

**BILL SUMMARY**  
1<sup>st</sup> Session of the 57<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB1269</b>
<b>Version:</b>	<b>CCRA</b>
<b>Request Number:</b>	<b>8912</b>
<b>Author:</b>	<b>Rep. Dunnington</b>
<b>Date:</b>	<b>5/16/2019</b>
<b>Impact:</b>	<b>Pardon and Parole: under review</b> <b>Dept. of Corrections: no impact</b>

**Research Analysis**

The Conference Committee Substitute to HB 1269 modifies expungement by adding a new category of eligibility. The measure allows a person to seek an expungement if the person was convicted of a nonviolent felony which was subsequently reclassified as a misdemeanor under Oklahoma law, the person is not currently serving a sentence for a crime in this state or another state, at least thirty (30) days have passed since the completion or commutation of the 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 or revoked sentence that has since been successfully completed by the person or the person can show successful completion of a treatment program at a later date. The measure creates a form to be used by such a candidate for expungement.

The measure provides that when a suspended sentence of a person is being considered for revocation for an offense where the penalty has subsequently been lowered to a misdemeanor, the sentence is to be modified to a term that does not exceed the current maximum sentence. A person who is being considered for an acceleration of a deferred judgment for an offense where the penalty has subsequently been lowered to a misdemeanor shall only be subject to a judgment and sentence that would have been applicable had he or she committed the offense after July 1, 2017.

The Pardon and Parole Board is directed to establish an accelerated, single-stage commutation docket for any applicant who has been convicted of a crime that has been reclassified from a felony to a misdemeanor under Oklahoma law. The Pardon and Parole Board is empowered to recommend to the Governor for commutation, by majority vote, any commutation application placed on the accelerated, single-stage commutation docket that meets the eligibility criteria. The Department of Corrections is to certify a list of potentially eligible inmates to the Pardon and Parole Board within thirty days of the effective date of this act.

Prepared By: Brad Wolgamott

**Fiscal Analysis**

The CCR on HB 1269 requires the Pardon and Parole Board to establish an accelerated single-stage commutation docket and the Dept. of Corrections to certify a list of potentially eligible inmates within 30 days of the effective date of this act. This bill is currently under review by the Pardon and Parole Board. The Dept. of Corrections believes they can provide a list with no further fiscal needs.

Prepared By: Kristina King

**Other Considerations**

None.

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