

# Can I seal or expunge my criminal record?

A guide to adult conviction sealing and expungement in Ohio



## STEP 1: WHAT OFFENSES CANNOT BE SEALED OR EXPUNGED?

Ohio Revised Code (R.C.) 2953.32 to 2953.34 do not apply to any of the following:

- 1st or 2nd degree felonies
- 3 or more 3rd degree felonies
- Traffic convictions
- Felony offenses of violence that are not sexually oriented offenses
- Sexually oriented offenses when the applicant is subject to the requirements of Chapter 2950 of R.C. (sex offender registry)
- Offenses in which the victim of the offense was less than 13 years old (Note: This does not apply to nonsupport of dependents.)
- Domestic Violence convictions
- Violating Protection Order convictions

### Sexually Oriented Offenses (per R.C. 2950.01)

2905.02(B)	Abduction	2907.321	Pandering obscenity involving a minor or impaired person
2903.01	Aggravated murder*	2907.322	Pandering sexually oriented matter involving a minor or impaired person
2907.21	Compelling prostitution	2907.22	Promoting prostitution
2905.05(B)	Criminal child enticement	2907.09	Public indecency*
2919.22(B)(5)	Endangering children	2907.02	Rape
2903.11	Felonious assault*	2907.03	Sexual battery
2907.05	Gross sexual imposition	2907.06	Sexual imposition
2907.323	Illegal use of minor in nudity-oriented material or performance	2905.32	Trafficking in persons*
2907.07	Importuning	2905.03(B)	Unlawful restraint
2903.04(A)	Involuntary manslaughter*	2907.04	Unlawful sexual conduct with minor*
2905.01	Kidnapping*	2903.03(B)	Voluntary manslaughter
2903.211(A)(3)	Menacing by stalking	2907.08	Voyeurism
2903.02	Murder*		
2907.32	Pandering obscenity		

\*Check R.C. 2950.01 for extended definition.

### Offenses of Violence (per R.C. 2901.01)

2905.01	Abduction
2909.02	Aggravated arson
2903.12	Aggravated assault
2911.11	Aggravated burglary
2903.21	Aggravated menacing
2903.01	Aggravated murder
2917.02	Aggravated riot
2911.01	Aggravated robbery
2909.03	Arson
2903.13	Assault
2911.12 (A)(1), (2), or (3)	Burglary
2919.25	Domestic violence
2919.22(B)(1), (2), (3), or (4)	Endangering children
2921.34	Escape
2905.11	Extortion
2903.11	Felonious assault
2907.12	(former) Felonious sexual penetration
2907.05	Gross sexual imposition
2923.161	Improperly discharging firearm
2917.01	Inciting to violence
2917.31	Inducing panic
2921.03	Intimidation
2921.04	Intimidation of attorney, victim, or witness
2903.04	Involuntary Manslaughter
2905.01	Kidnapping
2903.22	Menacing
2903.211	Menacing by stalking
2903.02	Murder
2903.34(A)(1)	Patient Abuse or Neglect
2903.15	Permitting child abuse
2907.02	Rape
2917.03	Riot
2911.02	Robbery
2907.03	Sexual battery
2903.18	Strangulation or suffocation
2909.24	Terrorism
2905.32	Trafficking in Persons
2903.03	Voluntary Manslaughter

## STEP 2: HAVE YOU SATISFIED THE WAITING PERIOD?

### SEALING WAITING PERIODS:

- If applying to seal a **minor misdemeanor** → Wait six months after discharge.
- If applying to seal a **misdemeanor** → Wait one year after the misdemeanor\* is discharged.
- If applying to seal a **fourth or fifth degree felony** → Wait one year after the fourth or fifth degree felony\* is discharged.
- If applying to seal one or two **third degree felonies** → Wait three years after the third degree felony\* is discharged.
- If applicant subject to Chapter 2950 (**sex offender registry**) → Wait five years after requirements have ended.

\*So long as none of the offenses is a violation of R.C. 2921.43. If the record includes a violation of R.C. 2921.43, applicant must wait seven years.

### EXPUNGEMENT WAITING PERIODS:

- If applying to expunge a **minor misdemeanor** → Wait six months after discharge.
- If applying to expunge a **misdemeanor** → Wait one year after the misdemeanor is discharged.
- If applying to expunge a **fourth or fifth degree felony** → Wait eleven years after fourth or fifth degree felony is discharged.
- If applying to seal one or two **third degree felonies** → Wait thirteen years after the third degree felony is discharged.

A case is "discharged" when a person has fully completed any jail or prison sentence, any terms of probation or parole, and all payments of fines or fees that were a penalty for the conviction. Court costs are not part of a sentence, and unpaid court costs should not block an application.

### STEP 3: WHEN CAN A PERSON APPLY?

Are there pending criminal charges? The court will not seal or expunge any record if the applicant is facing pending charges. Applicants should wait until any pending cases have resolved. Depending on where in Ohio their records are, that could include completing requirements like probation.

Is the applicant unlikely to re-offend? Applicants must be able to show that they have been “rehabilitated to the satisfaction of the court.” Applicants must also show that their interest in sealing a record is greater than any legitimate government needs to maintain those records.

### STEP 4: HOW DOES A PERSON APPLY?

For each offense, complete an application in each court where there is a case to be sealed or expunged.

Every court has its own application forms and processes, so contact the Clerk of Courts to find out what documents to file and how to file them. The Clerk of Courts can usually disclose a person’s case number, name and degree of the offense, date of conviction, and date of case discharge.

The filing fee will be \$75. A person can ask the court to waive this fee by completing a poverty affidavit (sometimes called an “affidavit of indigence”). If a hearing is scheduled, the applicant must attend.

### STEP 5: WHY SHOULD A PERSON APPLY?

Sealed records will not show up on most background checks. Landlords, schools, and the general public cannot see the sealed record. Note, however, that certain “collateral consequences” allow some employers and professional licensing boards to see sealed conviction records (e.g. nursing, childcare, and security-related employment).

### NOTE: DIFFERENCE BETWEEN SEALING & EXPUNGEMENT

“Sealing” and “expungement” are words that certain jurisdictions sometimes use interchangeably, but they are not the same thing. A granted expungement deletes and destroys a record and treats it as if it never occurred—sealing does not do this. Ohio Senate Bill 288 created a new expungement process, but no definition was included for how cases will be treated once expunged. It is unclear what effect an expungement will have if granted under R.C. 2953.32.

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If you have questions about record sealing, eligibility and other ways to overcome the barriers of a criminal conviction, register to participate in the Ohio Justice & Policy Center’s Second Chance Virtual Legal Clinic at [www.ohiojpc.org](http://www.ohiojpc.org).

Disclaimer: This guide is a general source of information about criminal record sealing. It is not a substitute for individualized legal advice. For answers to specific questions, it is best to consult an attorney.

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**OHIO JUSTICE &  
POLICY CENTER**



*Additional Case Numbers*

<u>Case Number</u>	<u>Result</u>	<u>Date of Result</u>	<u>Charge</u>
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
	<input type="checkbox"/> Bail Forfeiture		
	<input type="checkbox"/> Conviction		
	<input type="checkbox"/> Not Guilty / Dismissal		
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