

# Senate Fiscal Summary

## 1<sup>st</sup> Session of the 60<sup>th</sup> Legislature



## House Bill 2235

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<b>Version:</b>	<b>ENG</b>
<b>Agency:</b>	<b>Department of Corrections</b>
<b>Senate Author:</b>	<b>Daniels</b>
<b>House Author:</b>	<b>Munson</b>
<b>FY'26 Impact:</b>	<b>Unknown</b>
<b>Full Year Impact:</b>	<b>Unknown</b>

### **Bill Summary and Fiscal Analysis:**

HB 2235 provides that if a person qualifies for an expungement based on actual innocence established by DNA evidence or the person received a full pardon by the Governor for the crime, the person may request a hearing be set within 30 days after filing a petition for expungement. The court is to grant the request and provide at least 10 days notice to the prosecuting agency, the arresting agency, the Oklahoma State Bureau of Investigation, and any other person or agency whom the court has reason to believe may have relevant information related to the sealing of the record. The measure removes criteria that require individuals who seek damages from the Governmental Tort Claims Act for wrongful convictions not to have pled to the offense charged or a lesser included offense. The measure also modifies the amount for a claim arising out of a wrongful criminal felony conviction resulting in imprisonment under The Governmental Tort Claims Act. The amount shall be \$50,000 multiplied by the number of years served. A claimant who served time on death row shall be entitled to received supplemental compensation equal to \$50,000 multiplied by the number of years served on death row. In addition, claimants who were released on parole or under conditions of probation shall be entitled to supplemental compensation equal to \$25,000 multiplied by the number of years served on parole or probation. A claim equal to or less than \$1,000,000 shall be paid in a lump sum. Any claim that exceeds \$1,000,000 shall have the excess amount paid out over 3 years in equal annual payments. A claimant entitled to compensation shall be eligible to obtain health insurance through the Department of Corrections. Any increase in liability or compensation due to claimants will be dependent on the number of future claims granted and is unknown at this time.

Fiscal Impact provided by the Department of Corrections and Fiscal Staff