

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

Offenses of Violence (Per R.C. 2901.01)

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

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. All court costs, fines and restitution for the cases to be sealed or expunged must be paid in full.

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. The attached application is what is needed to apply. The defendant must decide which application to be used for their case. The Clerk’s office **will not** be able to assist you in this decision. 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 applicant must attend the scheduled hearing.

STEP 5: DIFFERENCE BETWEEN SEALING AND 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