

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB650 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Ben Loring

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 650

By: Shaw and Pittman of the
Senate

and

Loring of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22
O.S. 2011, Section 18, as last amended by Section 1,
Chapter 348, O.S.L. 2016 (22 O.S. Supp. 2016, Section
18), which relates to the expungement of criminal
records; modifying qualifications for certain
categories; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 18, as last
amended by Section 1, Chapter 348, O.S.L. 2016 (22 O.S. Supp. 2016,
Section 18), is amended to read as follows:

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

1. The person has been acquitted;

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

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

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

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

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

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

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

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

11 9. The person was charged with a nonviolent felony offense, not
12 listed in Section 571 of Title 57 of the Oklahoma Statutes, the
13 charge was dismissed following the successful completion of a
14 deferred judgment or delayed sentence, the person has never been
15 convicted of a felony, no misdemeanor or felony charges are pending
16 against the person, and at least five (5) years have passed since
17 the charge was dismissed;

18 10. The person was convicted of a misdemeanor offense, the
19 person was sentenced to a fine of less than Five Hundred One Dollars
20 (\$501.00) without a term of imprisonment or a suspended sentence,
21 the fine has been paid or satisfied by time served in lieu of the
22 fine, the person has not been convicted of a felony, and no felony
23 or misdemeanor charges are pending against the person;

1 11. The person was convicted of a misdemeanor offense, the
2 person was sentenced to a term of imprisonment, a suspended sentence
3 or a fine in an amount greater than Five Hundred Dollars (\$500.00),
4 the person has not been convicted of a felony, no felony or
5 misdemeanor charges are pending against the person, and at least
6 five (5) years have passed since the end of the last misdemeanor
7 sentence;

8 12. The person was convicted of a nonviolent felony offense,
9 not listed in Section 571 of Title 57 of the Oklahoma Statutes, the
10 person has received a full pardon for the offense, or the person has
11 not been convicted of any other felony, ~~the person has not been~~
12 ~~convicted of a~~ or separate misdemeanor in the last fifteen (15)
13 within seven (7) years of the date following the completion of the
14 execution of the sentence, and no felony or misdemeanor charges are
15 pending against the person, ~~and at least ten (10) years have passed~~
16 ~~since the felony conviction.~~ This category shall not apply to
17 persons convicted of an offense enumerated in Section 13.1 of Title
18 21 of the Oklahoma Statutes;

19 13. The person was convicted of not more than two nonviolent
20 felony offenses, not listed in Section 571 of Title 57 of the
21 Oklahoma Statutes, the person has received a full pardon for ~~both of~~
22 ~~the nonviolent felony offenses~~ the offense or the person has not
23 been convicted of any other felony or misdemeanor within ten (10)
24 years of the date following the completion of the execution of the

1 sentence, and no felony or misdemeanor charges are pending against
2 the person, ~~and at least twenty (20) years have passed since the~~
3 ~~last misdemeanor or felony conviction.~~ This category shall not
4 apply to persons convicted of an offense enumerated in Section 13.1
5 of Title 21 of the Oklahoma Statutes; or

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

10 B. For purposes of this act, "expungement" shall mean the
11 sealing of criminal records, as well as any public civil record,
12 involving actions brought by and against the State of Oklahoma
13 arising from the same arrest, transaction or occurrence.

14 C. For purposes of seeking an expungement under the provisions
15 of paragraph 10, 11, 12 or 13 of subsection A of this section,
16 offenses arising out of the same transaction or occurrence shall be
17 treated as one conviction and offense.

18 D. Records expunged pursuant to paragraphs 8, 9, 10, 11, 12, 13
19 and 14 of subsection A of this section shall be sealed to the public
20 but not to law enforcement agencies for law enforcement purposes.
21 Records expunged pursuant to paragraphs 8, 9, 10, 11, 12 and 13 of
22 subsection A of this section shall be admissible in any subsequent
23 criminal prosecution to prove the existence of a prior conviction or
24 prior deferred judgment without the necessity of a court order

1 requesting the unsealing of the records. Records expunged pursuant
2 to paragraph 4, 6, 12 or 13 of subsection A of this section may also
3 include the sealing of Pardon and Parole Board records related to an
4 application for a pardon. Such records shall be sealed to the
5 public but not to the Pardon and Parole Board.

6 SECTION 2. This act shall become effective November 1, 2017.

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8 56-1-7349 GRS 03/28/17
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