

**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**

Amendment submitted by: Ben Loring

Adopted: \_\_\_\_\_

\_\_\_\_\_  
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; adding expungement category; 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. Expungements obtained under this  
19 category without a full pardon shall not restore citizenship rights  
20 including, but not limited to, rights to possess or own firearms and  
21 the right to vote;

22        13. The person was convicted of not more than two nonviolent  
23 felony offenses, not listed in Section 571 of Title 57 of the  
24 Oklahoma Statutes, the person has received a full pardon for both of

1 the nonviolent felony offenses, or the person has not been convicted  
2 of any other felony or misdemeanor within ten (10) years of the date  
3 following the completion of the execution of the sentence, and no  
4 felony or misdemeanor charges are pending against the person, and at  
5 least twenty (20) years have passed since the last misdemeanor or  
6 felony conviction. This category shall not apply to persons  
7 convicted of an offense enumerated in Section 13.1 of Title 21 of  
8 the Oklahoma Statutes. Expungements obtained under this category  
9 without a full pardon shall not restore citizenship rights  
10 including, but not limited to, rights to possess or own firearms and  
11 the right to vote; or

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

16 15. The person has requested and received written consent to  
17 file an application for expungement from the Oklahoma State Bureau  
18 of Investigation, the arresting agency, and the District Attorney of  
19 the county in which the conviction occurred. Written consent of the  
20 aforementioned agencies shall be attached to the application for  
21 expungement. If any of the above agencies do not provide written  
22 consent to the application for expungement, the application for  
23 expungement cannot be filed and shall not be granted.

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

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

9 D. Records expunged pursuant to paragraphs 8, 9, 10, 11, 12, 13  
10 ~~and~~, 14 and 15 of subsection A of this section shall be sealed to  
11 the public but not to law enforcement agencies for law enforcement  
12 purposes. Records expunged pursuant to paragraphs 8, 9, 10, 11, 12  
13 ~~and~~, 13 and 15 of subsection A of this section shall be admissible  
14 in any subsequent criminal prosecution to prove the existence of a  
15 prior conviction or prior deferred judgment without the necessity of  
16 a court order requesting the unsealing of the records. Records  
17 expunged pursuant to paragraph 4, 6, 12 or 13 of subsection A of  
18 this section may also include the sealing of Pardon and Parole Board  
19 records related to an application for a pardon. Such records shall  
20 be sealed to the public but not to the Pardon and Parole Board.

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