Oklahoma Clean Slate Update

SEARCH – JULY 24, 2023
HB 3316

- Acquitted (D)
- Conviction overturned by appellate court (D)
- Exonerated by DNA (D)
- Pardoned by Governor (S)
- Arrested, no charges filed and statute has lapsed (D)
- Juvenile offense – received full pardon (D)
- One or more misdemeanor or felony crimes, all charges dismissed (D)
- Misdemeanor charge dismissed following successful completion of deferred judgment (S)
- Nonviolent felony, charge dismissed at least 5 years ago (S)
- Misdemeanor conviction, sentenced to fine of less than $501 (S)
- Misdemeanor conviction, sentenced to imprisonment, suspended sentence or fine >$500; more than 5 years since end of last sentence (S)
- Nonviolent felony conviction, after 5 years following completion of sentence (S)
- No more than two felony convictions (not on required sentencing list), 10 years after completion of sentence (S)
- Victim of ID theft (S)
- Convicted of nonviolent felony, subsequently reclassified as misdemeanor (S)
Intended Process

- OSBI generates list of Clean Slate eligible records, monthly.
- OSBI provides this list to arresting and prosecuting agencies.
- OSBI, arresting, and prosecuting agencies have 45 days to object.
- OSBI provides list to court of all cases where all parties responded and none objected.
- Court reviews and provides signed expungement order for all cases approved.
- OSBI and other record holders then delete/seal records according to the signed order.
FY24 Legislative Ask

• HB 3316 effective 11/1/2022

• Implementation expected 11/1/2025, pending available funding

• $8.3 Million
  • $5.3 Million – new CCH
  • $1.2 Million – AFIS update expenses and redundant CCH servers for disaster recovery
  • $1.8 Million - Staffing
    • 4 IT – 1 project manager, 2 developers, 1 DBA
    • 13 CCH staff (1 section manager, 4 team leaders, 8 criminal history specialists)
    • 1 Fingerprint specialist
    • 1 Latent print analyst
FY24 Budget

• No dedicated allocations, but increased agency appropriations
  • Agency had presented ~9 priorities which required additional funding
  • Legislature provided just under half of the additional funding requested

• Agency budget has been developed to support implementation

• Focus on:
  • IT infrastructure
  • CCH project manager
  • RFP and first payment for new CCH
Background on IT Infrastructure

- Statewide IT consolidation in 2012
- OSBI Exemption June 2020 – December 2021
- Learned in late 2022 that request for exemption renewal had never been approved
- Impact on Staffing
  - 2012 - 18 IT positions
  - December 2022 – 12 positions
  - January 2023 – 5 vacancies
Identifying Stakeholders

- Responsible for Implementation Process
  - Criminal history staff
  - OSBI Legal staff
  - IT/CCH Vendor
  - Prosecuting Agencies
  - Arresting Agencies
  - Courts

- Impacted by Process
  - Arnall Family Foundation
  - Oklahomans for Criminal Justice Reform
Indirect Stakeholder Group

- Arnall Family Foundation
- Oklahomans for Criminal Justice Reform
- Oklahoma County Criminal Justice Advisory Council
- Diversion Hub
- Urban League
- Expungement Attorney
Direct Stakeholders

• Bi-weekly meetings
  • How do we identify eligible records in repository?
  • How many are there of each type?
  • Interface with arresting and prosecuting agencies
  • Interface with courts

• August 3rd
  • Acquittals, appeals, pardons
Indirect Stakeholders

• Quarterly Status Updates
  • Discuss challenges, ideas, concerns
    • Improve records received by repository (e.g. pardons, DNA exoneration, dispositions)
  • Feedback on implementation plan
    • Acquittals, appeals, pardons → misdemeanors → felonies
    • Date range order
  • Identify partnership opportunities
    • Publicizing current status when implemented

• First meeting set for October 5
FY24 Objectives

• Complete draft of search criteria
• Draft recommended legislative changes
• Draft implementation plan/order of operations
• Contract with vendor to assist with RFP development
• Hire CCH project manager
• Draft and publish RFP
Questions?

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