

1 ENGROSSED SENATE AMENDMENT  
TO

2 ENGROSSED HOUSE  
BILL NO. 1234

By: Osburn (Mike) of the House

3  
4 and

Stanislawski of the Senate

5  
6  
7 An Act relating to court records; creating the Court  
8 Records Protection and Modernization Act \*\*\* allowing  
9 certain exhibits, court reporter's notes, pleadings  
10 and judgments be destroyed when electronically  
11 stored; allowing certain depositions be destroyed  
12 when electronically stored; providing for  
13 noncodification; and providing an effective date.

14  
15 AUTHOR: Remove Stanislawski as the principal Senate Author and  
16 replace with Sykes as principal Senate Author.

17 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
18 entire bill and insert

19 "An Act relating to court records; amending 10A O.S.  
20 2011, Sections 2-6-108, as amended by Section 19,  
21 Chapter 404, O.S.L. 2013, and 2-6-109 (10A O.S. Supp.  
22 2017, Section 2-6-108), which relate to juvenile  
23 judicial proceedings; deleting requirements for  
24 destruction of certain records; amending 20 O.S.  
2011, Section 1005, which relates to destruction of  
court records; deleting time limitations for  
destruction of certain records; authorizing court  
clerk to determine method of record preservation;  
authorizing destruction of judicial records after  
specified time period; establishing procedures for  
destruction of records; requiring certain notice;  
requiring public hearing upon certain objection;  
repealing 20 O.S. 2011, Sections 1005.1, 1006 and

1 1008, which relate to destruction of records; and  
2 providing an effective date.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-6-108, as  
6 amended by Section 19, Chapter 404, O.S.L. 2013 (10A O.S. Supp.  
7 2017, Section 2-6-108), is amended to read as follows:

8 Section 2-6-108. A. No adjudication by the court upon the  
9 status of a child in a juvenile proceeding shall operate to impose  
10 any of the civil disabilities ordinarily resulting from conviction  
11 of a crime, nor shall a child be deemed a criminal by reason of a  
12 juvenile adjudication.

13 B. The court may sua sponte, upon motion by the state or upon  
14 motion by the alleged delinquent, order the records of a person  
15 alleged to be delinquent to be sealed as follows:

16 1. When the person has been alleged to be delinquent and:

17 a. one (1) year has elapsed from the later of:

18 (1) dismissal or closure of the case by the court, or

19 (2) notice to the court by the Office of Juvenile

20 Affairs or a juvenile bureau of final discharge

21 of such person from the supervision of the Office

22 of Juvenile Affairs or juvenile bureau, and  
23  
24

- b. the person has not been found guilty of or admitted to the commission of a subsequent criminal offense in either a juvenile or adult proceeding, and
- c. no juvenile or adult proceeding for a criminal offense is pending;

2. When a juvenile court intake has been completed and:

- a. the case has been dismissed, or
- b. no petition has been filed pending fulfillment of conditions of a voluntary probation, or
- c. a petition has been filed but no adjudication has occurred pending the fulfillment of conditions of a preadjudicatory probation;

3. When a juvenile participates in a court-approved alternative diversion program for first-time offenders and:

- a. the juvenile presents satisfactory evidence to the court that the juvenile has successfully completed the program, and
- b. the court dismisses the case at the conclusion of the deferral period; or

4. When a juvenile participates in a court-approved military mentor program and:

- a. the juvenile presents satisfactory evidence to the court that the juvenile has successfully completed the program, and

1           b.    the court dismisses the case at the conclusion of the  
2                    deferral period.

3 The records may be sealed one (1) year after such dismissal or  
4 completion of the conditions of a voluntary or preadjudicatory  
5 probation, alternative diversion program for first-time offenders,  
6 or military mentor program or upon the person attaining the age of  
7 eighteen (18) years in the discretion of the court. Upon the  
8 sealing of any record of a person alleged to be delinquent pursuant  
9 to this title, the record and official actions subject to the order  
10 shall be deemed never to have occurred, and the person who is the  
11 subject of the record and all juvenile justice agencies may properly  
12 reply upon any inquiry in the matter that no such action ever  
13 occurred and no such record exists with respect to such person.

14           C.   The Administrative Office of the Courts shall establish on  
15 or before January 1, 1994, a system for sealing records as required  
16 by subsection B of this section and records shall be sealed in  
17 accordance with the procedures established pursuant to said system.

18           D.   1.   The court clerk shall seal the juvenile court record  
19 indicated in the court's order, except that a confidential index  
20 shall be maintained for the purpose of locating records subject to  
21 inspection or release pursuant to subsection F of this section.

22                2.   When notified by the court clerk of a court order sealing a  
23 juvenile court record, the law enforcement agency having records  
24

1 pertaining to the person shall seal the records as ordered, except  
2 basic identification information shall be maintained.

3 3. Except where such documents are necessary to maintain state  
4 or federal funding, the juvenile court personnel records pertaining  
5 to the person shall be sealed.

6 E. Members of the judiciary, district attorneys, the defendant,  
7 the defendant's counsel and employees of juvenile bureaus, the  
8 Office of Juvenile Affairs assigned juvenile court intake  
9 responsibilities, and the Department of Corrections may access  
10 records that have been sealed pursuant to this section without a  
11 court order for the purpose of determining whether to dismiss an  
12 action, seek a voluntary probation, file a petition, or for purposes  
13 of sentencing or placement in a case where the person who is the  
14 subject of the sealed record is alleged to have committed a  
15 subsequent juvenile delinquent act or any adult criminal offense.  
16 Provided, any record sealed pursuant to this section may be used in  
17 a subsequent juvenile delinquent or adult prosecution only after the  
18 issuance of a court order unsealing the record.

19 F. The court may issue an order unsealing sealed juvenile court  
20 records, for use for the following purposes:

21 1. In subsequent cases against the same child pursuant to this  
22 title;

23 2. In an adult criminal proceeding pursuant to Section 2-2-403  
24 or 2-5-101 of this title;

1           3. Upon conviction of a criminal offense in an adult  
2 proceeding, in connection with the sentencing of such person;

3           4. If the person is placed in the custody or under the  
4 supervision of the Department of Corrections;

5           5. In accordance with the guidelines adopted pursuant to the  
6 Juvenile Offender Tracking Program and Section 620.6 of Title 10 of  
7 the Oklahoma Statutes, for maintaining juvenile justice and criminal  
8 justice statistical information;

9           6. For the purpose of a criminal investigation; or

10          7. When the court finds that there is a compelling reason and  
11 it is in the interest of justice to order the record unsealed.

12          G. Any person or agency having a legitimate interest in a  
13 delinquency case or proceeding may petition the court for an order  
14 unsealing a juvenile court record. Upon the filing of a petition to  
15 unseal any juvenile court record, the court shall set a date for a  
16 hearing and shall provide thirty (30) days of notice to all  
17 interested parties. The hearing may be closed at the discretion of  
18 the court. If, after a hearing, the court determines that there is  
19 any reason enumerated in subsection F of this section and it is  
20 necessary for the protection of a legitimate public or private  
21 interest to unseal the record, the court shall order the record  
22 unsealed.

1 ~~H. Any record ordered to be sealed pursuant to this section, if~~  
2 ~~not unsealed within ten (10) years of the order, shall be~~  
3 ~~obliterated or destroyed at the end of the ten-year period.~~

4 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-6-109, is  
5 amended to read as follows:

6 Section 2-6-109. A. A person who is the subject of a juvenile  
7 court record, that is not confidential as provided by law, may  
8 petition the district court in which the juvenile court record is  
9 located for an order to expunge all or any part of the record  
10 pertaining to the person, except basic identification information;  
11 provided:

12 1. The person has attained twenty-one (21) years of age or  
13 older;

14 2. The person has not been arrested for any adult criminal  
15 offense and no charge, indictment, or information has been filed or  
16 is pending against the person at the time of the petition for an  
17 expungement;

18 3. The person has not been subject to any deferred prosecution  
19 or deferred sentence, and has not been convicted of any criminal  
20 offense; and

21 4. All court costs, restitution, fines and other court-ordered  
22 requirements have been completed for all juvenile proceedings.

23 B. Upon the filing of a petition for expungement of a juvenile  
24 court record, the court shall set a date for a hearing, which

1 hearing may be closed at the court's discretion, and shall provide a  
2 thirty (30) days' notice of the hearing to the district attorney,  
3 the Office of Juvenile Affairs, the Oklahoma State Bureau of  
4 Investigation, and any other person or agency whom the court has  
5 reason to believe may have relevant information related to the  
6 expungement of any record.

7 C. Upon a finding that the harm to privacy of the person in  
8 interest or dangers of unwarranted adverse consequences outweigh the  
9 public interest in retaining the records, the court may order the  
10 records, or any part thereof except basic identification  
11 information, to be expunged. If the court finds that neither  
12 expungement of the records nor maintaining of the records unsealed  
13 by the agency would serve the ends of justice, the court may enter  
14 an appropriate order limiting access to the records. Any order  
15 entered pursuant to the provisions of this subsection shall specify  
16 those agencies to which the court order shall apply.

17 D. Upon the entry of an order to expunge any juvenile court  
18 record, or any part thereof, the subject official actions shall be  
19 deemed never to have occurred, and the person in interest and all  
20 juvenile and criminal justice agencies may properly reply, upon any  
21 inquiry in the matter, that no such action ever occurred and that no  
22 such record exists with respect to the person.

23 E. Inspection of the records included in the order may  
24 thereafter be permitted by the court only upon petition by the



1 person in interest who is the subject of the records, the Attorney  
2 General, or by the district attorney and only to those persons and  
3 for such purposes named in the petition.

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

14 G. Nothing in this section shall be construed to authorize the  
15 physical destruction of any juvenile records.

16 H. For the purposes of this section, expunged materials which  
17 are recorded in the same document as unsealed material may be  
18 recorded in a separate document, and sealed, then obliterated in the  
19 original document.

20 I. For the purposes of this act, district court index reference  
21 of sealed material shall be destroyed, removed or obliterated.

22 ~~J. Any record ordered to be expunged pursuant to this section~~  
23 ~~shall be sealed and, if not unsealed within ten (10) years of the~~  
24

1 ~~expungement order, may be obliterated or destroyed at the end of the~~  
2 ~~ten-year period.~~

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

13 ~~H.~~ K. Nothing herein shall prohibit the introduction of  
14 evidence regarding actions sealed pursuant to the provisions of this  
15 section at any hearing or trial for purposes of impeaching the  
16 credibility of a witness or as evidence of character testimony  
17 pursuant to Section 2608 of Title 12 of the Oklahoma Statutes.

18 ~~M.~~ L. A person who has attained eighteen (18) years of age or  
19 older may petition the district or municipal court in which the  
20 juvenile court record is located for an order to expunge all or any  
21 part of the record pertaining to matters involving truancy provided  
22 the person has met the criteria set forth in paragraphs 2 through 4  
23 of subsection A of this section. The petition shall be reviewed by  
24

1 the district or municipal judge with primary responsibility over the  
2 juvenile court docket.

3 SECTION 3. AMENDATORY 20 O.S. 2011, Section 1005, is  
4 amended to read as follows:

5 Section 1005. A. ~~Unless there is an objection by the presiding~~  
6 ~~administrative judge or the chief judge of the district court, the~~  
7 ~~court clerk is authorized to dispose of the judicial records~~  
8 ~~enumerated in this subsection by first offering all or part of the~~  
9 ~~records to the Archives and Records Division of the Oklahoma~~  
10 ~~Department of Libraries for preservation as historical research~~  
11 ~~materials, and by destroying all those which are not accepted by the~~  
12 ~~Division. Nothing shall prohibit the presiding administrative judge~~  
13 ~~or the chief judge of the district court from entering an order for~~  
14 ~~the destruction of records prior to the time limits enumerated in~~  
15 ~~this subsection for good cause shown. In the record destruction~~  
16 ~~process, any officer may rely upon computerized lists or other~~  
17 ~~electronic data provided by the Administrative Office of the Courts~~  
18 ~~or its OCIS/OSCN system. For purposes of determining the time~~  
19 ~~periods in this chapter, the officer may disregard entries or~~  
20 ~~actions taken in the subject cases, such as accounting, internal~~  
21 ~~electronic data or other nonjudicial entries. The judicial records~~  
22 ~~subject to disposal or destruction shall be:~~

23 1. ~~Domestic relations cases. This shall include, but not be~~  
24 ~~limited to, cases filed concerning divorce, separate maintenance,~~

1 ~~annulment, reciprocal actions for enforcement of support, child~~  
2 ~~custody, domestic abuse, foreign judgments in domestic relations~~  
3 ~~cases, income assignments relating to an order of support,~~  
4 ~~paternity, appeal on administrative order relating to support or~~  
5 ~~paternity, habeas corpus relating to children, and other domestic-~~  
6 ~~related filings:~~

7       a. ~~domestic relations cases that have been dismissed and~~  
8       ~~no pleading has been filed or any action taken in the~~  
9       ~~case for more than one (1) year, and~~

10       b. ~~all domestic relations cases after a twenty-year~~  
11       ~~period has elapsed since any pleading has been filed~~  
12       ~~or any action taken in the case;~~

13       2. ~~Probate cases. This shall include, but not be limited to,~~  
14 ~~cases filed concerning the probating of estates, guardianships,~~  
15 ~~conservatorships, protective services to the elderly, powers of~~  
16 ~~attorney, and trusts:~~

17       a. ~~probate cases that have been dismissed and no pleading~~  
18       ~~has been filed or any action taken in the case for~~  
19       ~~more than one (1) year, and~~

20       b. ~~all probate cases after a twenty-year period has~~  
21       ~~elapsed since any pleading has been filed or any~~  
22       ~~action taken in the case;~~

1       ~~3. Actions brought for money judgment only in which a dismissal~~  
2 ~~or release and satisfaction has been filed for more than one (1)~~  
3 ~~year;~~

4       ~~4. Civil (CJ and CS) records of cases:~~

5           ~~a. civil (CJ and CS) cases that have been dismissed and~~  
6           ~~no pleading has been filed or any action taken in the~~  
7           ~~case for more than one (1) year, and~~

8           ~~b. all other civil (CJ and CS) cases after a ten-year~~  
9           ~~period has elapsed since any pleading has been filed~~  
10           ~~or any action taken in the case;~~

11       ~~5. Felony criminal records of unadjudicated cases and~~  
12 ~~adjudicated cases:~~

13           ~~a. felony criminal cases that have been dismissed and no~~  
14           ~~pleading or any action taken in the case for more than~~  
15           ~~one (1) year,~~

16           ~~b. felony criminal records of adjudicated cases after a~~  
17           ~~ten-year period has elapsed since any pleading has~~  
18           ~~been filed or any action taken in the case, and~~

19           ~~c. felony criminal records of adjudicated cases, where~~  
20           ~~the sentence imposed was death, life without parole,~~  
21           ~~or life, after a fifty-year period has elapsed since~~  
22           ~~any pleading has been filed or any action taken in the~~  
23           ~~case;~~

1 ~~6. Misdemeanor records of unadjudicated cases and adjudicated~~  
2 ~~cases:~~

3 ~~a. misdemeanor cases that have been dismissed and no~~  
4 ~~pleading or any action taken in the case for more than~~  
5 ~~one (1) year,~~

6 ~~b. misdemeanor records of adjudicated cases after a five-~~  
7 ~~year period has elapsed since any pleading has been~~  
8 ~~filed or any action taken in the case; and~~

9 ~~7. Juvenile cases. This shall include, but not be limited to,~~  
10 ~~cases filed concerning delinquents, children in need of supervision,~~  
11 ~~deprived children, children in need of treatment, children in need~~  
12 ~~of shelter, and other related juvenile filings:~~

13 ~~a. juvenile cases that have been dismissed and no~~  
14 ~~pleading has been filed or any action taken in the~~  
15 ~~case for more than one (1) year, and~~

16 ~~b. all juvenile cases after a twenty-year period has~~  
17 ~~elapsed since any pleading has been filed or any~~  
18 ~~action taken in the case.~~

19 ~~B. The All paper judicial records of any civil, criminal or~~  
20 ~~juvenile case, any exhibits related to such case and the appearance~~  
21 ~~docket books or sheets on which they are entered, prior to their~~  
22 ~~disposal or destruction, shall be stored and preserved on at least~~  
23 ~~two microfilm records, optical ~~disks,~~ discs or other appropriate~~  
24 ~~medium as determined by the court clerk, one of which shall be~~

1 placed in the Archives and Records Division of the Oklahoma  
2 Department of Libraries or in a bank or other appropriate local  
3 depository and the other shall be available for public use in the  
4 court clerk's office. The copy in the Department of Libraries or  
5 other depository shall be available for replacement in case of  
6 functional failure of the one available for public use. The cost of  
7 the storage medium and equipment for viewing and copying shall be  
8 paid out of the court fund, upon approval by the Chief Justice of  
9 the Supreme Court. Records reproduced from microfilm, optical ~~disk,~~  
10 ~~and disc~~ or other media produced pursuant to the provisions of this  
11 section shall be received in evidence and have the same legal  
12 efficacy as the original.

13 ~~C. Traffic cases. The court clerk of each district court shall~~  
14 ~~destroy the judicial records of traffic cases and the appearance~~  
15 ~~docket books or sheets on which they are entered after a five year~~  
16 ~~period has elapsed since any pleading has been filed or any action~~  
17 ~~taken in the case, except in the case of a conviction for driving~~  
18 ~~under the influence of intoxicating liquor or any narcotic drug,~~  
19 ~~which records shall be destroyed after a ten-year period has elapsed~~  
20 ~~since any pleading has been filed or any action taken in the case.~~

21 ~~D. Records of criminal property cases brought pursuant to~~  
22 ~~Section 1321 et seq. of Title 22 of the Oklahoma Statutes shall be~~  
23 ~~subject to disposal or destruction after a two-year period has~~  
24

1 ~~elapsed since any pleading has been filed or any action taken in the~~  
2 ~~case.~~

3 B. All paper judicial records of any civil, criminal or  
4 juvenile case, any exhibits related to such case and the appearance  
5 docket books or sheets on which they are entered, that have been  
6 stored and preserved pursuant to subsection A of this section, shall  
7 be subject to disposal or destruction after a ten-year period has  
8 elapsed since any pleading has been filed or any action taken in the  
9 case; provided, however, records of domestic relations cases that  
10 involve a minor shall not be subject to disposal or destruction  
11 until five (5) years after the date the minor reaches the age of  
12 majority. Notice of records eligible for disposal or destruction  
13 shall be provided to the Offices of the District Attorney and Public  
14 Defender, if applicable. Additionally, notice shall be published by  
15 the court clerk on the OSCN website and one time in a newspaper of  
16 general circulation in the county or counties of the judicial  
17 district. If any interested person submits an objection in writing  
18 to the court clerk to the disposal or destruction of any paper  
19 judicial records within sixty (60) days after service of notice, the  
20 presiding judge of the judicial district shall set a public hearing  
21 to approve or disapprove the disposal or destruction, in total or in  
22 part, of any paper judicial records eligible for disposal or  
23 destruction pursuant to this section.





1 ENGROSSED HOUSE  
2 BILL NO. 1234

By: Osburn (Mike) of the House

3 and

4 Stanislawski of the Senate

5  
6  
7 An Act relating to court records; creating the Court  
8 Records Protection and Modernization Act; amending  
9 10A O.S. 2011, Sections 2-6-108, as amended by  
10 Section 19, Chapter 404, O.S.L. 2013 and 2-6-109 (10A  
11 O.S. Supp. 2016, Section 2-6-108), which relate to  
12 juvenile judicial proceedings; allowing certain  
13 sealed and expunged records to be destroyed after  
14 adjudication when electronically stored; authorizing  
15 the Supreme Court of Oklahoma to establish rules;  
16 amending 20 O.S. 2011, Sections 1005, 1005.1, 1006,  
17 1007 and 1008, which relate to destruction of court  
18 records; removing option for judge objection;  
19 allowing certain paper judicial records be destroyed  
20 upon adjudication of respective case; prohibiting  
21 destruction if not reproduced electronically;  
22 allowing traffic and criminal property case records  
23 be destroyed after adjudication when electronically  
24 stored; authorizing the Supreme Court of Oklahoma to  
establish rules; allowing small claims case records  
be destroyed after adjudication when electronically  
stored; allowing certain documents filed with the  
court clerk to be destroyed after filing when  
electronically stored; allowing certain exhibits,  
court reporter's notes, pleadings and judgments be  
destroyed when electronically stored; allowing  
certain depositions be destroyed when electronically  
stored; providing for noncodification; and providing  
an effective date.

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

1 SECTION 6. NEW LAW A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Court Records  
4 Protection and Modernization Act".

5 SECTION 7. AMENDATORY 10A O.S. 2011, Section 2-6-108, as  
6 amended by Section 19, Chapter 404, O.S.L. 2013 (10A O.S. Supp.  
7 2016, Section 2-6-108), is amended to read as follows:

8 Section 2-6-108. A. No adjudication by the court upon the  
9 status of a child in a juvenile proceeding shall operate to impose  
10 any of the civil disabilities ordinarily resulting from conviction  
11 of a crime, nor shall a child be deemed a criminal by reason of a  
12 juvenile adjudication.

13 B. The court may sua sponte, upon motion by the state or upon  
14 motion by the alleged delinquent, order the records of a person  
15 alleged to be delinquent to be sealed as follows:

16 1. When the person has been alleged to be delinquent and:

17 a. one (1) year has elapsed from the later of:

18 (1) dismissal or closure of the case by the court, or

19 (2) notice to the court by the Office of Juvenile

20 Affairs or a juvenile bureau of final discharge

21 of such person from the supervision of the Office

22 of Juvenile Affairs or juvenile bureau, and

23

24

- 1           b. the person has not been found guilty of or admitted to  
2           the commission of a subsequent criminal offense in  
3           either a juvenile or adult proceeding, and  
4           c. no juvenile or adult proceeding for a criminal offense  
5           is pending;

6       2. When a juvenile court intake has been completed and:

- 7           a. the case has been dismissed, or  
8           b. no petition has been filed pending fulfillment of  
9           conditions of a voluntary probation, or  
10          c. a petition has been filed but no adjudication has  
11          occurred pending the fulfillment of conditions of a  
12          preadjudicatory probation;

13       3. When a juvenile participates in a court-approved alternative  
14 diversion program for first-time offenders and:

- 15           a. the juvenile presents satisfactory evidence to the  
16           court that the juvenile has successfully completed the  
17           program, and  
18           b. the court dismisses the case at the conclusion of the  
19           deferral period; or

20       4. When a juvenile participates in a court-approved military  
21 mentor program and:

- 22           a. the juvenile presents satisfactory evidence to the  
23           court that the juvenile has successfully completed the  
24           program, and

1           b.    the court dismisses the case at the conclusion of the  
2                    deferral period.

3 The records may be sealed one (1) year after such dismissal or  
4 completion of the conditions of a voluntary or preadjudicatory  
5 probation, alternative diversion program for first-time offenders,  
6 or military mentor program or upon the person attaining the age of  
7 eighteen (18) years in the discretion of the court. Upon the  
8 sealing of any record of a person alleged to be delinquent pursuant  
9 to this title, the record and official actions subject to the order  
10 shall be deemed never to have occurred, and the person who is the  
11 subject of the record and all juvenile justice agencies may properly  
12 reply upon any inquiry in the matter that no such action ever  
13 occurred and no such record exists with respect to such person.

14           C.   The Administrative Office of the Courts shall establish on  
15 or before January 1, 1994, a system for sealing records as required  
16 by subsection B of this section and records shall be sealed in  
17 accordance with the procedures established pursuant to said system.

18           D.   1.   The court clerk shall seal the juvenile court record  
19 indicated in the court's order, except that a confidential index  
20 shall be maintained for the purpose of locating records subject to  
21 inspection or release pursuant to subsection F of this section.

22                2.   When notified by the court clerk of a court order sealing a  
23 juvenile court record, the law enforcement agency having records  
24

1 pertaining to the person shall seal the records as ordered, except  
2 basic identification information shall be maintained.

3 3. Except where such documents are necessary to maintain state  
4 or federal funding, the juvenile court personnel records pertaining  
5 to the person shall be sealed.

6 E. Members of the judiciary, district attorneys, the defendant,  
7 the defendant's counsel and employees of juvenile bureaus, the  
8 Office of Juvenile Affairs assigned juvenile court intake  
9 responsibilities, and the Department of Corrections may access  
10 records that have been sealed pursuant to this section without a  
11 court order for the purpose of determining whether to dismiss an  
12 action, seek a voluntary probation, file a petition, or for purposes  
13 of sentencing or placement in a case where the person who is the  
14 subject of the sealed record is alleged to have committed a  
15 subsequent juvenile delinquent act or any adult criminal offense.  
16 Provided, any record sealed pursuant to this section may be used in  
17 a subsequent juvenile delinquent or adult prosecution only after the  
18 issuance of a court order unsealing the record.

19 F. The court may issue an order unsealing sealed juvenile court  
20 records, for use for the following purposes:

21 1. In subsequent cases against the same child pursuant to this  
22 title;

23 2. In an adult criminal proceeding pursuant to Section 2-2-403  
24 or 2-5-101 of this title;

1           3. Upon conviction of a criminal offense in an adult  
2 proceeding, in connection with the sentencing of such person;

3           4. If the person is placed in the custody or under the  
4 supervision of the Department of Corrections;

5           5. In accordance with the guidelines adopted pursuant to the  
6 Juvenile Offender Tracking Program and Section 620.6 of Title 10 of  
7 the Oklahoma Statutes, for maintaining juvenile justice and criminal  
8 justice statistical information;

9           6. For the purpose of a criminal investigation; or

10          7. When the court finds that there is a compelling reason and  
11 it is in the interest of justice to order the record unsealed.

12          G. Any person or agency having a legitimate interest in a  
13 delinquency case or proceeding may petition the court for an order  
14 unsealing a juvenile court record. Upon the filing of a petition to  
15 unseal any juvenile court record, the court shall set a date for a  
16 hearing and shall provide thirty (30) days of notice to all  
17 interested parties. The hearing may be closed at the discretion of  
18 the court. If, after a hearing, the court determines that there is  
19 any reason enumerated in subsection F of this section and it is  
20 necessary for the protection of a legitimate public or private  
21 interest to unseal the record, the court shall order the record  
22 unsealed.

23          H. Any record ordered to be sealed pursuant to this section, if  
24 not unsealed within ten (10) years of the order, shall be

1 obliterated or destroyed at the end of the ten-year period;  
2 provided, that the records may be destroyed after the respective  
3 case has been adjudicated if, prior to their disposal or  
4 destruction, they are reproduced on microfilm, optical disc or other  
5 media produced pursuant to rules of the Oklahoma Supreme Court. The  
6 Supreme Court of Oklahoma shall establish rules regulating the  
7 electronic storage of judicial records provided in this subsection.

8 SECTION 8. AMENDATORY 10A O.S. 2011, Section 2-6-109, is  
9 amended to read as follows:

10 Section 2-6-109. A. A person who is the subject of a juvenile  
11 court record, that is not confidential as provided by law, may  
12 petition the district court in which the juvenile court record is  
13 located for an order to expunge all or any part of the record  
14 pertaining to the person, except basic identification information;  
15 provided:

16 1. The person has attained twenty-one (21) years of age or  
17 older;

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

22 3. The person has not been subject to any deferred prosecution  
23 or deferred sentence, and has not been convicted of any criminal  
24 offense; and



1       4. All court costs, restitution, fines and other court-ordered  
2 requirements have been completed for all juvenile proceedings.

3       B. Upon the filing of a petition for expungement of a juvenile  
4 court record, the court shall set a date for a hearing, which  
5 hearing may be closed at the court's discretion, and shall provide a  
6 thirty (30) days' notice of the hearing to the district attorney,  
7 the Office of Juvenile Affairs, the Oklahoma State Bureau of  
8 Investigation, and any other person or agency whom the court has  
9 reason to believe may have relevant information related to the  
10 expungement of any record.

11       C. Upon a finding that the harm to privacy of the person in  
12 interest or dangers of unwarranted adverse consequences outweigh the  
13 public interest in retaining the records, the court may order the  
14 records, or any part thereof except basic identification  
15 information, to be expunged. If the court finds that neither  
16 expungement of the records nor maintaining of the records unsealed  
17 by the agency would serve the ends of justice, the court may enter  
18 an appropriate order limiting access to the records. Any order  
19 entered pursuant to the provisions of this subsection shall specify  
20 those agencies to which the court order shall apply.

21       D. Upon the entry of an order to expunge any juvenile court  
22 record, or any part thereof, the subject official actions shall be  
23 deemed never to have occurred, and the person in interest and all  
24 juvenile and criminal justice agencies may properly reply, upon any

1 inquiry in the matter, that no such action ever occurred and that no  
2 such record exists with respect to the person.

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

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

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

20 H. For the purposes of this section, expunged materials which  
21 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.

24

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

3 J. Any record ordered to be expunged pursuant to this section  
4 shall be sealed and, if not unsealed within ten (10) years of the  
5 expungement order, may be obliterated or destroyed at the end of the  
6 ten-year period; provided, that the records may be destroyed after  
7 the respective case has been adjudicated if, prior to their disposal  
8 or destruction, they are reproduced on microfilm, optical disc or  
9 other media produced pursuant to rules of the Oklahoma Supreme  
10 Court. The Supreme Court of Oklahoma shall establish rules  
11 regulating the electronic storage of judicial records provided in  
12 this subsection.

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

23 L. Nothing herein shall prohibit the introduction of evidence  
24 regarding actions sealed pursuant to the provisions of this section

1 at any hearing or trial for purposes of impeaching the credibility  
2 of a witness or as evidence of character testimony pursuant to  
3 Section 2608 of Title 12 of the Oklahoma Statutes.

4 M. A person who has attained eighteen (18) years of age or  
5 older may petition the district or municipal court in which the  
6 juvenile court record is located for an order to expunge all or any  
7 part of the record pertaining to matters involving truancy provided  
8 the person has met the criteria set forth in paragraphs 2 through 4  
9 of subsection A of this section. The petition shall be reviewed by  
10 the district or municipal judge with primary responsibility over the  
11 juvenile court docket.

12 SECTION 9. AMENDATORY 20 O.S. 2011, Section 1005, is  
13 amended to read as follows:

14 Section 1005. A. ~~Unless there is an objection by the presiding~~  
15 ~~administrative judge or the chief judge of the district court, the~~  
16 The court clerk is authorized to dispose of the judicial records  
17 enumerated in this subsection by first offering all or part of the  
18 records to the Archives and Records Division of the Oklahoma  
19 Department of Libraries for preservation as historical research  
20 materials, and by destroying all those which are not accepted by the  
21 Division. Nothing shall prohibit the presiding administrative judge  
22 or the chief judge of the district court from entering an order for  
23 the destruction of records prior to the time limits enumerated in  
24 this subsection for good cause shown. In the record destruction

1 process, any officer may rely upon computerized lists or other  
2 electronic data provided by the Administrative Office of the Courts  
3 or its OCIS/OSCN system. For purposes of determining the time  
4 periods in this chapter, the officer may disregard entries or  
5 actions taken in the subject cases, such as accounting, internal  
6 electronic data or other nonjudicial entries. The Except as  
7 provided in subsection B of this section, the judicial records  
8 subject to disposal or destruction shall be:

9 1. Domestic relations cases. This shall include, but not be  
10 limited to, cases filed concerning divorce, separate maintenance,  
11 annulment, reciprocal actions for enforcement of support, child  
12 custody, domestic abuse, foreign judgments in domestic relations  
13 cases, income assignments relating to an order of support,  
14 paternity, appeal on administrative order relating to support or  
15 paternity, habeas corpus relating to children, and other domestic-  
16 related filings:

- 17 a. domestic relations cases that have been dismissed and  
18 no pleading has been filed or any action taken in the  
19 case for more than one (1) year, and  
20 b. all domestic relations cases after a twenty-year  
21 period has elapsed since any pleading has been filed  
22 or any action taken in the case;

23 2. Probate cases. This shall include, but not be limited to,  
24 cases filed concerning the probating of estates, guardianships,

1 conservatorships, protective services to the elderly, powers of  
2 attorney, and trusts:

3 a. probate cases that have been dismissed and no pleading  
4 has been filed or any action taken in the case for  
5 more than one (1) year, and

6 b. all probate cases after a twenty-year period has  
7 elapsed since any pleading has been filed or any  
8 action taken in the case;

9 3. Actions brought for money judgment only in which a dismissal  
10 or release and satisfaction has been filed for more than one (1)  
11 year;

12 4. Civil (CJ and CS) records of cases:

13 a. civil (CJ and CS) cases that have been dismissed and  
14 no pleading has been filed or any action taken in the  
15 case for more than one (1) year, and

16 b. all other civil (CJ and CS) cases after a ten-year  
17 period has elapsed since any pleading has been filed  
18 or any action taken in the case;

19 5. Felony criminal records of unadjudicated cases and  
20 adjudicated cases:

21 a. felony criminal cases that have been dismissed and no  
22 pleading or any action taken in the case for more than  
23 one (1) year,

24

1           b. felony criminal records of adjudicated cases after a  
2           ten-year period has elapsed since any pleading has  
3           been filed or any action taken in the case, and

4           c. felony criminal records of adjudicated cases, where  
5           the sentence imposed was death, life without parole,  
6           or life, after a fifty-year period has elapsed since  
7           any pleading has been filed or any action taken in the  
8           case;

9           6. Misdemeanor records of unadjudicated cases and adjudicated  
10          cases:

11           a. misdemeanor cases that have been dismissed and no  
12           pleading or any action taken in the case for more than  
13           one (1) year,

14           b. misdemeanor records of adjudicated cases after a five-  
15           year period has elapsed since any pleading has been  
16           filed or any action taken in the case; and

17           7. Juvenile cases. This shall include, but not be limited to,  
18          cases filed concerning delinquents, children in need of supervision,  
19          deprived children, children in need of treatment, children in need  
20          of shelter, and other related juvenile filings:

21           a. juvenile cases that have been dismissed and no  
22           pleading has been filed or any action taken in the  
23           case for more than one (1) year, and  
24

1           b.    all juvenile cases after a twenty-year period has  
2                    elapsed since any pleading has been filed or any  
3                    action taken in the case.

4           B.    The paper judicial records and the appearance docket books  
5 or sheets on which they are entered may be destroyed after the  
6 respective case has been adjudicated; provided, that prior to their  
7 disposal or destruction, they shall be stored on at least two  
8 microfilm records, optical ~~disks,~~ discs or other appropriate medium,  
9 one of which shall be placed in the Archives and Records Division of  
10 the Oklahoma Department of Libraries or in a bank or other  
11 appropriate local depository and the other shall be available for  
12 public use in the court clerk's office. The copy in the Department  
13 of Libraries or other depository shall be available for replacement  
14 in case of functional failure of the one available for public use.  
15 The cost of the storage medium and equipment for viewing and copying  
16 shall be paid out of the court fund, upon approval by the Chief  
17 Justice of the Supreme Court. Records reproduced from microfilm,  
18 optical ~~disk,~~ and disc or other media produced pursuant to the  
19 provisions of this section shall be received in evidence and have  
20 the same legal efficacy as the original. Paper records that are not  
21 reproduced from microfilm, optical disc or other media produced  
22 pursuant to this subsection shall be kept and maintained for the  
23 time period provided in subsection A of this section.



1 C. ~~Traffic cases.~~ The Except as otherwise provided in this  
2 subsection, the court clerk of each district court shall destroy the  
3 judicial records of traffic cases and the appearance docket books or  
4 sheets on which they are entered after a five-year period has  
5 elapsed since any pleading has been filed or any action taken in the  
6 case, except in the case of a conviction for driving under the  
7 influence of intoxicating liquor or any narcotic drug, which records  
8 shall be destroyed after a ten-year period has elapsed since any  
9 pleading has been filed or any action taken in the case. The court  
10 clerk is authorized to destroy the judicial records and the  
11 appearance docket books or sheets on which they are entered after  
12 the respective case has been adjudicated if, prior to their disposal  
13 or destruction, they are reproduced on microfilm, optical disc or  
14 other media produced pursuant to procedures in subsection B of this  
15 section.

16 D. Records of criminal property cases brought pursuant to  
17 ~~Section~~ Sections 1321 ~~et seq.~~ through 1327 of Title 22 of the  
18 Oklahoma Statutes shall be subject to disposal or destruction after  
19 a two-year period has elapsed since any pleading has been filed or  
20 any action taken in the case; provided, that the records may be  
21 destroyed after the respective case has been adjudicated if, prior  
22 to their disposal or destruction, they are reproduced on microfilm,  
23 optical disc or other media produced pursuant to procedures in  
24 subsection B of this section.

1       E. The Supreme Court of Oklahoma shall establish rules  
2 regulating the electronic storage of judicial records provided in  
3 this section.

4       SECTION 10.        AMENDATORY        20 O.S. 2011, Section 1005.1, is  
5 amended to read as follows:

6       Section 1005.1 A. All paper records which have been recorded  
7 on microfilm, microfiche, compact disc, or any other recognized  
8 technological means may be destroyed after the respective case has  
9 been adjudicated or as otherwise provided by law. With the  
10 exception of felony conviction records, probate, adoption, quiet  
11 title, ejectment, partition, marriage and divorce records, and  
12 Indian deed approval records, all court records which have not been  
13 recorded on microfilm, microfiche, compact disc, or any other  
14 recognized technological means and in which no activity has occurred  
15 for twenty-two (22) years, may be destroyed or may be given as  
16 historical research materials to an appropriate organization as  
17 determined by the court clerk of the district court.

18       B. ~~Small claims cases and justice of the peace court records~~  
19 ~~shall not be subject to microfilm or other permanent recording~~  
20 ~~requirements.~~ The court clerk of each district court shall destroy  
21 the judicial records of justice of the peace courts including docket  
22 books on which they are entered, and small claims cases including  
23 the docket books and sheets on which they are entered after a five-  
24 year period has elapsed since any pleading has been filed or any

1 action taken in the case; provided, that the records may be  
2 destroyed after the respective case has been adjudicated if, prior  
3 to their disposal or destruction, they are reproduced on microfilm,  
4 optical disc or other media produced pursuant to rules of the  
5 Oklahoma Supreme Court.

6 C. The Supreme Court of Oklahoma shall establish rules  
7 regulating the electronic storage of judicial records provided in  
8 this section.

9 SECTION 11. AMENDATORY 20 O.S. 2011, Section 1006, is  
10 amended to read as follows:

11 Section 1006. A. ~~Unless there is an objection by the chief~~  
12 ~~judge of the district court, the~~ The court clerk is authorized to  
13 destroy all exhibits in all domestic relations cases in which there  
14 has been no activity for more than twenty (20) years, and exhibits  
15 in all other civil cases in which there has been no activity for  
16 more than ten (10) years; provided, that the exhibits may be  
17 destroyed if, prior to their disposal or destruction, they are  
18 reproduced on microfilm, optical disc or other media produced  
19 pursuant to rules of the Oklahoma Supreme Court.

20 B. The chief judge may direct a court reporter to destroy a  
21 court reporter's notes after the expiration of ten (10) years from  
22 the date of a proceeding, or, if a proceeding has not resulted in an  
23 appeal upon which a request has been made to transcribe the  
24 proceeding, all notes of a court reporter may be destroyed

1 immediately upon completion of transcription of a proceeding;  
2 provided, that the notes may be destroyed if, prior to their  
3 disposal or destruction, they are reproduced on microfilm, optical  
4 disc or other media produced pursuant to rules of the Oklahoma  
5 Supreme Court.

6 C. No pleadings or judgments shall be destroyed under the  
7 provisions of this section; provided, that the pleadings or  
8 judgments may be destroyed if, prior to their disposal or  
9 destruction, they are reproduced on microfilm, optical disc or other  
10 media produced pursuant to rules of the Oklahoma Supreme Court.

11 D. The Supreme Court of Oklahoma shall establish rules  
12 regulating the electronic storage of judicial records provided in  
13 this section.

14 SECTION 12. AMENDATORY 20 O.S. 2011, Section 1007, is  
15 amended to read as follows:

16 Section 1007. ~~The~~ A. Except as provided in subsection B of  
17 this section, the court clerk in each county in Oklahoma is  
18 authorized to destroy or sell for salvage the documents mentioned in  
19 this section which have been on file or stored in the court clerk's  
20 office for a period longer than the time specified below:

21 1. One (1) year. All marriage health certificates;;

22 2. Two (2) years. All instruments relating to beer, bingo,  
23 process servers, foreign process servers, closing out sale, and pool  
24 hall licenses including the applications, affidavits of residence,

1 orders for hearing, notices of hearing, affidavits of posting and  
2 mailing and duplicate beer license-; and

3 3. Three (3) years. All duplicate receipts, duplicate  
4 vouchers, mechanics' and materialmen's lien records, duplicate  
5 deposit tickets, jury lists, juror and witness certificates, court  
6 clerk's liens, court fund claims, jury and bailiff records, monthly  
7 reports, statutory bonds, cost bonds, paid claims, procedural bonds,  
8 court assignments, and court calendars including disposition docket  
9 books containing entries which have been posted to the case file  
10 docket sheet or computer printed docket sheet, appearance bonds and  
11 search warrants in instances where no charges are filed, purchase  
12 orders, court minutes and records pertaining to bondspersons'  
13 licenses.

14 B. The documents provided in paragraphs 1, 2 and 3 of  
15 subsection A of this section may be destroyed after filing in the  
16 court clerk's office, and the required time period to store the  
17 documents shall not apply if, prior to their disposal or  
18 destruction, they are reproduced on microfilm, optical disc or other  
19 media produced pursuant to rules of the Oklahoma Supreme Court. The  
20 Supreme Court of Oklahoma shall establish rules regulating the  
21 electronic storage of judicial records provided in this subsection.

22 SECTION 13. AMENDATORY 20 O.S. 2011, Section 1008, is  
23 amended to read as follows:

1 Section 1008. In each county of this state, the court clerk is  
2 hereby authorized to destroy, from time to time, depositions taken  
3 in all civil cases, except adoptions, after a ten-year period, and  
4 depositions taken in domestic relations cases may be destroyed after  
5 a twenty-year period has elapsed since any pleading has been filed  
6 or any action taken in the case; provided, that the depositions  
7 taken in domestic relations cases may be destroyed if, prior to  
8 their disposal or destruction, they are reproduced on microfilm,  
9 optical disc or other media produced pursuant to rules of the  
10 Oklahoma Supreme Court. The Supreme Court of Oklahoma shall  
11 establish rules regulating the electronic storage of judicial  
12 records provided in this subsection.

13 SECTION 14. This act shall become effective November 1, 2017.

14 Passed the House of Representatives the 20th day of February,  
15 2017.

16  
17 Presiding Officer of the House  
18 of Representatives

19 Passed the Senate the \_\_\_ day of \_\_\_\_\_, 2017.

20  
21 Presiding Officer of the Senate  
22

23  
24