



## Record Sealing and Expungement in Ohio

| <b>Juvenile – Sealing</b>   | <b>Adult – Sealing</b>   |
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| <b>What does it mean?</b>   | <b>What does it mean?</b>  |
| The juvenile record is removed from the court’s main records and moved to a separate, secure location. The youth can honestly say he or she does not have a record. Only the court and a few other government agencies are able to see the juvenile record. To all other people and agencies, it will be as if the record never existed.  | The criminal record is no longer visible by the general public and can only be seen by government agencies and law enforcement.<br><br>Conviction and non-conviction records can potentially be sealed, if the person applying for the sealing meets all requirements.   |
| <b>Who is eligible?</b>   | <b>Who is eligible?</b>  |
| <ul style="list-style-type: none"> <li>• All juvenile records are eligible to be sealed, EXCEPT aggravated murder, murder, and rape. If a youth was adjudicated delinquent on any of those three charges, then that record can never be sealed.</li> <li>• If the youth is under 18 years old, then he or she must wait 6 months from the final conclusion of the case. The final conclusion of the case means release from detention or DYS and that all court orders have been terminated.</li> <li>• If the youth is over 18 years old, then he or she can apply at any time after the final conclusion of the case.</li> <li>• If the youth has any pending cases in juvenile court, he or she must wait until all cases are closed to apply for record sealing.</li> </ul> | <p><u>Conviction sealing requirements:</u></p> <ul style="list-style-type: none"> <li>• Must be an eligible offender (up to 2 convictions)               <ul style="list-style-type: none"> <li>○ 2 misdemeanors, or</li> <li>○ 1 misdemeanor and 1 felony</li> <li>○ Multiple offenses in the same course of conduct count as one conviction</li> <li>○ Traffic offenses cannot be sealed, but most don’t count in total convictions (<u>see list of exceptions</u>)</li> <li>○ Minor misdemeanors don’t count in total convictions (<u>except for those on list of traffic exceptions</u>)</li> </ul> </li> <li>• Must be an eligible offense (<u>see list of offenses that are not eligible</u>)</li> <li>• No pending criminal charges</li> <li>• Waiting period               <ul style="list-style-type: none"> <li>○ Misdemeanors – 1 year from final discharge of sentence</li> <li>○ Felonies – 3 years from final discharge of sentence</li> </ul> </li> </ul> <p><u>Non-conviction sealing requirements:</u></p> <ul style="list-style-type: none"> <li>• All charges in case dismissed or acquitted</li> <li>• No pending criminal charges</li> <li>• Waiting period for grand jury “No Bills”               <ul style="list-style-type: none"> <li>○ 2 years after issuance of No Bill</li> </ul> </li> </ul> |
| <b>What’s the process?</b>  | <b>What’s the process?</b>   |
| <ul style="list-style-type: none"> <li>• The following records are sealed automatically and a youth need not</li> </ul>   | <ul style="list-style-type: none"> <li>• Apply at the court of conviction using the court’s form</li> </ul>  |

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| <p>apply for the sealing:</p> <ul style="list-style-type: none"> <li>○ When a youth is arrested, but a formal complaint is not filed</li> <li>○ When a youth is charged with underage drinking, but completes a diversion program.</li> <li>○ When the court dismisses the complaint after a trial or finds the youth not to be delinquent, unruly, or a juvenile traffic offender.</li> <li>○ When a youth has been adjudicated an <b>unruly</b> child, the youth turns 18, and has no pending delinquency charges.</li> </ul> | <ul style="list-style-type: none"> <li>• Pay a filing fee for convictions (non-convictions should be free) <ul style="list-style-type: none"> <li>○ Should be \$50, but some courts charge as much as \$300</li> </ul> </li> <li>• Provide as much detail and supporting documentation about the ways a former defendant has bettered him or herself since the conviction or non-conviction</li> <li>• Attend a hearing before the original judge on the case</li> </ul> |
| <b>Juvenile – Expungement</b>   |  |
| <b>What does it mean?</b>   |  |
| <p>Expungement of juvenile records is like a permanent sealing. The juvenile record is completely removed from the court’s records and destroyed. No one will be able to see the record. The youth can honestly say that he or she does not have a juvenile record.</p>   | <b>What is an eligible offense?</b>  |
| <b>Who is eligible?</b>   | <ul style="list-style-type: none"> <li>• First (F1) and second (F2) degree felony convictions are never eligible to be sealed</li> <li>• Convictions with specifications are never eligible to be sealed</li> <li>• Please see attached list of conviction offenses that are never eligible to be sealed</li> </ul>  |
| <ul style="list-style-type: none"> <li>• A record must be sealed before it can be expunged.</li> <li>• All sealed records will be automatically expunged after 5 years or when the youth turns 23, whichever happens first.</li> <li>• But, youth can apply to have their sealed records expunged before the above time period.</li> </ul>  | <b>What is final discharge of sentence?</b>  |
| <b>What’s the process?</b>  | <p>The final discharge of sentence is when all obligations associated with the case have been met. That means all fines and court costs have been paid, community service has been completed, probation term has been successfully completed, and any jail for prison time ordered has been completed.</p>   |
| <b>Adult – Expungement</b>  |  |
| <p>The process is identical to the application process for sealing a juvenile record, but make sure the record has been sealed first.</p>   | <p>Record sealing is the only option available to people with adult criminal records under current Ohio law. Adult expungement does not exist, although the word “expungement” is often used incorrectly to describe record sealing.</p>   |



## **List of Traffic Offenses That Count as Convictions for Eligible Offender Determination**

(The offenses listed below are not eligible to be sealed even though they count as convictions)

4510.11 Driving under suspension or in violation of license restriction (when suspension based on OVI only)

4510.14 Driving under OVI suspension

4511.19 Operating vehicle under the influence of alcohol or drugs - OVI

4511.251 Street racing

4549.02 Stopping after accident on public roads or highways (hit skip)

4549.021 Stopping after accident on other than public roads or highways (hit skip)

4549.03 Stopping after accident involving damage to realty or personal property attached to real property (hit skip)

4549.042 Sale or possession of master key designed to fit more than one moto vehicle

4549.41 Odometer rollback and disclosure act (definitions)

4549.42 Tampering with or disconnection of odometers

4549.43 Sale or use of fraudulent odometer

4549.44 Operating with disconnected or nonfunctional odometer

4549.45 Written notice of tampering or nonfunction

4549.46 Written odometer disclosure statement

4549.62 Offenses with purposes to conceal or destroy identity

Any FELONY violation of Title 45 of the ORC



## **List of Adult Conviction Offenses That Can Never Be Sealed**

|   |  |
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| 2903.01 Aggravated murder   | 2907.12 (former) Felonious sexual penetration  |
| 2903.02 Murder  |  |
| 2903.03 Voluntary manslaughter  | 2907.321 Pandering Obscenity Involving a Minor   |
| 2903.04 Involuntary manslaughter  | 2907.322 Pandering Sexually Oriented Material Involving a Minor  |
| 2903.11 Felonious assault   | 2907.323 (A)(3) Illegal Use of a Minor in Nudity-oriented Material or Performance                        |
| 2903.12 Aggravated assault  | 2909.02 Aggravated arson   |
| 2903.13 Assault (*exception: this can be expunged if it is only a first degree misdemeanor) | 2909.03 Arson  |
| 2903.15 Permitting child abuse  | 2909.24 Terrorism  |
| 2903.21 Aggravated menacing   | 2911.01 Aggravated robbery   |
| 2903.211 Menacing by stalking   | 2911.02 Robbery  |
| 2903.22 Menacing  | 2911.11 Aggravated burglary  |
| 2905.01 Kidnapping  | 2911.12 Burglary (*Division (A)(1), (2), or (3) of section)  |
| 2905.02 Abduction   | 2917.01 Inciting to violence (*exception: this can be expunged if it is only a first degree misdemeanor) |
| 2905.11 Extortion   | 2917.02 Aggravated riot  |
| 2907.02 Rape  | 2917.03 Riot (*exception: this can be expunged if it is only a first degree misdemeanor)                 |
| 2907.03 Sexual battery  |  |
| 2907.04 Unlawful sexual contact with a minor  | 2917.31 Inducing panic (*exception: this can be expunged if it is only a first degree misdemeanor)       |
| 2907.05 Gross sexual imposition   |  |
| 2907.06 Sexual Imposition   |  |
| 2907.07 Importuning   |  |



2919.22 Endangering children  
(\*Division (B)(1), (2), (3), or (4))

2919.25 Domestic violence

2921.03 Intimidation

2921.04 Intimidation of attorney,  
victim or witness in criminal case

2921.34 Escape

2923.161 Improperly discharging  
firearm at or into a habitation, in a  
school safety zone or with intent to  
cause harm or panic to persons in a  
school building or at a school function

4510.14 Driving under OVI  
suspension

4511.19 Operating vehicle under the  
influence of alcohol or drugs - OVI.

4511.251 Street racing.

4517.19 Motor vehicle wholesaler -  
prohibited acts.

4549.02 Stopping after accident on  
public roads or highways.

4549.021 Stopping after accident on  
other than public roads or highways.

4549.03 Stopping after accident  
involving damage to realty or personal  
property attached to real property.

4549.042 Sale or possession of  
master key designed to fit more than  
one motor vehicle.

4549.62 Offenses with purpose to  
conceal or destroy identity.