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February 12, 2013

AS AMENDED

SENATE BILL NO. 1041

By: Sykes of the Senate

and

McCullough of the House

An Act relating to sealing of records; prohibiting sealing of records without specified authority; requiring written findings under certain circumstances; stating effect on certain prior orders; authorizing challenge of certain order; providing for award of certain fees and costs; establishing cause for certain impeachment or removal; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1012 of Title 20, unless there is created a duplication in numbering, reads as follows:

A court shall not seal any records or files unless specifically authorized by the Oklahoma Constitution or by statute. Prior to issuing an order sealing any records or files, the court shall make written findings of fact and conclusions of law that shall be incorporated into the order along with the specific provisions of the Oklahoma Constitution or statute that authorize such an order.

1 The mere fact that the parties agree shall not be grounds to seal
2 any records or files. Any prior orders sealing records or files
3 inconsistent with the requirements of this section **shall be in**
4 **compliance within one (1) year of the effective date of this act or**
5 **shall be** null and void.

6 Any resident of a county wherein such a record or file is sealed
7 shall have standing to challenge the order sealing said records or
8 files. If such an action is contested, the prevailing party shall
9 be entitled to attorney fees and court costs. It shall be cause for
10 impeachment and removal if a judge is found to have sealed files or
11 records in violation of this section.

12 SECTION 2. This act shall become effective November 1, 2013.

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
14 February 12, 2013 - DO PASS AS AMENDED
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