


# JUVENILE LAW SECTION

## *Juvenile Expungements: How & Under What Circumstances Can Delinquents/Youthful Offenders Clear Their Records*

Wednesday, June 28, 2023

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When a child becomes involved in the juvenile justice system their involvement can create both immediate and long-term barriers to their education, housing, employment, and their opportunities for success.

Understanding their status and the possible consequences can make them easier to explain to the client, the client's family, the victim and the victim family and the public at large and can assist in mitigating unintended potential harms and assist in building pathways to success.

# Question...

Is a juvenile's plea of guilty or guilty verdict in a delinquent or youthful offender case a criminal conviction?

## Delinquents/No

- No adjudication by the court upon the status of a child in a juvenile proceeding shall operate to impose any of the civil disabilities ordinarily resulting from conviction of a crime, nor shall a child be deemed a criminal by reason of a juvenile adjudication. Okla. Stat. tit. 10A § 2-6-108(A)

## Youthful Offenders/No, Maybe, and Yes:

- A youthful offender adjudication is not an adult conviction, nor shall any youthful offender adjudication prevent the youthful offender from exercising any right or privilege under law. Okla. Stat. tit. 10A § 2-5-208A(B).
- A youthful offender's adjudication only becomes an adult conviction if the youthful offender is bridged to the custody or supervision or the Department of Corrections under Okla. Stat. tit. 10A § 2-5-210A(A-B)

## Question...

If an adjudication is not a criminal conviction, then who can look at a child's juveniles court records?

Under the Juvenile Code some delinquent and youthful offender court records are open to public inspection, and some are confidential. The answers of who can look is it depends.....



**Most  
Delinquent  
Records are  
Confidential**

## Chapter 6 Records/Oklahoma Juvenile Code: Okla. Stat. tit. 10A §§ 2-6-101 to 2-6-110


- Confidential Juvenile Records:
  - **The following juvenile records are confidential** and shall not be open to the general public, inspected, or their contents disclosed:
    - 1. Juvenile court records;
    - 2. Agency records;
    - 3. District attorney's records;
    - 4. Law enforcement records;
    - 5. Nondirectory education records; and
    - 6. Social records. Okla. Stat. tit. 10A § 2-6-102(A).
- Okla. Stat. tit 10A § 2-6-103/Social Records:
  - **Social records, shall not be filed in the court record unless so ordered by the court and if filed placed in a confidential envelope.** Okla. Stat. tit. 10A § 2-6-103(A).



**UNLESS...**

**Exceptions - Okla. Stat. tit. 10A § 2-6-102(C)(D)(E)**

- If the juvenile is **charged or certified as an adult or youthful offender**;
- Violations of **traffic/motor vehicle regulations of Title 47** or a violation of the **Prevention of Youth Access to Tobacco Act**;
- If the juvenile is **14 or older, has previously been adjudicated** as a delinquent, and is charged in a new delinquent case;
- If the juvenile is adjudicated for a felony offense that is a **crime against the person or involves a dangerous weapon**;
- **All juvenile arrest records** for "adult" felony offense;



**UNLESS ...**

- When a delinquent **escapes/runs away from a secure facility** for delinquents: May release name and description to the public for locating the child and protecting the public whether or not the juvenile's records are open are confidential;
- **Any juvenile court record which becomes an open juvenile record** as provided in this subsection **may be expunged** as provided in Section 2-6-109 of this title.

**Notification of Schools** - Okla. Stat. tit. 10A § 2-2-503(C)

- **Within 30 days of an adjudication for a violent offense JB/OJA must notify the superintendent of the school district in which the juvenile is enrolled, or intends to enroll, of the adjudication and the offense for which the juvenile was adjudicated.**

# Youthful Offender Confidentiality

**All youthful offender court records** for a person who is certified to stand trial as an adult or youthful offender **shall be considered adult records and shall not be subject to the provisions of Chapter 6 of the Oklahoma Juvenile Code.**  
Okla. Stat. tit. 10A 2-5-204(D).

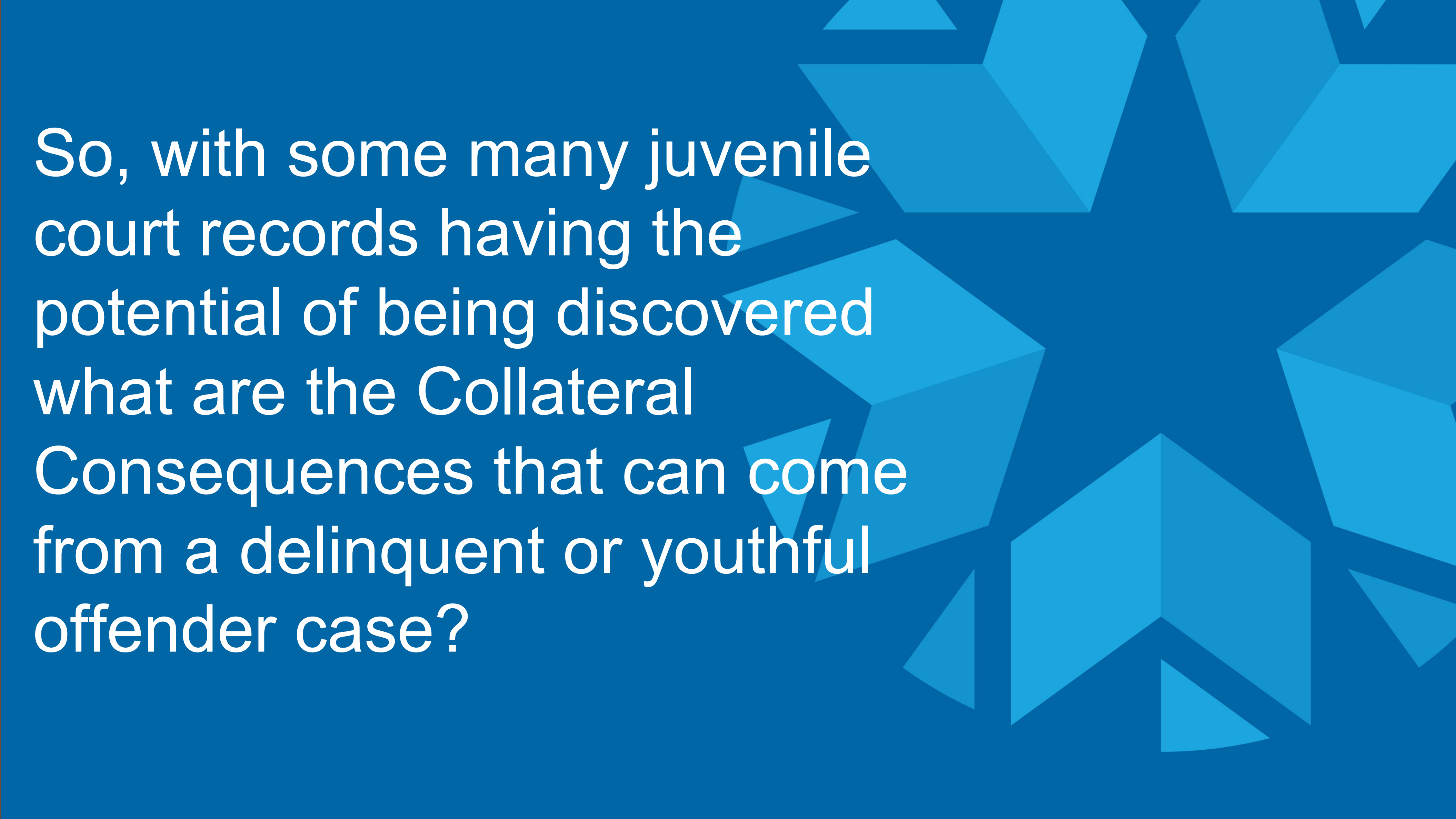
However, in real life, when you look up a youthful offender case on OSCN you will likely find one of the following answers:

1. All of the entries and documents will be **available and fully viewable**;
2. The entries and documents are not available online but it will say: "**Pursuant to 12 O.S. § 39, Document Available at Court Clerk's Office**";
3. The name of the hearing or the document will be viewable but below that it will say the **motion/order/document is sealed**.
4. You will **not find any record of the case**.

# Youthful Offender Confidentiality

**But to every rule there is an exception... sometimes:**

- All reports, evaluations, motions, records, exhibits or documents regarding the educational history, mental health or medical treatment or condition of the person **which are submitted to the court or admitted into evidence during the hearing on:**
  - the motion for certification as a juvenile or a youthful offender or
  - the motion for imposition of an adult sentence **are confidential** and shall be filed or admitted under seal.
- Additionally, **any testimony** regarding the reports, evaluations, motions, records, exhibits or documents shall be given in camera and shall **not be open to the general public**. Okla. Stat. tit. 10A 2-5-204(D).
- All Certification Studies should be filed under seal with a cover sheet stating that pursuant to the statute (Okla. Stat. tit. 10A 2-5-204(D)) the contents of the certification study are confidential.

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So, with some many juvenile  
court records having the  
potential of being discovered  
what are the Collateral  
Consequences that can come  
from a delinquent or youthful  
offender case?

# Current/Future Potential Collateral Consequences of a Delinquent/YO Adjudication

Public Access to  
Juvenile/YO Records

Probation,  
Placement/Incarceration,  
Parole, Possible Transfer  
to the Adult System

Fines, Fees, and  
Restitution

Remaining  
Enrolled/Future  
Enrollment in Public  
School, Career-Tech, or  
College

Maintaining/Obtaining  
Employment or a Drivers  
or Professional License

Possession/Ownership  
of a Firearm  
(youth & family)

Maintaining/Obtaining  
Public Housing  
(youth & family)

Obtaining/Maintaining  
Public Benefits  
(SSI, Food Stamps,  
TANIF, Financial Aide for  
School, Medicare)

Immigration  
Consequences  
(immediate &  
at age 18)

Entering Military Service

Use of Juvenile/YO  
Record in Future Cases  
(Juvenile/YO/Adult)

Potential Registration  
Requirements  
(juvenile or adult)

With all the exceptions allowing for their records to become public and the collateral consequences which result from an adjudication how can an adjudicated delinquent or youthful offender “CLEAR” their record after their case is closed?



Delinquent  
Expungements  
Okla. Stat. tit. 10A § 2-6-109



# Delinquent Expungements

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Prior to the amendments to the statute, (November 1, 2021) a person with a delinquent record had to wait until they turned 21 years old to ask the juvenile court to expunge their juvenile court records. Now under the new statute the child does not have to wait to expunge their record.



# Delinquent Expungements

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The petition for the expungement of a delinquent's records may be made orally or in writing by:

- child or person,
- parent or legal guardian,
- or the attorney for the child

at any time after:

- an informal adjustment agreement has been successfully completed or
- when the deferred adjudication or delinquent case is, or has been, dismissed.

Okla. Stat. tit. 10A § 2-6-109(A).



# Delinquent Expungements

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## **Provided these requirements have been completed:**

1. The **child/person has successfully completed** the informal adjustment agreement, the deferred adjudication, or a period of probation/custody **and the case is/has been dismissed;**
2. The **child/person has not been arrested for any adult criminal offense and no charge, indictment, or information has been filed, or is pending,** at the time of expungement is requested; and
3. **All court costs, restitution, fines and other court-ordered requirements have been completed.** Okla. Stat. tit. 10A § 2-6-109(B)(1-3).

**After November 1, 2022, any person who is 18 years of age or older,** and has previously completed an informal adjustment/deferred adjudication/probation and had whose case has previously been dismissed may ask the court for order of expungement.

- **Must also have met the 3 conditions listed above.**  
Okla. Stat. tit. 10A § 2-6-109(C).

# Delinquent Expungements

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If the adjudication/deferred adjudication/informal adjustment is being dismissed/has been dismissed, and if the State does not object, the court may **grant the expungement if it finds:**

- **that the harm to privacy of the person or the child in interest or dangers of unwarranted adverse consequences outweigh the public interest in retaining the records.**

Okla. Stat. tit. 10A § 2-6-109(E)(1).

If the court grants the expungement, it shall issue a written order to:

**law enforcement** to expunge all files and records pertaining to the arrest/adjudication;

**court clerk** to expunge the entire court file; and

**JB/OJA** to expunge all records. Okla. Stat. tit. 10A § 2-6-109(E)(2).

**NOTE** Under Okla. Stat. tit. § 2-2-301(C) **a youthful offender or delinquent (child) shall be represented by counsel at every hearing or review through completion or dismissal of the case.**



# Delinquent Expungements

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**If the State objects the court shall allow a written petition to be filed and will set hearing in 30 days and give notice to** the DA, OJA, OSBI, and any other person/agency whom the court has reason to believe may have relevant information related to the expungement of any record. Okla. Stat. tit. 10A § 2-6-109(F).

At the hearing the Court shall grant the expungement if it finds:

- **that the harm to privacy of the person or child in interest or dangers of unwarranted adverse consequences**
- **outweigh the public interest in retaining the records.**  
Okla. Stat. tit. 10A § 2-6-109(G).



# Delinquent Expungements

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- **WHEN AN ORDER OF EXPUNGEMENT IS ISSUED BY THE COURT UNDER THIS STATUTE, THE COURT SHALL REQUIRE COUNSEL FOR THE CHILD/PERSON TO PREPARE A WRITTEN ORDER OF EXPUNGEMENT**
- Any expungement order granted by the court shall specify those agencies to which the court order shall apply. Okla. Stat. tit. 10A § 2-6-109(G).
- **Copies shall be provided or mailed** to the child/person as well as the parent/legal guardian, the DA, the law enforcement agency/agencies that investigated the case, the detention/jail in which the child/person was incarcerated, JB/OJA, and OSBI directing them to expunge the juvenile court records in its custody as directed in the order. Okla. Stat. tit. 10A § 2-6-109(I).



# Delinquent Expungements

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- **EXPUNGEMENT OF THE DELINQUENT RECORDS MEANS SEALING THE JUVENILE COURT RECORDS.** Okla. Stat. tit. 10A § 2-6-109(D).
- **The expunged records may be accessed without a court order by:** *a judge, DA, the youthful offender or his/her attorney, JB/OJA intake employees, and the DOC* for the purpose of determining whether to dismiss an action, seek a voluntary probation, file a petition or information, or for purposes of sentencing or placement in a case where the person who is the subject of the sealed record is alleged to have committed a subsequent youthful offender act, a juvenile delinquent act, or any adult criminal offense.
- **Any expunged record shall be ordered unsealed upon the application of the DA** when the records are requested for use in any subsequent juvenile delinquent, youthful offender, or adult prosecution. Okla. Stat. tit. 10A § 2-6-109(E)(3).

# Delinquent Expungements

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If an expungement is granted:

- **Upon the entry of an order to expunge** any juvenile court record, or any part thereof, **the actions shall be deemed never to have occurred**, and the child/person and all juvenile and criminal justice agencies may properly reply, upon any inquiry in the matter, that no such action ever occurred and that no such record exists with respect to the child/person. Okla. Stat. tit. 10A § 2-6-109(H).
- **Employers, educational institutions, landlords, state and local government agencies, officials, and employees shall not, in any application or interview or in any other way, require an applicant to disclose any information contained in any expunged juvenile court records.** An applicant need not, in answer to any question concerning arrest, juvenile and criminal records, provide information that has been expunged, including any reference to or information concerning expungement and may state that no such action has ever occurred. Such an application may not be denied solely because of the applicant's refusal to disclose information that has been expunged. Okla. Stat. tit. 10A § 2-6-109(J).



Youthful Offender  
Expungements  
Okla. Stat. tit. 10A §  
2-5-210A(D)(1-6)

# Youthful Offender Expungements

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**Prior to the changes to the Youthful Offender Act, (November 1, 2022), a youthful offender expungement was split into two sections:**

- The **first expungement**, which could be requested after the case was dismissed by the court, only sealed the court file and OSCN;
- The **second expungement**, could be requested **3 years** after the case was dismissed and if granted sealed everything else.

# Youthful Offender Expungements

Under Okla. Stat. tit. 10A § 2-5-210A(D)(1-5) the current procedure for asking the court to expunge their record is as follows:

**If the court dismissed the youthful offender's case**, the child/person **may file a motion to expunge the plea, adjudication, and sentence from their record**. Okla. Stat. tit. 10A § 2-5-210A (D)(1).

1. **The court**, after hearing the motion to expunge **may grant the expungement** as provided in Okla. Stat. tit. 21 § 991c (subsection D), **if the court finds:**

- that the youthful offender has **reasonably completed the rehabilitation plan**,
- that the expungement **is in the best interest of the youthful offender**, and
- that such dismissal **will not jeopardize public safety**.  
Okla. Stat. tit. 10A § 2-5-210A (D)(2).

# Youthful Offender Expungements

3. The **court** after hearing the motion **may order** the **expungement of all files and records** over which the court has jurisdiction over **pertaining to the arrest and adjudication of the former youthful offender** and shall:
  - order the **court clerk** of the court to expunge the entire file and record of the case,
  - order **law enforcement** to expunge any files they produced/created in which the name of the former youthful offender is mentioned, and
  - order **OJA** to expunge of all records related to the former youthful offender in their possession, except those necessary to maintain state/federal funding. Okla. Stat. tit. 10A § 2-5-210A (D)(3).
4. An expungement requested in paragraph 1 may be granted regardless of the courts granting or denying the expungement requested in paragraph 2. Okla. Stat. tit. 10A § 2-5-210A (D)(4).

# Youthful Offender Expungements

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## 5. **The following persons:**

- judges
- DA's
- the youthful offender
- counsel for the youthful offender
- employees of a JB/OJA, assigned to intake, and
- DOC

**may access the expunged records, without a court order**, for determining whether to:

- dismiss an action,
- seek a voluntary probation
- file a petition/information, or
- for purposes of sentencing/placement

where the former youthful offender is alleged to have committed a subsequent youthful offender act, a juvenile delinquent act, or any adult criminal offense.

# Youthful Offender Expungements

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5. (cont.) **Any record sealed under this section SHALL be ordered unsealed upon an application of the DA** when the records are requested for use in any subsequent juvenile delinquent, youthful offender, or adult prosecution. Okla. Stat. tit. 10A § 2-5-210A (D)(5).

6. **"Expunge" under this subsection means the sealing of the youthful offenders criminal records.** Okla. Stat. tit. 10A § 2-5-210A (D)(6).



**ANY QUESTIONS?**



# THANK YOU

If you have any questions, please feel free to contact me.

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**OKLAHOMA**  
Juvenile Affairs



# THANK YOU

If you have any questions, need any additional information, or need some assistance, please feel free to contact me.

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# Oklahoma Statutes Citationized

## Title 10A. Children and Juvenile Code

### Article 2 - Oklahoma Juvenile Code

#### Article Chapter 6 - Records

#### Section 2-6-109 - Petition for Order to Expunge Record - Requirements - Order

Cite as: 10A O.S. § 2-6-109 (OSCN 2023)

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A. A person or the child, or the parent, legal guardian or the attorney for the child, who is the subject of a juvenile court record may petition the district court in which the juvenile court record is located for an order to expunge the record pertaining to the person or the child.

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

1. The person or child has successfully completed the informal adjustment agreement, the deferred adjudication, or a period of probation or custody with a juvenile bureau or the Office of Juvenile Affairs and the case of the person or child is being, or has been, dismissed by the court or the court is closing the case due to lack of jurisdiction upon the person or child reaching eighteen (18) years of age or nineteen (19) years of age if jurisdiction of the court was previously extended by the court pursuant to [Section 2-7-504](#) of this title;

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

3. All court costs, restitution, fines and other court-ordered requirements have been completed for the informal adjustment or the juvenile proceedings.

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

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

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

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

3. Members of the judiciary, district attorneys, the person or the child, counsel for the person or the child, employees of juvenile bureaus and the Office of Juvenile Affairs who are assigned juvenile court intake responsibilities, and the Department of Corrections may access records that have been expunged pursuant to this subsection without a court order for the purpose of determining whether to dismiss an action, seek a voluntary probation, file a petition or information, or for purposes of sentencing or placement in a case where the person or child who is the subject of the sealed record is alleged to have committed a subsequent juvenile delinquent act, a youthful offender act, or any adult criminal offense. Provided, any record sealed pursuant to this section shall be ordered unsealed upon application of the prosecuting agency when said records are requested for use in any subsequent juvenile delinquent, youthful offender or adult prosecution.

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

G. Upon a finding that the harm to privacy of the person or child in interest or dangers of unwarranted adverse consequences outweigh the public interest in retaining the records, the court shall order the records to be expunged. Any order entered pursuant to the provisions of this subsection shall specify those agencies to which the court order shall apply.

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

I. When an order of expungement is issued by the court pursuant to this section, the court shall require counsel for the person or the child to prepare a written order of expungement which shall be signed by the court and filed in the clerk's office of the district court in which the juvenile court record is located. Copies of the order of expungement shall be provided or mailed to the person or the child, as well as the parent or legal guardian of the child, the prosecuting attorney, the law enforcement agency or agencies that investigated the case, the detention or jail in which the person or the child was incarcerated, the juvenile bureau, the Office of Juvenile Affairs, and the Oklahoma State Bureau of Investigation directing the entity to expunge the juvenile court records in its custody as directed in the order.

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

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

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

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

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

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

P. Nothing herein shall prohibit the introduction of evidence regarding actions sealed pursuant to the provisions of this section at any hearing or trial for purposes of impeaching the credibility of a witness or as evidence of character testimony pursuant to [Section 2608 of Title 12](#) of the Oklahoma Statutes.

Q. A person who has attained eighteen (18) years of age or older may petition the district or municipal court in which the juvenile court record is located for an order to expunge the record pertaining to matters involving truancy provided the person has met the criteria set forth in paragraphs 1 through 3 of subsection B of this section. The petition shall be reviewed by the district or municipal judge with primary responsibility over the juvenile court docket.

### ***Historical Data***

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Laws 1996, SB 1053, c. 211, § 8, eff. November 1, 1996; Amended by Laws 2003, HB 1767, c. 434, § 13 ([superseded document available](#)); Amended by Laws 2009, HB 2029, c. 234, § 99, emerg. eff. May 21, 2009 ([superseded document available](#)); Renumbered from [10 O.S. § 7307-1.8](#) by Laws 2009, HB 2029, c. 234, § 190, emerg. eff. May 21, 2009; Amended by Laws 2021, HB 1799, c. 71, § 1, eff. November 1, 2021 ([superseded document available](#)).

### ***Citationizer® Summary of Documents Citing This Document***

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# Oklahoma Statutes Citationized

## Title 10A. Children and Juvenile Code

### Article 2 - Oklahoma Juvenile Code

#### Article Chapter 5 - Treatment of Serious Acts

#### Section 2-5-210A - Motion for Transfer - Notice - Recommendations - Order - Motion to Expunge - Order

Cite as: 10A O.S. § 2-5-210A (OSCN 2023)

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A. 1. Whenever the district attorney or the Office of Juvenile Affairs (OJA) believes that a youthful offender in the custody or supervision of OJA should be transferred to the custody or supervision of the Department of Corrections, the district attorney or OJA may file a motion requesting such transfer and the court shall set the motion for hearing. Notice of the motion and hearing shall be given to the youthful offender, the youthful offender's counsel, the parent or guardian of the youthful offender, and either the district attorney or OJA. OJA may make recommendations to the court concerning the transfer of a youthful offender to the Department of Corrections.

2. The Court may order the youthful offender transferred to the custody or supervision of the Department of Corrections only if the court finds by clear and convincing evidence that the youthful offender has:

a. failed to make substantial progress towards completing the treatment plan which the youthful offender is expected to have achieved,

b. established a pattern of disruptive behavior which is not conducive to the established policies and procedures of the program or facility or engaged in other types of behavior which has endangered the life or health of other residents or staff of the facility,

c. caused disruption in the facility, smuggled contraband into the facility, or participated or assisted others in smuggling contraband into the facility,

d. committed battery or assault and battery on an OJA employee or contractor of a juvenile facility,

e. committed battery, assault and battery, or endangered the life or health of another person,

f. committed a felony while in the custody or supervision of OJA as demonstrated by:

(1) the entry of a plea of guilty or nolo contendere,

(2) an adjudication, or a judgment and sentence following a verdict of guilty, or

(3) clear and convincing evidence, or

g. left a facility in which the youthful offender was being held without permission.

The court, in its decision to transfer custody of the youthful offender to the custody of the Department of Corrections, shall issue a written order and make detailed findings of fact and conclusions of law addressing the grounds alleged in the motion of the district attorney or OJA.

B. An order transferring custody of a youthful offender to the Department of Corrections shall be deemed an adult conviction and shall be recorded as such in the court records and criminal history records of the offender. Such order shall be a final order, appealable when entered. In addition to a judgment and sentence for an adult conviction, the court shall provide to the Department of Corrections a detailed memorandum or historical statement of the Youthful Offender Act as applied to the offender being transferred to the Department of Corrections including the date of the offense, the date of the adjudication as a youthful offender, the date of the filing of the motion to transfer custody of the offender to the adult criminal system, and the date of the imposition of the adult sentence.

C. The court shall grant time-served credits against the adult sentence imposed for any youthful offender transferred to the Department of Corrections. For the purpose of calculating time served to be applied toward any sentence imposed upon a youthful offender, in the event a youthful offender has been placed

in the custody or supervision of the Office of Juvenile Affairs, the offender shall receive day-for-day credit for the time spent in the custody or under the supervision of the Office of Juvenile Affairs. Upon commitment to the Department of Corrections, a youthful offender shall also receive other credits as provided by law for an adult inmate.

D. 1. If the court dismissed the youthful offender case, the person may file a motion to expunge the plea and the youthful offender adjudication and sentence from the record.

2. The court, after hearing the motion, and any objections, may grant the expungement of the youthful offender's record as provided by the procedures in subsection D of [Section 991c of Title 22](#) of the Oklahoma Statutes, if the court finds that the youthful offender has reasonably completed the rehabilitation plan, that the expungement is in the best interest of the youthful offender, and that such dismissal will not jeopardize public safety.

3. The court, after hearing the motion and any objections, may order the expungement of all files and records over which the court has jurisdiction pertaining to the arrest and adjudication of the former youthful offender, and shall order the clerk of the court to expunge the entire file and record of the case or any files produced or created by a law enforcement agency in which the name of the former youthful offender is mentioned. The court may order the Office of Juvenile Affairs to expunge all records relating to the former youthful offender that are in the possession of the Office of Juvenile Affairs, except when the documents are necessary to maintain state or federal funding.

4. An expungement requested under paragraph 1 of this subsection may be granted regardless of any court action or inaction under paragraph 2 of this subsection.

5. Members of the judiciary, district attorneys, the youthful offender, counsel for the youthful offender, employees of juvenile bureaus and the Office of Juvenile Affairs who are assigned juvenile court intake responsibilities, and the Department of Corrections may access records that have been expunged pursuant to this subsection without a court order for the purpose of determining whether to dismiss an action, seek a voluntary probation, file a petition or information, or for purposes of sentencing or placement in a case where the person who is the subject of the sealed record is alleged to have committed a subsequent youthful offender act, a juvenile delinquent act, or any adult criminal offense. Provided, any record sealed pursuant to this section shall be ordered unsealed upon application of the prosecuting agency when the records are requested for use in any subsequent juvenile delinquent, youthful offender, or adult prosecution.

6. As used in this subsection, "expunge" means the sealing of criminal records.

### ***Historical Data***

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Laws 2022, SB 217, c. 375, § 10, eff. November 1, 2022.

### ***Citationizer® Summary of Documents Citing This Document***

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