

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3835

By: May

AS INTRODUCED

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

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

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 to a charge or conviction for ~~a prostitution-related~~ any criminal offense committed as a result of the defendant having been a victim

1 of human trafficking. The order shall contain a statement that the
2 expungement is ordered pursuant to this section. ~~An order entered~~

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

8 3. Upon the court setting a date for hearing the request for
9 expungement, the court shall require that said hearing be closed to
10 the public.

11 4. Records expunged pursuant to this section shall be sealed to
12 the public but not to law enforcement agencies for law enforcement
13 purposes.

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

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

22 2. Official documentation or prior determination of
23 victimization. Provided, official documentation or prior
24 determination of victimization is not necessary to obtain an

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

12 C. The burden of proof for determining whether the charge or
13 conviction of the defendant in the petition for expungement was
14 committed as a result of having been a victim of human trafficking
15 shall be a preponderance of the evidence.

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

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

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

23
24 60-2-15611 GRS 01/13/26