

Information for Sealing OR Expungement of a Criminal Record

CRIMINAL RECORD

SEAL

OFFENSES NOT ELIGIBLE:

Any criminal conviction under the following RC chapters or equivalent municipal ordinances:

- 4506 – CDLs
- 4507 – Driver Licenses
- 4510 – DL suspension, cancellation, revocation
- 4511 – traffic laws such as OVI
- 4549 – motor vehicle crimes such as Odometer Tampering, Fictitious Plates
- Violent felony offenses (see RC 2901.01(A)(9)) that are not sexually oriented offenses: EXAMPLES: Murder, Arson, Assault, Riot
- Sexually oriented offenses where offender is a pre-Adam Walsh Act offender (committed their offenses before 1/1/2008) and are still subject to SORN requirements (address registration and verification) OR post-AWA enactment offenders (three-tier classifications) subject to SORN requirements.
- Offenses in which the victim was less than 13 years of age (excluding convictions for Nonsupport of Dependents, RC 2919.21)
- Any F1 and F2 offenses OR more than two F3 offenses
- Domestic Violence and Violating Protection Order offenses or equivalent municipal ordinances

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:

- 3 years after the offenders' final discharge if convicted of one or more third-degree felonies, provided none of the offenses are theft in office.
- 1 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 are theft in office or a felony offense of violence (which is not eligible for sealing).
- 7 years after the offender's final discharge if the record includes one or more convictions of soliciting improper compensation to commit theft in office.
- 6 months after the offender's final discharge if convicted of a 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, which occurs first.
- If the offender was subject to SORN requirements, at the expiration of 5 years after the requirements have ended or are terminated by the court.

APPLICATION AND FEES FOR SEALING/EXPUNGEMENT

Senate Bill 288 allows an offender to apply for application to the sentencing court or, if the offense was committed in another state or in federal court, in any Common Pleas Court. The applicant can request to have the records of more than one case in a single application. The Application Fee is \$50.00.

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, so that the record is permanently irretrievable).

Applications for expungement may be made at the following times:

- If the offense is a misdemeanor, 1 year after the offender's final discharge.
- If the offense is a minor misdemeanor, 6 months after the offender's final discharge.
- If the offense is a felony, 10 years after the time specified at which the person may file an application for sealing.

Steps You Must Follow to Get Your Record Sealed

1. You need a copy of the final order of the conviction you wish to have sealed. Fill in the blanks on the form included in this packet: "Application for Sealing/Expungement of a Criminal Record Pursuant to ORC §2953.32."
2. To apply to have your record sealed, there is an Application Fee of \$50.00 to the Court. If you cannot pay the fee, fill out the form called "Affidavit of Indigency." When completing this form, follow the instruction provided.
3. The Court will set your case for a non-oral hearing. You DO NOT appear for this hearing.
4. Note that the Prosecutor will be given the chance to object to your request.
5. The Judge must make a decision weighing your interests in having the records sealed against the government's need to keep these records. A copy of the decision will be mailed to you. **Make sure the Court has your Current Address!**

CHECKLIST

- ☐ Obtain a copy of your Judgment Order of Your Conviction(s).
- ☐ Fill out the form and read it over to make sure it is complete.
- ☐ Get your "Affidavit of Indigency" notarized.
If you are not using the Affidavit, be prepared to pay the \$50 filing fee.
- ☐ Take your forms to the Clerk's office and file them.

**In The Court of Common Pleas
Guernsey County, Ohio
Criminal Division**

**APPLICATION TO SEAL RECORDS OF CONVICTION
PURSUANT TO R.C. 2953.32(B)(1)(a)**

Defendant makes application to this Court for an Order sealing the official records in the following case(s). If defendant is requesting to seal conviction records in multiple cases, such request is being made in one application and upon the payment of fifty dollars (\$50.00), unless indigent, regardless of the number of records, pursuant to R.C. 2953.32(B)(1)(a).

Full Name:	Alias/Maiden Name:
Current Mailing Address:	City:
State and Zip Code	Phone Number:
Date of Birth:	Last 4 Digits of Social Security #:

Case Number	Charge(s)	Level of Offense	Date of Result

(Use additional pages attached as needed)

There are currently no charges pending against the Defendant.
Defendant is applying to seal these records for the following reasons:

Defendant Signature

Date

Name: _____

[illegible]

**In The Court of Common Pleas
Guernsey County, Ohio
General Division**

AFFIDAVIT OF INDIGENCY

I, _____, being first duly sworn, depose and say that I am the Defendant in this case and do not have sufficient funds to pay the fines and costs imposed in my case. I submit the following information in support of my allegation of poverty.

GROSS MONTHLY INCOME:

Place of Employment: _____

Amount: _____

Other Sources: _____

Amount: _____

I hereby represent that the information set forth above concerning my financial condition is true and complete to the best of my knowledge and belief.

Signature

SWORN TO, BEFORE ME, and subscribed in my presence this _____ day of _____, 20____.

Notary Public