

EXPUNGEMENT OR SEALING CRIMINAL RECORDS

These sample forms are offered with the admonition that, while you have the right to represent yourself to request that your record be sealed or expunged, the Clerk of Courts recommends that you retain or seek the assistance of an attorney.

Also, preparing the appropriate forms with your relevant information is only the first step in the Court process. If you decide to represent yourself, you will have to become knowledgeable of the applicable code sections, the Ohio Rules of Criminal Procedure. **OUR OFFICE DOES NOT PROVIDE LEGAL ADVICE.**

Your case cannot be sealed unless and until a final judgment entry has been signed by the judge, filed, and journalized. Filing a motion does NOT obligate the court to grant your request to seal your record. There is a filing fee of \$100.00 and there is no refund of the filing fee if the judge denies your request.

THE FOLLOWING GUIDELINES ARE PURSUANT TO ORC 2953.32 and 2953.33 Effective 4/4/2023 Senate House Bill 288

Prohibited offenses

The following conviction records are ineligible for sealing or expungement:

- Any first- or second-degree felony, or more than two third-degree felonies
- Convictions under the Driver's License Law, license suspension/cancellation/revocation, the Traffic Law-Operation of a Motor Vehicle (include OVI), the Motor Vehicle Crimes Law, the Commercial Driver's License Law, and any substantially similar municipal ordinances
- Any felony offense of violence that is not a sexually oriented offense
- Convictions of a sexually oriented offense when the offense is subject to SORN requirement

- Convictions of an offense in which the victim was less than 13 years old, except for nonsupport (or contributing to the nonsupport) of dependents
- Convictions of domestic violence or of violating a protection order, or of a municipal ordinance that is substantially similar

Waiting period for seeking sealing

SB 288 provides that an offender may apply to have a record of conviction or bail forfeiture sealed after waiting a certain length of time as follows:

- Three years after the offender's final discharge if convicted of one or more third degree felonies, provided none of the offenses are theft in office
- One year after the offender's final discharge if convicted of one or more fourth- or fifth-degree felonies or one or more misdemeanor offenses, provided none of the offenses is theft in office or a felony offense of violence (which is not eligible for sealing)
- Seven years after the offender's final discharge if the record includes one or more convictions of soliciting improper compensation to commit theft in office
- Six months after the offender's final discharge if convicted of a minor misdemeanor
- Regarding bail forfeiture sealing, at any time after the date on which the forfeiture was entered upon the minutes of the court or the journal, whichever occurs first
- If the offender was subject to SORN requirements, at the expiration of five years after the requirements have ended or are terminated by the court

Expungement of Records

Prior law allows for the records of only a limited number of offenses to be expunged (that is, destroyed, deleted, and erased, as appropriate, so that the record is permanently irretrievable). SB 288 greatly expands the availability of expungement by authorizing a person to apply for expungement in the same manner as sealing as described above, although subject to different waiting periods. Application for expungement may be made at the following times:

- If the offense is a misdemeanor, one year after the offender's final discharge
- If the offense is a minor misdemeanor, six months after the offender's final discharge
- If the offense is a felony, ten years after the time specified at which the person may file an application for sealing
- For bail forfeiture, three years after the date on which the forfeiture was entered upon the minutes of the court or journal, whichever occurs first