

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3835 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Stan May _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 PROPOSED OVERSIGHT
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3835

By: May

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8 PROPOSED OVERSIGHT COMMITTEE SUBSTITUTE

9 An Act relating to human trafficking; amending 22
10 O.S. 2021, Section 19c, which relates to criminal
11 arrest record expungements for victims of human
12 trafficking; deleting good cause standard;
13 authorizing expungements for criminal offenses
14 committed by human trafficking victims; clarifying
15 notice requirements; providing for the waiver of
16 filing fees and costs; requiring closed hearings;
17 directing courts to make certain considerations
18 regarding human trafficking victimization; providing
19 burden of proof standard; directing courts to grant
20 petitions if burden of proof is met; allowing victims
21 to seek relief at any time; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 22 O.S. 2021, Section 19c, is
amended to read as follows:

Section 19c. A. 1. The court, upon its own motion or upon
petition by the defendant ~~and for good cause shown~~, may enter an
order for expungement of law enforcement and court records relating

1 to a charge or conviction for a ~~prostitution-related~~ any criminal
2 offense committed as a result of the defendant having been a ~~victim~~
3 part of the victimization of human trafficking. The order shall
4 contain a statement that the expungement is ordered pursuant to this
5 section. ~~An order entered~~

6 2. A motion or petition filed by the defendant pursuant to this
7 section shall be subject to the notice requirements and provisions
8 of ~~subsections B through M of Section 19 of Title 22 of the Oklahoma~~
9 ~~Statutes~~ this title. Any filing fees or costs associated with the
10 motion or petition for expungement shall be waived by the court.

11 3. Upon the court setting a date for hearing the request for
12 expungement, the court shall require that said hearing be closed to
13 the public.

14 4. Records expunged pursuant to this section shall be sealed to
15 the public but not to law enforcement agencies for law enforcement
16 purposes.

17 B. To determine whether a person was a victim of human
18 trafficking, the court shall consider the following:

19 1. The definition of human trafficking, which shall have the
20 same meaning as such term is defined in Section 748 of Title 21 of
21 the Oklahoma Statutes or Sections 1589, 1590, 1591, or subsection A
22 of Section 1594 of Title 18 of the United States Code, depending on
23 whether the record sought to be expunged is pursuant to state or
24 federal law; and

1 2. Official documentation or prior determination of
2 victimization. Provided, official documentation or prior
3 determination of victimization is not necessary to obtain an
4 expungement under the provisions of this section. However, the
5 existence of official documentation, prior determination of
6 victimization, or a showing by the defendant that there is a causal
7 link between the period the defendant was trafficked and the crime
8 committed, shall create a presumption that the charge or conviction
9 considered for expungement was a direct result of said
10 victimization. If official documentation or prior determination of
11 victimization does not exist, the defendant shall attach to the
12 petition for expungement an affidavit executed by a service provider
13 expert witness or law enforcement expert witness attesting to the
14 status of the defendant as a victim of human trafficking.

15 C. The burden of proof for determining whether the charge or
16 conviction of the defendant in the petition for expungement was
17 committed as a result of having been a part of the victimization of
18 human trafficking shall be upon the defendant to prove a
19 preponderance of the evidence.

20 D. The court shall grant a petition for expungement filed by
21 the defendant under the provisions of this section if the burden of
22 proof is met.

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E. An expungement may be pursued under the provisions of this section regardless of the amount of time between the relevant charge or conviction and when relief is sought.

SECTION 2. This act shall become effective November 1, 2026.

60-2-16940 GRS 03/04/26