

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 2105

By: Johnson (Constance)

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5
6 AS INTRODUCED

7 An Act relating to the Department of Corrections
8 certificate program; requiring development of certain
9 certificate program by the Department of Corrections;
10 providing for adoption of rules; authorizing issuance
11 of certain certificates to certain persons; stating
12 limitations; stating prohibitions on automatic
13 forfeiture for certain documents; providing
14 exceptions; clarifying certain revocation and
15 suspension powers of other entities; providing for
16 codification; and providing an effective date.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 568 of Title 57, unless there is
20 created a duplication in numbering, reads as follows:

21 A. Upon the effective date of this act, the Department of
22 Corrections shall develop a certificate program as provided in this
23 section for those offenders set for release. The Board of
24 Corrections shall promulgate and adopt any rules necessary to carry
out the provisions of this act.

B. A certificate of relief from disabilities may be granted as
provided in this section to relieve an eligible offender of any

1 forfeiture or disability, or to remove any bar to his or her
2 employment, automatically imposed by law by reason of a conviction
3 of a crime or of an offense specified therein. Such certificate may
4 be limited to one or more enumerated forfeitures, disabilities or
5 bars, or may relieve the eligible offender of all forfeitures,
6 disabilities and bars. Provided, however, that no such certificate
7 shall apply, or be construed so as to apply, to the right of such
8 person to retain or to be eligible for public office.

9 C. Notwithstanding any other provision of law, except for an
10 offense pursuant to Section 751 et seq. of Title 47 of the Oklahoma
11 Statutes, a conviction of a crime or of an offense specified in a
12 certificate of relief from disabilities shall not cause automatic
13 forfeiture of any license, permit, employmen, or franchise,
14 including the right to register for or vote at an election, except
15 those deemed a violent felony offense as provided by law, or
16 automatic forfeiture of any other right or privilege held by the
17 eligible offender and covered by the certificate. Nor shall such
18 conviction be deemed to be a conviction within the meaning of any
19 provision of law that imposes, by reason of a conviction, a bar to
20 any employment, a disability to exercise any right or a disability
21 to apply for or to receive any license, permit or other authority or
22 privilege covered by the certificate; provided, however, that a
23 conviction for a second or subsequent violation of Section 751 et
24 seq. of Title 47 of the Oklahoma Statutes committed within the

1 preceding ten (10) years shall impose a disability to apply for or
2 receive a driver license during the period provided in such law; and
3 provided further, however, that a conviction for any felony as
4 provided by law, shall impose a disability to apply for or receive a
5 license or permit issued pursuant to the Oklahoma Self-Defense Act.

6 D. Notwithstanding any other provision of law, except for an
7 offense pursuant to Section 751 et seq. of Title 47 of the Oklahoma
8 Statutes, a conviction of a crime or of an offense specified in a
9 certificate of relief from disabilities shall not cause automatic
10 forfeiture of any license other than a license issued pursuant to
11 the Oklahoma Self-Defense Act, or permit, employment or franchise,
12 including the right to register for or vote at an election, except
13 being convicted of any felony offense as provided by law, or
14 automatic forfeiture of any other right or privilege held by the
15 eligible offender and covered by the certificate. Nor shall such
16 conviction be deemed to be a conviction within the meaning of any
17 provision of law that imposes, by reason of a conviction, a bar to
18 any employment, a disability to exercise any right or a disability
19 to apply for or to receive any license, permit or other authority or
20 privilege covered by the certificate; provided, however, that a
21 conviction for a second or subsequent violation of any of the
22 offenses in this subsection within the preceding ten (10) years
23 shall impose a disability to apply for or receive a driver license
24 during the period provided in such law; and provided further,

1 however, that a conviction for any felony shall impose a disability
2 to apply for or receive a license or permit issued pursuant to the
3 Oklahoma Self-Defense Act.

4 E. A certificate of relief from disabilities shall not,
5 however, in any way prevent any judicial, administrative, licensing
6 or other body, board or authority from relying upon the conviction
7 specified therein as the basis for the exercise of its discretionary
8 power to suspend, revoke, refuse to issue or refuse to renew any
9 license, permit or other authority or privilege.

10 SECTION 2. This act shall become effective November 1, 2014.

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