

1 ENGROSSED HOUSE
2 BILL NO. 2235

3 By: Munson, Deck, Kannady,
4 Archer, Humphrey, and
5 Manger of the House

6 and
7

8 Daniels of the Senate
9

10 [convictions - expungement - requests - hearings -
11 notice - definition - liability - incarceration -
12 compensation - guidelines - awards - circumstances
13 - limitations - coverage - revolving fund - purpose
14 - reimbursement - information - tuition - children
15 - credit hours - term - codification - effective
16 date -
17 emergency]
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20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. AMENDATORY 22 O.S. 2021, Section 19, as last
22 amended by Section 2, Chapter 259, O.S.L. 2024 (22 O.S. Supp. 2024,
23 Section 19), is amended to read as follows:
24

1 Section 19. A. Any person qualified under Section 18 of this
2 title may petition the district court of the district in which the
3 arrest information pertaining to the person is located for the
4 sealing of all or any part of the record, except basic
5 identification information.

6 B. The process for the automatic expungement of a clean slate
7 eligible arrest record as defined in subsection C of Section 18 of
8 this title is as follows:

9 1. On a monthly basis, the Oklahoma State Bureau of
10 Investigation shall identify arrest records which are clean slate
11 eligible by conducting a search of the criminal history repository
12 records of the Bureau;

13 2. The Bureau shall, on a monthly basis, provide a list of
14 clean slate eligible arrest records to the prosecuting agency and
15 the arresting agency;

16 3. The prosecuting agency, arresting agency, and the Bureau
17 may, no later than forty-five (45) days from the day on which the
18 notice described in paragraph 2 of this subsection is transmitted,
19 object to an automatic expungement and such objection shall be
20 transmitted to all parties. An objection may be made for any of the
21 following reasons:

22 a. after reviewing the agency record, the agency believes
23 the arrest record does not meet the definition of a
24 clean slate eligible arrest record,

- b. the individual has not paid court-ordered restitution to the victim, or
- c. the agency has a reasonable belief, grounded in supporting facts, that an individual with a clean slate eligible arrest record is continuing to engage in criminal activity, whether charged or not charged, within or outside the state;

8 4. If an agency identified in paragraph 3 of this subsection
9 objects for a reason described in paragraph 3 of this subsection
10 within forty-five (45) days of the day on which the notice described
11 in paragraph 2 of this subsection is transmitted, the record shall
12 not be expunged. Once a year, the Bureau shall electronically
13 submit a report to the Legislature with a list of all cases where a
14 record was not expunged pursuant to this paragraph; and

15 5. After forty-five (45) days pass from the day on which the
16 notice described in paragraph 2 of this subsection is sent, the
17 Bureau shall provide to the courts a list of all cases where
18 responses from all parties were received and no parties objected.
19 The court shall review this list and provide to all agencies that
20 have criminal history records a signed expungement order for all
21 cases approved. Upon receipt of a signed expungement order, each
22 agency shall seal the relevant records.

1 The Bureau and the Supreme Court may promulgate rules to govern
2 the process for automatic expungement of records for a clean slate
3 eligible arrest record in accordance with this subsection.

4 C. 1. Nothing in this section precludes an individual from
5 filing a petition for expungement of records that are eligible for
6 automatic expungement under subsection C of Section 18 of this title
7 if an automatic expungement has not occurred pursuant to subsection
8 B of this section.

9 2. An individual does not have a cause of action for damages as
10 a result of the failure of the Bureau to identify an arrest record
11 as eligible for automatic expungement.

12 D. An automatic expungement granted under subsection B of this
13 section does not preclude an individual from requesting the
14 unsealing of records in accordance with subsection P of this
15 section.

16 E. Upon the filing of a petition or entering of a court order
17 as prescribed in subsection A of this section, the court shall set a
18 date for a hearing and shall provide thirty (30) days of notice of
19 the hearing to the prosecuting agency, the arresting agency, the
20 Oklahoma State Bureau of Investigation, and any other person or
21 agency whom the court has reason to believe may have relevant
22 information related to the sealing of such record.

23 F. If a petitioner requests expungement for multiple offenses
24 in one county, each of which would qualify for expungement if

1 processed sequentially, the expungements may be considered under a
2 single petition. The petitioner shall not be required to submit
3 multiple petitions to accomplish the sequential sealing of multiple
4 offenses in a single county.

5 G. Upon a finding that the harm to privacy of the person in
6 interest or dangers of unwarranted adverse consequences outweigh the
7 public interest in retaining the records, the court may order such
8 records, or any part thereof except basic identification
9 information, to be sealed. If the court finds that neither sealing
10 of the records nor maintaining of the records unsealed by the agency
11 would serve the ends of justice, the court may enter an appropriate
12 order limiting access to such records.

13 Any order entered under this subsection shall specify those
14 agencies to which such order shall apply. Any order entered
15 pursuant to this subsection may be appealed by the petitioner, the
16 prosecuting agency, the arresting agency, or the Oklahoma State
17 Bureau of Investigation to the Supreme Court in accordance with the
18 rules of the Supreme Court. In all such appeals, the Oklahoma State
19 Bureau of Investigation is a necessary party and must be given
20 notice of the appellate proceedings.

21 H. Upon the entry of an order to seal the records, or any part
22 thereof, or upon an automatic expungement described in subsection B
23 of this section, the subject official actions shall be deemed never
24 to have occurred, and the person in interest and all criminal

1 justice agencies may properly reply, upon any inquiry in the matter,
2 that no such action ever occurred and that no such record exists
3 with respect to such person.

4 I. Inspection of the records included in the order may
5 thereafter be permitted by the court only upon petition by the
6 person in interest who is the subject of such records, the Attorney
7 General, or by the prosecuting agency and only to those persons and
8 for such purposes named in such petition.

9 J. Employers, educational institutions, state and local
10 government agencies, officials, and employees shall not, in any
11 application or interview or otherwise, require an applicant to
12 disclose any information contained in sealed records. An applicant
13 need not, in answer to any question concerning arrest and criminal
14 records, provide information that has been sealed, including any
15 reference to or information concerning such sealed information and
16 may state that no such action has ever occurred. Such an
17 application may not be denied solely because of the refusal of the
18 applicant to disclose arrest and criminal records information that
19 has been sealed.

20 K. All arrest and criminal records information existing prior
21 to May 14, 1987, except basic identification information, is also
22 subject to sealing in accordance with subsection G of this section.

23 L. Nothing in this section shall be construed to authorize the
24 physical destruction of any criminal justice records.

1 M. For the purposes of this section, sealed materials which are
2 recorded in the same document as unsealed material may be recorded
3 in a separate document, and sealed, then obliterated in the original
4 document.

5 N. For the purposes of this section, district court index
6 reference of sealed material shall be destroyed, removed or
7 obliterated.

8 O. Any record ordered to be sealed pursuant to this section, if
9 not unsealed within ten (10) years of the expungement order, may be
10 obliterated or destroyed at the end of the ten-year period.

11 P. Subsequent to records being sealed as provided herein, the
12 prosecuting agency, the arresting agency, the Oklahoma State Bureau
13 of Investigation, or other interested person or agency may petition
14 the court for an order unsealing such records. Upon filing of a
15 petition, the court shall set a date for hearing, which hearing may
16 be closed at the discretion of the court, and shall provide thirty
17 (30) days of notice to all interested parties. If, upon hearing,
18 the court determines there has been a change of conditions or that
19 there is a compelling reason to unseal the records, the court may
20 order all or a portion of the records unsealed.

21 Q. Nothing herein shall prohibit the introduction of evidence
22 regarding actions sealed pursuant to the provisions of this section
23 at any hearing or trial for purposes of impeaching the credibility

1 of a witness or as evidence of character testimony pursuant to
2 Section 2608 of Title 12 of the Oklahoma Statutes.

3 R. If a person qualifies for an expungement under the
4 provisions of paragraph 3 of subsection A of Section 18 of this
5 title and the petition for expungement is granted by the court, the
6 court shall order the reimbursement of all filing fees and court
7 costs incurred by the petitioner as a result of filing the
8 expungement request.

9 S. If a person qualifies for an expungement under the
10 provisions of paragraph 3 or 4 of subsection A of Section 18 of this
11 title, the person may request a hearing be set within thirty (30)
12 days after the date of filing the petition for expungement. The
13 court shall grant the request for the hearing and shall provide a
14 notice of no less than ten (10) days for said hearing to the
15 prosecuting agency, the arresting agency, the Oklahoma State Bureau
16 of Investigation, and any other person or agency whom the court has
17 reason to believe may have relevant information related to the
18 sealing of such record. Any order entered pursuant to the
19 provisions of this subsection shall be subject to the provisions of
20 subsections F through P of this section.

21 T. Any offense that has been expunged shall not be treated as a
22 prior offense in determining whether another offense qualifies for
23 an expungement under Section 18 of this title.
24

1 SECTION 2. AMENDATORY 51 O.S. 2021, Section 154, is
2 amended to read as follows:

3 Section 154. A. The total liability of the state and its
4 political subdivisions on claims within the scope of The
5 Governmental Tort Claims Act, arising out of an accident or
6 occurrence happening after October 1, 1985, Section 151 et seq. of
7 this title, shall not exceed:

8 1. Twenty-five Thousand Dollars (\$25,000.00) for any claim or
9 to any claimant who has more than one claim for loss of property
10 arising out of a single act, accident, or occurrence;

11 2. Except as otherwise provided in this paragraph, One Hundred
12 Twenty-five Thousand Dollars (\$125,000.00) to any claimant for a
13 claim for any other loss arising out of a single act, accident, or
14 occurrence. The limit of liability for the state or any city or
15 county with a population of three hundred thousand (300,000) or more
16 according to the latest Federal Decennial Census, or a political
17 subdivision as defined in subparagraph s of paragraph 11 of Section
18 152 of this title, shall not exceed One Hundred Seventy-five
19 Thousand Dollars (\$175,000.00). Except however, the limits of the

20 liability for the University Hospitals and State Mental Health
21 Hospitals operated by the Department of Mental Health and Substance
22 Abuse Services for claims arising from medical negligence shall be
23 Two Hundred Thousand Dollars (\$200,000.00). For claims arising from
24 medical negligence by any licensed physician, osteopathic physician

1 or certified nurse-midwife rendering prenatal, delivery or infant
2 care services from September 1, 1991, through June 30, 1996,
3 pursuant to a contract authorized by subsection B of Section 1-106
4 of Title 63 of the Oklahoma Statutes and in conformity with the
5 requirements of Section 1-233 of Title 63 of the Oklahoma Statutes,
6 the limits of the liability shall be Two Hundred Thousand Dollars
7 (\$200,000.00); or

8 3. One Million Dollars (\$1,000,000.00) for any number of claims
9 arising out of a single occurrence or accident.

10 B. 1. Beginning on ~~May 28, 2003~~ July 1, 2025, claims shall be
11 allowed for wrongful criminal felony conviction resulting in
12 imprisonment if the claimant has received a full pardon on the basis
13 of a written finding by the Governor of actual innocence for the
14 crime for which the claimant was sentenced or has been granted
15 judicial relief absolving the claimant of guilt on the basis of
16 actual innocence of the crime for which the claimant was sentenced.
17 The Governor or the court shall specifically state, in the pardon or
18 order, the evidence or basis on which the finding of actual
19 innocence is based.

20 2. As used in paragraph 1 of this subsection, for a claimant to
21 recover based on "actual innocence", the individual must meet the
22 following criteria:

- 1 a. the individual was charged, by indictment or
2 information, with the commission of a public offense
3 classified as a felony,
4 b. ~~the individual did not plead guilty to the offense~~
5 ~~charged, or to any lesser included offense, but was~~
6 ~~convicted of the offense,~~
7 c. the individual was sentenced to incarceration for a
8 term of imprisonment as a result of the conviction,
9 d.
10 c. the individual was imprisoned solely on the basis of
11 the conviction for the offense, and
12 e.
13 d. (1) in the case of a pardon, a determination was made
14 by either the Pardon and Parole Board or the
15 Governor that the offense for which the
16 individual was convicted, sentenced and
17 imprisoned, including any lesser offenses, was
18 not committed by the individual, or
19 (2) in the case of judicial relief, a court of
20 competent jurisdiction found by clear and
21 convincing evidence that the offense for which
22 the individual was convicted, sentenced and
23 imprisoned, including any lesser included
24 offenses, was not committed by the individual and

1 issued an order vacating, dismissing or reversing
2 the conviction and sentence and providing that no
3 further proceedings can be or will be held
4 against the individual on any facts and
5 circumstances alleged in the proceedings which
6 had resulted in the conviction.

7 3. A claimant shall not be entitled to compensation for any
8 part of a sentence in prison during which the claimant was also
9 serving a concurrent sentence for a crime not covered by this
10 subsection.

11 4. The total liability of the state and its political
12 subdivisions on any claim within the scope of The Governmental Tort
13 Claims Act arising out of wrongful criminal felony conviction
14 resulting in imprisonment shall ~~not exceed One Hundred Seventy-five~~
15 ~~Thousand Dollars (\$175,000.00)~~ be in an amount equal to Fifty
16 Thousand Dollars (\$50,000.00) multiplied by the number of years
17 served in prison, expressed as a fraction to reflect partial years.

18 5. In addition to the award of damages provided for in
19 paragraph 4 of this subsection, a claimant who served his or her
20 time on death row shall be entitled to receive supplemental
21 compensation in the amount of Fifty Thousand Dollars (\$50,000.00)
22 multiplied by the number of years the person served on death row,
23 expressed as a fraction to reflect partial years.

1 6. In addition to the award of damages provided for in
2 paragraph 4 of this subsection, a claimant who was released on
3 parole or released under conditions of probation shall be entitled
4 to receive supplemental compensation in the amount of Twenty-five
5 Thousand Dollars (\$25,000.00) multiplied by the number of years the
6 person was on parole or under probation, expressed as a fraction to
7 reflect partial years.

8 7. A claimant entitled to compensation under the provisions of
9 this subsection shall be entitled to an award of damages under this
10 subsection of One Million Dollars (\$1,000,000.00) or less shall be
11 paid to the claimant in a lump sum. If an award of damages under
12 this subsection exceeds One Million Dollars (\$1,000,000.00), then
13 One Million Dollars (\$1,000,000.00) of the award shall be paid to
14 the claimant in a lump sum and the remainder shall be paid annually
15 in equal payments over a period of three (3) years.

16 8. A claimant entitled to compensation under the provisions of
17 this subsection shall be eligible to obtain group health benefit
18 plan coverage through the Department of Corrections as if the person
19 were an employee of the Department. The provisions of this
20 paragraph shall not entitle the spouse or other dependent or family
21 member to group health benefit plan coverage. Coverage may be
22 obtained under the provisions of this paragraph for a period of time
23 equal to the total period the claimant served for the crime for
24 which the claimant was wrongfully incarcerated, including any period

1 during which the claimant was released on parole or released under
2 conditions of probation. A claimant who elects to obtain coverage
3 under the provisions of this paragraph shall pay a monthly
4 contribution equal to the total amount of the monthly contribution
5 for that coverage that an employee of the Department would pay. The
6 Legislature shall appropriate funds to the Tort Claims Liability
7 Revolving Fund for costs associated with providing group health
8 benefit plan coverage by the Department to a claimant under the
9 provisions of this paragraph. The Department may seek reimbursement
10 from the Tort Claims Liability Revolving Fund for all expenditures
11 related to providing said coverage.

12 9. The provisions of this subsection shall apply to convictions
13 exonerations occurring on ~~or before May 28, 2003, as well as~~
14 convictions occurring and after May 28, 2003 July 1, 2025. If a
15 court of competent jurisdiction finds that retroactive application
16 of this subsection is unconstitutional, the prospective application
17 of this subsection shall remain valid.

18 C. No award for damages in an action or any claim against the
19 state or a political subdivision shall include punitive or exemplary
20 damages.

21 D. When the amount awarded to or settled upon multiple
22 claimants exceeds the limitations of this section, any party may
23 apply to the district court which has jurisdiction of the cause to
24 apportion to each claimant the claimant's proper share of the total

1 amount as limited herein. The share apportioned to each claimant
2 shall be in the proportion that the ratio of the award or settlement
3 made to him bears to the aggregate awards and settlements for all
4 claims against the state or its political subdivisions arising out
5 of the occurrence. When the amount of the aggregate losses
6 presented by a single claimant exceeds the limits of paragraph 1 or
7 2 of subsection A of this section, each person suffering a loss
8 shall be entitled to that person's proportionate share.

9 E. The total liability of resident physicians and interns while
10 participating in a graduate medical education program of the
11 University of Oklahoma College of Medicine, its affiliated
12 institutions and the Oklahoma College of Osteopathic Medicine and
13 Surgery shall not exceed One Hundred Thousand Dollars (\$100,000.00).

14 F. The state or a political subdivision may petition the court
15 that all parties and actions arising out of a single accident or
16 occurrence shall be joined as provided by law, and upon order of the
17 court the proceedings upon good cause shown shall be continued for a
18 reasonable time or until such joinder has been completed. The state
19 or political subdivision shall be allowed to interplead in any
20 action which may impose on it any duty or liability pursuant to The
21 Governmental Tort Claims Act.

22 G. The liability of the state or political subdivision under
23 The Governmental Tort Claims Act shall be several from that of any
24 other person or entity, and the state or political subdivision shall

1 only be liable for that percentage of total damages that corresponds
2 to its percentage of total negligence. Nothing in this section
3 shall be construed as increasing the liability limits imposed on the
4 state or political subdivision under The Governmental Tort Claims
5 Act.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 360.2 of Title 57, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The Department of Corrections shall provide to each
10 wrongfully imprisoned person information that includes:

11 1. A copy of Section 154 of Title 51 of the Oklahoma Statutes
12 which sets forth the extent of liability of the state and its
13 political subdivisions for wrongful criminal felony convictions and
14 imprisonment pursuant to The Governmental Tort Claims Act; and

15 2. A list of and contact information for nonprofit advocacy
16 groups, identified by the Department, that assist persons upon
17 release from a penal institution.

18 B. The Department shall provide the information:

19 1. At the time of the release of the wrongfully imprisoned
20 person from a penal institution; or

21 2. As soon as practicable after the Department has reason to
22 believe that the person is entitled to compensation.

1 SECTION 4. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 3218.7-2 of Title 70, unless
3 there is created a duplication in numbering, reads as follows:

4 A. Within The Oklahoma State System of Higher Education or the
5 system of career technology districts, no resident tuition,
6 nonresident tuition, room and board, and any mandatory fees
7 associated with such attendance shall be charged to:

8 1. A person who was wrongfully incarcerated and awarded
9 compensation pursuant to the provisions of subsection B of Section
10 154 of title 51; and

11 2. Children of any person wrongfully incarcerated and the
12 person was awarded compensation pursuant to the provisions of
13 subsection B of Section 154 of title 51.

14 B. Such waiver of resident tuition, nonresident tuition, room
15 and board, and mandatory fees associated with such attendance shall
16 be limited to one hundred twenty (120) credit hours.

17 C. As used in this section, the term "children" includes
18 children by birth and by adoption.

19 SECTION 5. This act shall become effective July 1, 2025.

20 SECTION 6. It being immediately necessary for the preservation
21 of the public peace, health or safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

Passed the House of Representatives the 27th day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2025.

Presiding Officer of the Senate