

**ELIGIBILITY AND INSTRUCTIONS FOR
SEALING/EXPUNGEMENT OF CRIMINAL RECORDS**

Based upon Ohio Revised Code §2953.31-§2953.61



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The Clerk of Courts personnel are not permitted to answer legal questions. Please contact an attorney if you need clarification.

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

WHEN CAN YOU FILE?

- Any person, who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, may apply to the court for an order to seal the person's official records in the case. Except as provided in section 2953.61 of the Revised Code.
- The application may be filed at any time after the finding of not guilty or the dismissal of the complaint, indictment, or information is entered upon the minutes of the court or the journal, whichever entry occurs first.
- Any person, against whom a no bill is entered by a grand jury, may apply to the court for an order to seal his or her official records in the case. Except as provided in section 2953.61 of the Revised Code.
- The application may be filed at any time after the expiration of two years after the date that the grand jury has reported a no bill.
- An offender may apply to have a record sealed after waiting a certain length of time as follows:

- Three years after the final discharge if convicted of one or two third degree felonies, provided none of the offenses are theft in office,
- One year after the 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 final discharge if the record includes one or more convictions of soliciting improper compensation to commit theft in office,
- Six months after the final discharge if convicted of a minor misdemeanor,
- Upon successful completion of an intervention in lieu of conviction or completion of substance abuse treatment court.
- 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
- An application for expungement may be made at whichever of the following times is applicable regarding the offense:
 - If the offense is a misdemeanor, at the expiration of one year after the final discharge;
 - If the offense is a minor misdemeanor, at the expiration of six months after the final discharge;
 - If the offense is a felony, at the expiration of ten years after the time specified for a person to file an application for sealing.

WHAT DOES THE COURT CONSIDER?

- Whether the applicant is an eligible offender, whether a person was not convicted, and/or whether a no bill was reported.
- Whether there are any criminal proceedings pending against the applicant.
- Whether the eligible offender has been rehabilitated to the satisfaction of the Court.
- If the prosecutor filed an objection to granting the application whether those reasons are sufficient to deny the application,
- If there was a victim and if they object, and
- Whether the interest of the applicant in having the records sealed outweighs the State's interest in keeping them open.

IF YOU THINK YOU ARE ELIGIBLE:

- If you think you are eligible to have your record sealed or expunged, you need to do the following:
- Complete the Application to Seal or Expunge Record which can be found on our website at highlandclerkofcourts.org under the “Sealing of Criminal Record” tab or can be picked up at the Highland County Clerk of Courts office at 105 N. High Street, Hillsboro, Ohio.
- File the Application with the Clerk of Courts office at 105 N. High Street, Hillsboro, Ohio.
- If the Applicant is requesting sealing for more than one case, the request may be done in a single application. The application must be under the Applicant’s most recent case number and must contain all of the case numbers that the Applicant wishes to have sealed.

**PAY A FILING FEE TO THE CLERK OF COURTS
IN THE AMOUNT OF \$50.00**

WHAT HAPPENS AFTER FILING THE APPLICATION?

- The Court will set your case for a hearing and a notice will be mailed to you. Your presence at the hearing may or may not be required.
- The Prosecutor will be notified and provided time to notify victims, if any, and for either to file objections.
- The Court will also refer your application to the Highland County Adult Probation Department for an investigation. They may contact you and ask you to provide information. This information must be returned promptly.

IF THE APPLICATION IS APPROVED:

- If all of these conditions have been satisfied, the Court shall order all official records and index references pertaining to the case sealed or expunged accordingly.
- A decision will be issued after the hearing and the Clerk’s office will mail multiple certified copies to you. You should keep one copy for your files and forward the other copies to internet background check companies.

SEALED RECORDS CAN BE OPENED:

- Upon the 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. Inspection of sealed records, including but not limited to, may be made by the following persons or for the following purposes:
- By a law enforcement officer or prosecutor, or the assistants of either;
- By the parole or probation officer for the exclusive use of the officer in supervising the person;
- Upon application by the person who is the subject of the records;
- By the Bureau of Criminal Identification and Investigation or an authorized employee;
- By a prosecuting attorney
- By the Attorney General or an authorized employee;
- By a court or the registrar of motor vehicles.

THE EFFECT OF SEALING RECORDS:

- An order to seal the record of a person's conviction(s) means that any electronic or paper records relating to the sealed conviction or arrest are kept separate and secured from general public access.

Disclaimer: The Clerk of Court's office can only seal case records that are in the Clerk's office and on the Clerk's website.

The Clerk's office has no control on sealed case records that are out on other internet sites.

THE EFFECT OF EXPUNGING RECORDS:

- An order to expunge the record of a person's conviction(s) will destroy, delete, and erase a record as appropriate for the record's physical or electronic form so that the record is permanently irretrievable.

Disclaimer: The Clerk of Court's office can only seal case records that are in the Clerk's office and on the Clerk's website.

The Clerk's office has no control on sealed case records that are out on other internet sites.

A. Sealing Records of Conviction [\[R.C. 2953.32\]](#)

1. Who is Eligible?	Any person can seek to have the records of any number of convictions sealed, provided the offenses are eligible for sealing. [R.C. 2953.32(A)]
2. Exceptions	<p>Offenses not eligible for sealing are:</p> <ul style="list-style-type: none"> • All traffic offenses, including OVI or DUS; [R.C. 2953.32(A)] • Felony offenses of violence that are not a sexually oriented offense; [R.C. 2953.32(A)(2)] • Sexually oriented offenses when the defendant was subject to Chapter 2950 as a result of the conviction; [R.C. 2953.32(A)(3)] • Any offense with a victim under 13, except for non-support; [R.C. 2953.32(A)(4)] • F1s and F2s or more than two F3s; [R.C. 2953.32(A)(5)] and • Domestic Violence or Violating a Protection Order. [R.C. 2953.32(A)(6)]
3. Timing for Eligibility	<ul style="list-style-type: none"> • F3: 3 years after final discharge; [R.C. 2953.32(B)(1)(a)(i)] • F4 or F5: 1 year after final discharge; [R.C. 2953.32(B)(1)(a)(ii)] • Misdemeanors: 1 year after final discharge; [R.C. 2953.32(B)(1)(a)(iii)] • Convictions for violations of R.C. 2921.43: 7 years after final discharge; [R.C. 2943.32(B)(1)(a)(iii)] • Offenses where the defendant was subject to Chapter 2950: 5 years after the duty to register under R.C. 2950.07 has expired or been terminated; [R.C. 2953.32(B)(1)(a)(iv)]. This is specific to sex offenses described in R.C. 2907.04; or • Minor Misdemeanors: 6 months after final discharge. [R.C. 2953.32(B)(1)(a)(v)]
4. Timing for Hearing	<ul style="list-style-type: none"> • The court shall hold the hearing no less than 45 days and no more than 90 days from the date of the filing of the application; • The prosecutor's objection, if any, shall be filed no later than 30 days prior to the date set for the hearing; and • The prosecutor must provide notice of the application and the date for the hearing to the victim of the offense. [R.C. 2953.32(C)] <ul style="list-style-type: none"> - When there is a victim, the court shall notify the prosecutor no less than 60 days prior to the hearing. [R.C. 2930.171(A)]
5. What Else May Prevent Relief?	Pending criminal charges. [R.C. 2953.32(D)(2)]
6. Considerations Required of the Court	<ul style="list-style-type: none"> • Objections of the prosecutor; [2953.32(D)(1)(d)] and • Objections of the victim. [R.C. 2953.32(D)(1)(e)]

- 1 Eligible offenders convicted of unlawful sexual conduct with minor offenses committed while under the age of 21 may apply under the Conviction Record Sealing Law if the court issues an order to terminate the offender's SORN Law duties pursuant to [R.C. 2950.151](#) and the offender otherwise satisfies existing criteria to be an eligible offender. [\[R.C. 2953.36\(A\)\(3\)\]](#)

Under [R.C. 2950.151](#), a court can review and modify or terminate sex offender registration if an offender convicted under [R.C. 2907.04](#) (unlawful sexual contact with a minor): (1) is found to be low-risk for re-offending; (2) did not get a prison term, got community control sanctions and completed them; (3) was younger than 21 at time of offense; (4) and the victim was at least 14 at time of offense; (5) the offense was consensual with no evidence of threat, duress, force or imbalance of authority; and (6) the offender has no similar convictions.

Note: The term "final discharge" is not defined by statute. The Supreme Court of Ohio has issued decisions that provide courts guidance on determining whether or not an applicant has achieved "final discharge" for purposes of record sealing and expungement. See [State v. P.J.E., 2022-Ohio-4152](#).

7. Findings Required of the Court	<ul style="list-style-type: none"> • Rehabilitation of the applicant to the satisfaction of the court; [R.C. 2953.32(D)(1)(c)] • If the needs of the government to maintain the record outweigh the interests of the applicant to seal the record; [2953.32(D)(1)(f)] and • If the applicant is an eligible offender of the type described in R.C. 2953.36(A)(3), as it existed prior to April 4, 2023, whether the offender has been rehabilitated to a satisfactory degree. [R.C. 2953.32(D)(1)(g)]
8. What Happens to the Record?	<p>Kept in a separate file, but not permanently deleted. All index references are to be deleted. The proceedings are deemed not to have occurred. Law enforcement and government officials have access to the record for new criminal investigations; employers in law enforcement, schools, health care, etc. can see sealed records, Criminal record checks for teachers are limited to the list of offenses dictated by the Ohio Department of Education. Records related to violations of R.C. 2921.43 where the offender has been forever disqualified from public office may be maintained.</p> <p>“Official records” are all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to:</p> <ul style="list-style-type: none"> • The notation in the criminal docket; • All subpoenas issued; • All papers and documents filed by the defendant or the prosecutor; • All records of all testimony and evidence presented; • All court files, papers, documents, folders, entries, affidavits, or writs that pertain to the case; • All computer, microfilm, microfiche, or microdot records, indices, or references to the case; • All index references to the case; • All fingerprints and photographs; • All DNA and DNA records; and • All records that are possessed by any public office or agency that relate to a CQE. (R.C. 2953.25) <p>“Official records” are NOT:</p> <ul style="list-style-type: none"> • Any records or reports that are the specific investigatory work product of a law enforcement officer or agency when in the possession of that officer or agency; • Records or reports maintained pursuant to R.C. 2151.421 by a public children services agency or the department of job and family services; • Any report of an investigation maintained by the inspector general pursuant to section 121.42; and • Records, reports, or audits maintained by the auditor of state pursuant to Chapter 117. <p>The clerk of court should notify the BMV (LicenseVerification@dps.ohio.gov) and the BCI (Expungement.Submissions@ohioattorneygeneral.gov) about orders to seal records.</p>
9. Filing Fee	<ul style="list-style-type: none"> • \$50.00 regardless of the number of records the applicant requests to have sealed or expunged in the application.² [R.C. 2953.32(D)(3)] • The fee can be waived if the applicant presents a poverty affidavit showing that the applicant is indigent. [R.C. 2953.32(D)(3)]

² The applicant may also be required to pay a local court fee of not more than \$50. [\[R.C. 2953.32\(D\)\(3\)\]](#)

E. Expungement – Records of Conviction [R.C. 2953.32]

1. Who is Eligible?	Any person can seek to have the records of any number of convictions expunged, provided that they are offenses that are eligible for expungement. <u>[R.C. 2953.32(A)]</u>
2. Exceptions	Offenses not eligible for expungement are: <ul style="list-style-type: none"> • All traffic offenses, including OVI or DUS; <u>[R.C. 2953.32(A)(1)]</u> • Felony offenses of violence that are not a sexually oriented offense; <u>[R.C. 2953.32(A)(2)]</u> • Sexually oriented offenses when the defendant was subject to Chapter 2950 as a result of the conviction; <u>[R.C. 2953.32(A)(3)]</u> • Any offense with a victim under 13, except for non-support; <u>[R.C. 2953.32(A)(4)]</u> • F1s and F2s or more than two F3s; <u>[R.C. 2953.32(A)(5)]</u> and • Domestic violence or violating a protection order. <u>[R.C. 2953.32(A)(6)]</u>
3. Timing for Eligibility	<ul style="list-style-type: none"> • Felonies: 10 years after the offense was eligible for record sealing pursuant to <u>R.C. 2953.32(B)(1)(a)</u>. <u>[R.C. 2953.32(B)(1)(b)(iii)]</u> <ul style="list-style-type: none"> - F3s: 13 years after final discharge; - F4s or F5s: 11 years after final discharge. • Misdemeanors: 1 year after final discharge. <u>[R.C. 2953.32(B)(1)(b)(i)]</u> • Minor misdemeanors: 6 months after final discharge. <u>[R.C. 2953.32(B)(1)(b)(ii)]</u>
4. Timing for Hearing	<ul style="list-style-type: none"> • The court shall hold the hearing no less than 45 days and no more than 90 days from the date of the filing of the application; • The prosecutor's objection, if any, shall be filed no later than 30 days prior to the date set for the hearing; and • The prosecutor must provide notice of the application and the date for the hearing to the victim of the offense. <u>[R.C. 2953.32(C)]</u> <ul style="list-style-type: none"> - Note: <u>R.C. 2930.171(A)</u> requires that, when there is a victim, the court shall notify the prosecutor no less than 60 days prior to the hearing for sealing. <u>R.C. 2930.171(A)</u> does not mandate that this notice shall be given in cases involving a hearing for expungement, but best practice suggests the court still give the advanced 60-day notice to the prosecutor.
5. What Else May Prevent Relief?	Pending criminal charges. <u>[R.C. 2953.32(D)(2)]</u>
6. Considerations Required of the Court	<ul style="list-style-type: none"> • Objections of the prosecutor; <u>[R.C. 2953.32(D)(1)(d)]</u> and • Objections of the victim; <u>[R.C. 2953.32(D)(1)(e)]</u>
7. Findings Required of the Court	<ul style="list-style-type: none"> • Rehabilitation of the applicant to the satisfaction of the court; <u>[R.C. 2953.32(D)(1)(c)]</u> • If the needs of the government to maintain the record outweigh the interests of the applicant to seal the record; <u>[R.C. 2953.32(D)(1)(f)]</u> and • If the applicant is an eligible offender of the type described in <u>R.C. 2953.36(A)(3)</u>, as it existed prior to April 4, 2023, whether the offender has been rehabilitated to a satisfactory degree. <u>[R.C. 2953.32(D)(1)(g)]</u>

<p>8. What Happens to the Record?</p>	<p>All index references are to be deleted. The proceedings are considered not to have occurred. [R.C. 2953.32(D)(2)] BCI shall maintain the records to be used for the sole purpose of determining a person's eligibility for employment in law enforcement. [R.C. 2953.32(D)(5)]</p> <p>"Official records" are all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to: the notation in the criminal docket; all subpoenas issued;</p> <ul style="list-style-type: none"> • All papers and documents filed by the defendant or the prosecutor; all records of all testimony and evidence presented; • All court files, papers, documents, folders, entries, affidavits, or writs that pertain to the case; • All computer, microfilm, microfiche, or microdot records, indices, or references to the case; • All index references to the case; • All fingerprints and photographs; • All DNA and DNA records; and • All records that are possessed by any public office or agency that relate to a CQE. (R.C. 2953.25) <p>"Official records" are NOT:</p> <ul style="list-style-type: none"> • Any records or reports that are the specific investigatory work product of a law enforcement officer or agency when in the possession of that officer or agency; • Records or reports maintained pursuant to R.C. 2151.421 by a public children services agency or the department of job and family services; a • Any report of an investigation maintained by the inspector general pursuant to section 121.42; • Records, reports, or audits maintained by the auditor of state pursuant to Chapter 117. <p>The clerk of court should notify the BMV (LicenseVerification@dps.ohio.gov) and the BCI (Expungement.Submissions@ohioattorneygeneral.gov) about orders to expunge records.</p>
<p>8. Filing Fee</p>	<ul style="list-style-type: none"> • No more than \$50.00, including local court fees, regardless of the number of records the applicant requests to have sealed or expunged in the application. [R.C. 2953.32(D)(3)] • The fee can be waived if the applicant presents a poverty affidavit showing that the applicant is indigent. [R.C. 2953.32(D)(3)]

IN THE COURT OF COMMON PLEAS, HIGHLAND COUNTY OHIO

State of Ohio

Case No. _____

Case No. _____

vs.

Case No. _____

Case No. _____

Case No. _____

Defendant,

SSN: _____
(last 4 digits only)

DOB: _____

Address: _____

Phone: _____

APPLICATION TO SEAL/EXPUNGE RECORD

The defendant named above applies to the Court to seal all official records in this case

because:

() Defendant qualifies as defined in Revised Code §2953.31(A)(1)(a) or as defined in Revised Code §2953.32(B).

Defendant was convicted in case number _____ of the crime(s)
of _____
_____.

Defendant was convicted in case number _____ of the crime(s)
of _____
_____.

Defendant was convicted in case number _____ of the crime(s)
of _____
_____.

Defendant was convicted in case number _____ of the crime(s)
of _____

Defendant was convicted in case number _____ of the crime(s)
of _____

() Defendant qualifies as an eligible offender due to non-conviction. Defendant was
not convicted because defendant's case was (select one):

- No billed at least two years ago,
- Was dismissed after diversion or drug treatment in lieu of conviction,
- Defendant was found not guilty
- Or the case was otherwise dismissed, and defendant meets the requirements to have the records sealed under Revised Code §2953.52.

Please indicate any other information you would like the Court to know in reviewing your application.

Attorney or Applicant

Certificate of Service

I hereby certify a true and correct copy of the foregoing Application to Seal Record was mailed by regular U. S. Mail or hand delivered this _____ day of

_____, _____, to Highland County Prosecuting Attorney.

Clerk of Courts