

1 record pertaining to the person, ~~except basic identification~~
2 ~~information; provided:~~ or the child.

3 B. The petition for expungement may be filed either as an oral
4 or written petition for an order to expunge the record pertaining to
5 the child at the time the case is before the court for a final
6 review of the ordered disposition pursuant to Section 2-2-503 of
7 this title or at any time after an informal adjustment agreement has
8 been successfully completed pursuant to Section 2-2-104 of this
9 title; provided:

10 1. The person or child has ~~attained twenty-one (21) years of~~
11 ~~age or older~~ successfully completed the informal adjustment
12 agreement, the deferred adjudication, or a period of probation or
13 custody with a juvenile bureau or the Office of Juvenile Affairs and
14 the case of the person or child is being, or has been, dismissed by
15 the court or the court is closing the case due to lack of
16 jurisdiction upon the person or child reaching eighteen (18) years
17 of age or nineteen (19) years of age if jurisdiction of the court
18 was previously extended by the court pursuant to Section 2-7-504 of
19 this title;

20 2. The person or child has not been arrested for any adult
21 criminal offense and no charge, indictment, or information has been
22 filed or is pending against the person or child at the time of the
23 petition for an expungement; and

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1 3. ~~The person has not been subject to any deferred prosecution~~
2 ~~or deferred sentence, and has not been convicted of any criminal~~
3 ~~offense; and~~

4 4. All court costs, restitution, fines and other court-ordered
5 requirements have been completed for ~~all~~ the informal adjustment or
6 the juvenile proceedings.

7 C. After November 1, 2021, any person who has attained eighteen
8 (18) years of age or older and has successfully completed an
9 informal adjustment agreement, a deferred adjudication, or a period
10 of probation or custody with a juvenile bureau or the Office of
11 Juvenile Affairs, and whose case has previously been dismissed, may
12 petition the court for an order of expungement. In order to be
13 eligible for an order of expungement, the person must have satisfied
14 the requirements of paragraphs 1, 2 and 3 of subsection B of this
15 section.

16 D. For the purposes of this section, the term "expunge" or
17 "expungement" shall mean the sealing of juvenile court records.

18 E. 1. If an adjudication, deferred adjudication, or informal
19 adjustment of a person or child is being dismissed or has been
20 dismissed, then upon the receipt of an oral or written petition of
21 the person, the child, or other authorized person, the court may, if
22 the state does not object, grant the expungement if the court finds
23 that the harm to privacy of the person or the child in interest or
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1 dangers of unwarranted adverse consequences outweigh the public
2 interest in retaining the records.

3 2. If the court grants the expungement, it shall issue a
4 written order to any law enforcement agency over which the court has
5 jurisdiction to expunge all files and records pertaining to the
6 arrest or adjudication of the person or child and shall order the
7 clerk of the court to expunge the entire file and record of the
8 case, including docket sheets, index entries, court records,
9 summonses, warrants or records in the office of the clerk or which
10 have been produced by a law enforcement agency in which the name of
11 the person or the child is mentioned. The court may order probation
12 officers and counselors of a juvenile bureau or the Office of
13 Juvenile Affairs to expunge all records, reports and social and
14 clinical studies relating to the person or the child that are in the
15 possession of a juvenile bureau or the Office of Juvenile Affairs,
16 except when the documents are necessary to maintain state or federal
17 funding.

18 3. Members of the judiciary, district attorneys, the person or
19 the child, counsel for the person or the child, employees of
20 juvenile bureaus and the Office of Juvenile Affairs who are assigned
21 juvenile court intake responsibilities, and the Department of
22 Corrections may access records that have been expunged pursuant to
23 this subsection without a court order for the purpose of determining
24 whether to dismiss an action, seek a voluntary probation, file a

1 petition or information, or for purposes of sentencing or placement
2 in a case where the person or child who is the subject of the sealed
3 record is alleged to have committed a subsequent juvenile delinquent
4 act, a youthful offender act, or any adult criminal offense.
5 Provided, any record sealed pursuant to this section shall be
6 ordered unsealed upon application of the prosecuting agency when
7 said records are requested for use in any subsequent juvenile
8 delinquent, youthful offender or adult prosecution.

9 B. F. If the state objected to an oral petition for
10 expungement, the court shall allow the person or the child, or
11 counsel for the person or child, to file a written petition for the
12 expungement of the juvenile court records. Upon the filing of a
13 petition for expungement of a juvenile court record, the court shall
14 set a date for a hearing, which hearing may be closed at the court's
15 discretion, and shall provide a thirty (30) days' notice of the
16 hearing to the district attorney, the Office of Juvenile Affairs,
17 the Oklahoma State Bureau of Investigation, and any other person or
18 agency whom the court has reason to believe may have relevant
19 information related to the expungement of any record.

20 E. G. Upon a finding that the harm to privacy of the person or
21 child in interest or dangers of unwarranted adverse consequences
22 outweigh the public interest in retaining the records, the court may
23 shall order the records, or any part thereof except basic
24 identification information, to be expunged. If the court finds that

1 ~~neither expungement of the records nor maintaining of the records~~
2 ~~unsealed by the agency would serve the ends of justice, the court~~
3 ~~may enter an appropriate order limiting access to the records.~~ Any
4 order entered pursuant to the provisions of this subsection shall
5 specify those agencies to which the court order shall apply.

6 ~~D.~~ H. Upon the entry of an order to expunge any juvenile court
7 record, or any part thereof, the subject official actions shall be
8 deemed never to have occurred, and the person or the child in
9 interest and all juvenile and criminal justice agencies may properly
10 reply, upon any inquiry in the matter, that no such action ever
11 occurred and that no such record exists with respect to the person
12 or the child.

13 ~~E.~~ ~~Inspection of the records included in the order may~~
14 ~~thereafter be permitted by the court only upon petition by the~~
15 ~~person in interest who is the subject of the records, the Attorney~~
16 ~~General, or by the district attorney and only to those persons and~~
17 ~~for such purposes named in the petition.~~

18 I. When an order of expungement is issued by the court pursuant
19 to this section, the court shall require counsel for the person or
20 the child to prepare a written order of expungement which shall be
21 signed by the court and filed in the clerk's office of the district
22 court in which the juvenile court record is located. Copies of the
23 order of expungement shall be provided or mailed to the person or
24 the child, as well as the parent or legal guardian of the child, the

1 prosecuting attorney, the law enforcement agency or agencies that
2 investigated the case, the detention or jail in which the person or
3 the child was incarcerated, the juvenile bureau, the Office of
4 Juvenile Affairs, and the Oklahoma State Bureau of Investigation
5 directing the entity to expunge the juvenile court records in its
6 custody as directed in the order.

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

18 ~~G.~~ K. Nothing in this section shall be construed to authorize
19 the physical destruction of any juvenile records.

20 ~~H.~~ L. For the purposes of this section, expunged materials
21 which are recorded in the same document as unsealed material may be
22 recorded in a separate document, and sealed, then obliterated in the
23 original document.

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1 ~~I.~~ M. For the purposes of this act, district court index
2 reference of sealed material shall be destroyed, removed or
3 obliterated.

4 ~~J.~~ N. Any record ordered to be expunged pursuant to this
5 section shall be sealed and, if not unsealed within ten (10) years
6 of the expungement order, may be obliterated or destroyed at the end
7 of the ten-year period.

8 ~~K.~~ O. Subsequent to records being sealed as provided herein,
9 the district attorney, the Office of Juvenile Affairs, the Oklahoma
10 State Bureau of Investigation, or other interested person or agency
11 may petition the court for an order unsealing any records. Upon
12 filing of a petition, the court shall set a date for hearing, which
13 hearing may be closed at the court's discretion, and shall provide
14 thirty (30) days' notice to all interested parties. If, upon
15 hearing, the court determines there has been a change of conditions
16 or that there is a compelling reason to unseal the records, the
17 court may order all or a portion of the records unsealed.

18 ~~L.~~ P. Nothing herein shall prohibit the introduction of
19 evidence regarding actions sealed pursuant to the provisions of this
20 section at any hearing or trial for purposes of impeaching the
21 credibility of a witness or as evidence of character testimony
22 pursuant to Section 2608 of Title 12 of the Oklahoma Statutes.

23 ~~M.~~ Q. A person who has attained eighteen (18) years of age or
24 older may petition the district or municipal court in which the

1 juvenile court record is located for an order to expunge ~~all or any~~
2 ~~part of~~ the record pertaining to matters involving truancy provided
3 the person has met the criteria set forth in paragraphs ~~2~~ 1 through
4 4 3 of subsection A B of this section. The petition shall be
5 reviewed by the district or municipal judge with primary
6 responsibility over the juvenile court docket.

7 SECTION 2. This act shall become effective November 1, 2021.

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
10 02/24/2021 - DO PASS, As Coauthored.

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