

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 58th Legislature (2022)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 3024

By: Worthen of the House

and

**Rader** of the Senate

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10                               COMMITTEE SUBSTITUTE

11           An Act relating to expungements; amending 22 O.S.  
12           2021, Section 18, which relates to expungement of  
13           criminal history records; adding an expungement  
14           category; and providing an effective date.

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

16           SECTION 1.       AMENDATORY       22 O.S. 2021, Section 18, is  
17   amended to read as follows:

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

- 21           1.   The person has been acquitted;
- 22           2.   The conviction was reversed with instructions to dismiss by
- 23   an appellate court of competent jurisdiction, or an appellate court
- 24

1 of competent jurisdiction reversed the conviction and the  
2 prosecuting agency subsequently dismissed the charge;

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

7 4. The person has received a full pardon by the Governor for  
8 the crime for which the person was sentenced;

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

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

17 7. The person was charged with one or more misdemeanor or  
18 felony crimes, all charges have been dismissed, the person has never  
19 been convicted of a felony, no misdemeanor or felony charges are  
20 pending against the person and the statute of limitations for  
21 refiling the charge or charges has expired or the prosecuting agency  
22 confirms that the charge or charges will not be refiled; provided,  
23 however, this category shall not apply to charges that have been  
24

1 dismissed following the completion of a deferred judgment or delayed  
2 sentence;

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

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

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

22 11. The person was convicted of a misdemeanor offense, the  
23 person was sentenced to a term of imprisonment, a suspended sentence  
24 or a fine in an amount greater than Five Hundred Dollars (\$500.00),

1 the person has not been convicted of a felony, no felony or  
2 misdemeanor charges are pending against the person and at least five  
3 (5) years have passed since the end of the last misdemeanor  
4 sentence;

5 12. The person was convicted of a nonviolent felony offense not  
6 listed in Section 571 of Title 57 of the Oklahoma Statutes, the  
7 person has not been convicted of any other felony, the person has  
8 not been convicted of a separate misdemeanor in the last seven (7)  
9 years, no felony or misdemeanor charges are pending against the  
10 person and at least five (5) years have passed since the completion  
11 of the sentence for the felony conviction;

12 13. The person was convicted of not more than two felony  
13 offenses, none of which is a felony offense listed in Section 13.1  
14 of Title 21 of the Oklahoma Statutes or any offense that would  
15 require the person to register pursuant to the provisions of the Sex  
16 Offenders Registration Act, no felony or misdemeanor charges are  
17 pending against the person, and at least ten (10) years have passed  
18 since the completion of the sentence for the felony conviction;

19 14. The person was charged with not more than two felony  
20 offenses and the charges were dismissed following the successful  
21 completion of a deferred judgment or delayed sentence, none of which  
22 were felony offenses listed in Section 13.1 of Title 21 of the  
23 Oklahoma Statutes or would require the person to register pursuant  
24 to the provisions of the Sex Offenders Registration Act, no felony

1 or misdemeanor charges are pending against the person, and at least  
2 ten (10) years have passed since the charges were dismissed;

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

7 ~~15.~~ 16. The person was convicted of a nonviolent felony offense  
8 not listed in Section 571 of Title 57 of the Oklahoma Statutes which  
9 was subsequently reclassified as a misdemeanor under Oklahoma law,  
10 the person is not currently serving a sentence for a crime in this  
11 state or another state, at least thirty (30) days have passed since  
12 the completion or commutation of the sentence for the crime that was  
13 reclassified as a misdemeanor, any restitution ordered by the court  
14 to be paid by the person has been satisfied in full, and any  
15 treatment program ordered by the court has been successfully  
16 completed by the person, including any person who failed a treatment  
17 program which resulted in an accelerated or revoked sentence that  
18 has since been successfully completed by the person or the person  
19 can show successful completion of a treatment program at a later  
20 date. Persons seeking an expungement of records under the  
21 provisions of this paragraph may utilize the expungement forms  
22 provided in Section ~~2~~ 18a of this ~~act~~ title.

23 B. For purposes of Section 18 et seq. of this title,  
24 "expungement" shall mean the sealing of criminal records, as well as

1 any public civil record, involving actions brought by and against  
2 the State of Oklahoma arising from the same arrest, transaction or  
3 occurrence.

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

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

21 SECTION 2. This act shall become effective November 1, 2022.  
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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
24 03/02/2022 - DO PASS, As Amended and Coauthored.