

BILL SUMMARY
2nd Session of the 57th Legislature

Bill No.:	HB 3659
Version:	PCS1
Request Number:	10912
Author:	Rep. Kannady
Date:	2/25/2020
Impact:	\$0

Research Analysis

The committee substitute to HB 3659 modifies certain expungement categories and procedures. The measure provides that an expungement for a misdemeanor is in order if the charge was dismissed within 2 years from the date of arrest following the successful completion of a deferred judgment, suspended sentence and the person has completed all requirements of probation and no motion to revoke or accelerate the sentence are pending. A nonviolent felony offense following the successful completion of a deferred judgment or delayed sentence may be expunged if 2 years have passed since the charge was dismissed following the successful completion of a deferred judgment or delayed sentence or the charge was dismissed within 5 years from the date of arrest, whichever is longer. A nonviolent felony offense following the successful completion of a drug court treatment program, delayed sentencing program or other treatment or diversionary program and all fines and costs have been paid may be expunged. A nonviolent felony which is subsequently reclassified as a misdemeanor, the charge was dismissed following the successful completion of a deferred judgment or delayed sentence, the person has never been convicted of a felony, no misdemeanor or felony charges are pending against the person, at least thirty (30) days have passed since the completion of the deferred judgment or delayed sentence for the crime that was reclassified as a misdemeanor, any restitution ordered by the court to be paid by the person has been satisfied in full, and any treatment program ordered by the court has been successfully completed by the person, including any person who failed a treatment program which resulted in an accelerated sentence that has since been successfully completed by the person. The measure allows a person qualified for an expungement under Section 18 to file a motion for expungement in the underlying criminal case that is the subject of the expungement request. The bill allows an agreed journal entry, signed by all parties required to receive notice, may be presented to the assigned judge in lieu of a hearing on the petition or motion. The measure modifies the provisions that allows the court to depart from sentencing directives to include instances when there is a prohibition against probation, or a statutory restraint on placing the individual in a treatment or diversionary program.

Prepared By: Brad Wolgamott

Fiscal Analysis

HB 3659, which deals with expungements, has no fiscal or revenue considerations for the state.

Prepared By: Kristina King

Other Considerations

None.

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