



## Record Sealing and Expungement in Ohio

<b>Juvenile – Sealing</b>	<b>Adult – Sealing</b>
<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.  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>• Up to 2 prior 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> </ul> </li> <li>• Must be an eligible offense</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 apply for the sealing:           <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</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Apply at the court of conviction using the court’s form</li> <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> </ul>

<p>the youth not to be delinquent, unruly, or a juvenile traffic offender.</p> <ul style="list-style-type: none"> <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>• Attend a hearing before the original judge on the case</li> </ul>
<p><b>Juvenile – Expungement</b></p>	
<p><b>What does it mean?</b></p>	<p><b>What is an eligible offense?</b></p>
<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>	<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>
<p><b>Who is eligible?</b></p>	<p><b>What is final discharge of sentence?</b></p>
<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>	<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>
<p><b>What’s the process?</b></p>	<p><b>Adult – Expungement</b></p>
<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 Adult Conviction Offenses That Can Never Be Sealed**

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.