

Record Sealing and Expungement in Ohio

A guide for adult convictions - **UPDATED: October 2023**



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
- A 3rd degree felony if applicant has (2) or more felonies of any degree
- A 3rd degree felony if applicant has exactly (2) 3rd degree felonies + (2) misdemeanors + any other convictions
- 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 (**Note: 4th degree misdemeanor sealing is allowed.**)
- Violating Protection Order convictions

Offenses of Violence (per R.C. 2901.01)

- 2905.02 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
- 2917.321 Swatting
- 2909.24 Terrorism
- 2905.32 Trafficking in Persons
- 2903.03 Voluntary Manslaughter

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.**

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 expunge 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. **The filing fee may be between \$50-100 per court, not per case number.**

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.

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?

“Sealing” and “expungement” are words that certain jurisdictions sometimes use interchangeably, but they are not the same thing. A granted expungement deletes, destroys, and erases a record—sealing does not do this. Some employers and professional licensing boards may still be able to see sealed conviction records (e.g. nursing, childcare, and security-related employment). Further investigation may be needed to evaluate individual circumstances.

NOTE: CHANGES TO NON-CONVICTION SEALING/EXPUNGEMENT

As of October 2023, Ohio law was expanded to allow for non-convictions (not guilty, dismissals, no bills) to be sealed AND expunged. Previously, only sealing was available. There are no exceptions to what non-conviction can be sealed, but there are exceptions to what non-conviction can be expunged. Please consult R.C. 2953.33 or an attorney.

Document updated: October 2023

If you have questions about record sealing/expungement, eligibility and other ways to overcome the barriers of a criminal conviction, register to participate in OJPC's Second Chance Legal Clinic at 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.

Ohio Justice & Policy Center
215 East Ninth Street
Suite 601
Cincinnati, OH 45202
513-421-1108
ohiojpc.org



OHIO JUSTICE &
POLICY CENTER

PAULDING COUNTY MUNICIPAL COURT

201 E. CAROLINE STREET, PAULDING, OHIO 45879

SUZANNE SHUMAN RISTER, JUDGE

ANGEL PEASE, CLERK PHONE 419/399-2792 FAX 419/399-3421

Date: _____

Name: _____

Address: _____

City, State , Zip Code

Dear Defendant,

Enclosed please find a document that outlines what offenses may be considered to be Sealed or Expunged. If you believe your offense(s) could be considered to be Sealed or Expunged, you can write a letter to the Judge requesting the case to be Sealed or Expunged.

The letter must include your case number, name, address, and telephone number. You must include a \$50.00 filing fee, (money order or cashier's check) with the completed packet. You may also pay with cash or card at the Paulding County Municipal Court. **If you have a balance due to our office you must pay the amount in full as soon as possible.**

You will be notified of the **MANDATORY** Court hearing for your motion to seal/expunge an offense. The hearing notice is sent via US Mail; please make sure the Court has a current mailing address.

Sincerely,
Angel Pease
Clerk

INFORMATION PACKET
Application to Seal / Expunge Criminal Record
(R.C. 2953.32, et seq.)

Neither the Clerk of Court's Office, Judicial Staff, nor Court Services staff can tell you if you are eligible to have your conviction(s) sealed or expunged or offer you any legal advice.

SEALING YOUR RECORD VERSUS EXPUNGING YOUR RECORD:

Effective April 6, 2023, Ohio permits for both the sealing and expungement of certain criminal records. "Sealing" a court record means that the criminal record is removed from all public records and the public no longer has access to the records of the criminal case, including employers generally. "Expungement" usually means that the criminal record is completely destroyed, erased, or obliterated from all records. For a list of who can still access a sealed or expunged record, please see section 2953.34 of the Ohio Revised Code or contact an attorney.

GUIDELINES FOR SEALING CRIMINAL RECORD:¹

Only certain convictions are eligible to be sealed once a prescribed period of time has passed since your final discharge. To be eligible, your convictions must fall into one of the following categories:

Minor Misdemeanors Only:

You may be eligible to seal your record of conviction at the expiration of six (6) months after the offender's final discharge if convicted of a minor misdemeanor.

Lower-Level Felonies and Misdemeanors:

You may be eligible to seal your record of conviction at the expiration of one (1) year after your final discharge if convicted of one or more felonies of the 4th or 5th degree or one or more misdemeanors, so long as none of the offenses are a felony offense of violence.

Third Degree Felonies or Lower:

You may be eligible to seal your record of conviction at the expiration of three (3) years after your final discharge if convicted of one or two felonies of the 3rd degree.

Sex Offenses:

You may be eligible to seal your record of conviction at the expiration of five (5) years after your requirements under R.C. 2950.07 have ended or are terminated under R.C. 2950.15 or R.C. 2950.151.

Soliciting Improper Compensation:

You may be eligible to seal your record of conviction at the expiration of seven (7) years after your final discharge if convicted of soliciting improper compensation in violation of R.C. 2921.43.

GUIDELINES FOR EXPUNGING CRIMINAL RECORD:²

An application for expungement under R.C. 2953.32(B)(1)(b) may be made at whichever of the following times is applicable regarding the applicant's conviction(s):

Minor Misdemeanors Only:

You may be eligible to have your record expunged at the expiration of six (6) months if the offense is a minor misdemeanor.

¹ R.C. 2953.32(B)(1)(a).

² R.C. 2953.32(B)(1)(b).

Misdemeanors:

You may be eligible to have your record expunged at the expiration of one (1) year after your final discharge if the offense is a misdemeanor.

Felonies:

You may be eligible to have your record expunged at the expiration of ten (10) years after the time at which you are eligible to have your record sealed under R.C. 2953.32(B)(1)(a).

THE FOLLOWING TYPES OF CONVICTIONS ARE NEITHER SEALABLE NOR EXPUNGABLE:³

1. Convictions of felonies of the 1st or 2nd degree, or of more than two felonies of the 3rd degree;
2. Convictions of a felony offense of violence that is not a sexually oriented offense;
3. Convictions of a sexually oriented offense while the offender is subject to the requirements of Chapter 2950 of the Ohio Revised Code;
4. Convictions of an offense in circumstances in which the victim of the offense was less than 13 years of age, except convictions under R.C. 2919.21;
5. Convictions of domestic violence under R.C. 2919.25;
6. Convictions of violating a protection order under R.C. 2919.27;
7. Convictions under Revised Code Chapter 4506, 4507, 4510, 4511, or 4549. or substantially similar municipal ordinances.

COURT COSTS/FINES/RESTITUTION:

To be eligible to have your record sealed or expunged, you must have paid or had waived any and all court costs, fines, fees, and/or restitution before you are considered eligible to have your record sealed. To find out whether you owe any costs, fines, fees, or restitution, you must request a Statement of Costs form from the Paulding County Municipal Court Clerk's Office. These forms can take up to 48 hours to process, so please make the request in a timely manner.

COST OF APPLICATION:

Unless the applicant submits an affidavit of indigency and the fee is waived by the Court, an applicant shall pay to the Paulding County Municipal Court the nonrefundable sum of \$50.00 per case. One fee is assessed if the cases happened on the same date and time of the offense.

HOW TO APPLY:

To apply for your record(s) to be sealed or expunged under Section 2953.31, et seq. of the Revised Code, fill out to the best of your ability the application below and bring the original to the Paulding County Municipal Court at 201 East Caroline Street Paulding Ohio 45879. Be sure to make a copy for your records.

Take the "Application to Seal/Expunge a Criminal Record" section of this packet to the Paulding County Municipal Court and pay a nonrefundable \$50 application fee or submit an affidavit of indigency. Request a "Statement of Costs" from the Clerk's Office to determine whether you owe any costs, fines, fees, or restitution (it may take up to 48 hours to process a Statement of Costs sheet, which you will receive in the mail).

³ R.C. 2953.32(A)

Once your application is turned in and the fee is paid, you will receive a hearing notice in the mail with a mandatory Court date and time.

Appear in Court at the time of your hearing for a determination on your application. Dress appropriately and arrive on time.

WHAT HAPPENS AT THE HEARING:

In compliance with section 2953.32 of the Ohio Revised Code, upon application of the offender, the Court shall set a date for a hearing within 45 to 90 days from the date you filed your application. The Court shall notify the Prosecutor for the case of the hearing and the Prosecutor's office will notify the victim (if any) of the application.⁴ The Court shall also direct the county's Probation Office to make inquiries and written reports concerning the application.

The Court shall then do each of the following:

- (1) Determine whether the applicant is pursuing sealing or expunging of an offense that is prohibited under R.C. 2953.32(A) or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, and determine whether the application was made at the time specified in R.C. 2953.32(B);
- (2) Determine whether criminal proceedings are pending against the applicant;
- (3) Determine whether the applicant has been rehabilitated to the satisfaction of the court;
- (4) Consider the reasons (if any) presented by the prosecution against granting the application to seal/expunge the record as specified by the prosecutor in their objection;
- (5) Consider the reasons (if any) presented by the victim against granting the application to seal/expunge the record as specified by the victim in his/her objection;
- (6) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged against the legitimate needs, if any, of the government to maintain those records; and
- (7) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable.

⁴ The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing.

**IN THE PAULDING COUNTY
MUNICIPAL COURT**

STATE OF OHIO, : CASE NO. _____
Plaintiff, :
v. :
_____, : **APPLICATION TO SEAL/EXPUNGE**
Defendant. : **A CRIMINAL RECORD**
 : **PURSUANT TO R.C. 2953.32**

Comes now the defendant, _____, *pro se*, and moves the Court for an order
 SEALING or EXPUNGING (select one) the record of the defendant's conviction(s), including the
sealing/expunging of all criminal records pursuant to Section 2953.31 et. seq. of the Ohio Revised Code.
The defendant requests a hearing on this application. The defendant seeks the sealing/expunging of the
following convictions:

Case Number(s): _____.

Charge(s): _____.

Date of Conviction(s): _____.

Date of Community Control / Probation Termination: _____.

The defendant states that no criminal or traffic charges are currently pending against him or her.

The defendant states that he or she has paid or had waived all court costs, fines, fees, and/or restitution
and does not currently owe any monetary amount in the above-captioned case(s).

The defendant states that his or her conviction(s) should be sealed/expunged because the defendant
has been rehabilitated.

The defendant provides the following additional information to the Court as to why his or her record should be sealed: _____

Respectfully submitted,

SIGNATURE OF DEFENDANT:

PRINTED NAME OF DEFENDANT:

ADDRESS OF DEFENDANT:

PHONE NUMBER OF DEFENDANT:

EMAIL ADDRESS OF DEFENDANT:

DEFENDANT'S SOCIAL SECURITY:

DEFENDANT'S DATE OF BIRTH:

Dist: Paulding County Prosecutor
Paulding County Probation
Applicant

PAULDING COUNTY MUNICIPAL COURT
201 East Caroline St.
Paulding, OH 45879
419-399-2792
info@pauldingcountycourt.com

REQUEST FOR INFORMATION

The information requested is needed to complete this investigation. Your cooperation will greatly be appreciated. Please return this form with above application. Thank You.

LEFT BLANK INTENTIONALLY

*Angel Pease
Clerk*

Date of Application:

APPLICANT: *Print required information in the WHITE sections only*

				CASE NUMBER(S)	JUDGE	
FULL NAME OF APPLICANT			LAST	FIRST	MIDDLE	ALIASES/MAIDEN NAME
DATE OF BIRTH	DRIVER LICENSE/STATE ID NUMBER		SOCIAL SECURITY NUMBER			TELEPHONE NUMBER (w/ area code)
STREET NUMBER		STREET NAME			APARTMENT OR UNIT NUMBER	
CITY		COUNTY		STATE		ZIP CODE
CITIZENSHIP		FBI NUMBER			BCI NUMBER	
SEX	RACE	HAIR COLOR	EYE COLOR		HEIGHT	WEIGHT
DATE OF CONVICTION				DATE OF FINAL DISCHARGE		

I authorize release to the Paulding County Municipal Court, Paulding County Probation all confidential records and information concerning me. I give my consent for release of information relating to my physical, psychological, psychiatric, vocational, educational, military, or any other requested information to the Paulding County Municipal Court, Paulding County Municipal Court Probation Office. A copy of this authorization made by a duplicating process shall be considered the same as the original signed by me.

SIGNATURE OF APPLICANT

DATE

INFORMATION DESIRED from your office (please elaborate and give additional comments)

- Prior Arrest Record – dates, charges, dispositions, offenses involving weapons or violence, and arrest reports
- Education Data – grade completed, mental or intelligence examination results, attendance, reason left
- Employment Data – confirmation of employments, dates, position(s) held, wages, reason for termination
- Substance Abuse / Medical History – chemical or alcohol addiction, ailments, disabilities, current drug prescriptions, etc.
- Military Service – dates of service, branch, discharge type, rank attained, court martial (type, nature of offense, date, sentence)
- Other (please specify)

Please stamp NO RECORD FOUND here or attach information to the back of this form.

SIGNATURE OF OFFICIAL

TITLE

DATE

PREVIOUS ADDRESSES (Provide the County and State for each location you have listed in since you were 18, starting with the most recent address)

COUNTY	STATE	DATES (FROM - TO)	COUNTY	STATE	DATES (FROM - TO)
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

CRIMINAL HISTORY (list all arrests and/or convictions including juvenile prior record)

DATE	OFFENSE	FELONY/MISDEMEANOR	CITY/COUNTY/STATE	SENTENCE
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

I authorize the Paulding County Municipal Court, Paulding County Probation, to conduct a record check to determine my eligibility for the sealing of my criminal record in Case Number(s)

_____.

SIGNATURE OF APPLICANT

DATE