversed the conviction and the district
5 attorney subsequently dismissed the charge;

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

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

13 5. The person was arrested and no charges of any type,
14 including charges for an offense different than that for which the
15 person was originally arrested are filed and the statute of
16 limitations has expired or the prosecuting agency has declined to
17 file charges;

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

21 7. The person was charged with one or more misdemeanor or
22 felony crimes, all charges have been dismissed, the person has never
23 been convicted of a felony, no misdemeanor or felony charges are
24 pending against the person, and the statute of limitations for

1 refiling the charge or charges has expired or the prosecuting agency
2 confirms that the charge or charges will not be refiled; provided,
3 however, this category shall not apply to charges that have been
4 dismissed following the completion of a deferred judgment or delayed
5 sentence;

6 8. The person was charged with a misdemeanor, the charge was
7 dismissed following the successful completion of a deferred judgment
8 or delayed sentence, the person has never been convicted of a
9 misdemeanor or felony, no misdemeanor or felony charges are pending
10 against the person, and at least ~~two (2) years~~ have one (1) year has
11 passed since the charge was dismissed;

12 9. The person was charged with a nonviolent felony offense, as
13 set forth in Section 571 of Title 57 of the Oklahoma Statutes, the
14 charge was dismissed following the successful completion of a
15 deferred judgment or delayed sentence, the person has never been
16 convicted of a misdemeanor or felony, no misdemeanor or felony
17 charges are pending against the person, and at least ten (10) years
18 have passed since the charge was dismissed;

19 10. The person was convicted of a one or more misdemeanor
20 ~~offense~~ offenses arising out of the same transaction or occurrence,
21 the person has not been convicted of ~~any other misdemeanor or a~~
22 felony, no felony or misdemeanor charges are pending against the
23 person, and at least ten (10) years have passed since the ~~conviction~~
24 end of the last misdemeanor sentence;

1 11. The person was convicted of a nonviolent felony offense, as
2 defined in Section 571 of Title 57 of the Oklahoma Statutes, the
3 person has received a full pardon for the offense, the person has
4 not been convicted of any other ~~misdemeanor~~ or felony, the person
5 has not been convicted of a misdemeanor in the last fifteen (15)
6 years, no felony or misdemeanor charges are pending against the
7 person, and at least ten (10) years have passed since the felony
8 conviction; or

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

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

15 C. Records expunged pursuant to paragraphs 8, 9, 10, 11 and 12
16 of subsection A of this section shall be sealed to the public but
17 not to law enforcement agencies for law enforcement purposes.

18 Records expunged pursuant to paragraphs 8, 9, 10 and 11 of
19 subsection A of this section shall be admissible in any subsequent
20 criminal prosecution to prove the existence of a prior conviction or
21 prior deferred judgment without the necessity of a court order
22 requesting the unsealing of said records. Records expunged pursuant
23 to paragraph 11 of subsection A of this section may also include the
24 sealing of Pardon and Parole Board records related to an application

1 for a pardon. Such records shall be sealed to the public but not to
2 the Pardon and Parole Board.

3 SECTION 2. This act shall become effective November 1, 2014.
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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2014 - DO
6 PASS, As Amended and Coauthored.
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