

## Eligibility for Sealing of Records

Based upon Ohio Revised Code 2953.31-2953.61

(Note \*2953.38 addresses Expungements)

### Sealing of Records:

1. For Convictions: Only eligible offenders may apply to have records of their convictions sealed.
  - For one felony offense: An eligible offender of a felony conviction may apply to seal the record of the felony three years after the offender's discharge.
  - For two felony offenses: An eligible offender of felony convictions may apply to seal the record of the felonies four years after the offender's discharge.
  - For three to five felony offenses: An eligible offender of felony convictions may apply to seal the record of the felonies five years after the offender's discharge.
  - For misdemeanors: An eligible offender of a misdemeanor may apply to seal the record of the misdemeanor one year after the offender's discharge.

Bail Forfeiture: A person arrested of a misdemeanor, who has effected a bail forfeiture, may apply to the court in which the misdemeanor criminal case was pending when the bail was forfeited for the sealing of the record of the case that pertains to the charge. This application may be filed one year after the date of the entry of the bail forfeiture.

*Bail forfeiture-* defined as the forfeiture of bail by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the court and prosecutor in the case.

2. For Non-Convictions: Any person found not guilty of an offense or who is named defendant in a dismissed complaint may apply to the court for an order to seal their official records in the case. The application may be filed at any time after the finding of not guilty, or dismissal has been entered.
  - No Bill: Any person against whom a "no bill" is entered by a grand jury may apply to have their records sealed after two years from the date that the foreperson or deputy foreperson of the grand jury reports to the court that a "no bill" has been reported.

*No Bill:* defined as a report by the foreperson or deputy foreperson that an indictment is not found by the grand jury against a person who has been held to answer before the grand jury for the commission of an offense.

## Court Considerations and the Effect of Sealed Records:

1. Filing Fee: Prior to reviewing any application to seal a record, a fee of fifty dollars is required. This will be waived if the applicant has filed an application of indigency and the court has granted that waiver.
2. Courts Will Consider the Following:
  - Whether the applicant is an eligible offender, whether forfeiture of bail was agreed to, whether a person was not convicted, and/or whether a no bill was reported.
  - If there are any criminal proceedings pending against the applicant.
  - If the applicant is an eligible offender and has been rehabilitated to the satisfaction of the court.
  - If the prosecutor files an objection to granting the application.
  - The interests of the applicant in having the records sealed, weighed against the court's interest in keeping them open.
3. If the Application is Approved: If all of these conditions have been satisfied, the court shall order all official records pertaining to the case sealed, and all index references to the case deleted and, in the case of bail forfeiture, shall dismiss the charges in the case. The legal proceedings shall be considered not to have occurred, and the bail forfeiture of the person who is the subject of the proceedings shall be sealed.
  - **Sealed Records Can Be Opened**: Upon conviction of a subsequent offense, the sealed record of a prior conviction or bail forfeiture may be considered by the court in determining sentence or other appropriate disposition.
4. The Effect of Sealing Records: An order to seal the record of a person's conviction(s) restores the person to all rights and privileges not otherwise restored by the termination of the sentence or community control sanction or by final release on parole or post-release control.