

CAN I SEAL MY CRIMINAL RECORD?

A guide to adult conviction sealing in Ohio

STEP 1: *Who can apply to seal a conviction?*

To determine whether a person is eligible for record sealing, a court will look at all of the person's criminal convictions in any state or federal court, not just cases in Ohio.

There are two ways a person can be eligible to seal convictions

PATHWAY NO. 1:

The applicant has never been convicted of:

- More than five felonies;
- 1st, 2nd, or 3rd degree felonies
- Any offense of violence (listed below in Table 1)
- Any felony sex offenses (listed below in Table 2)

Felony traffic offenses are considered for eligibility.

The applicant can have any number of misdemeanors.

PATHWAY NO. 2:

The applicant has only been convicted of:

- One or two misdemeanors and no felonies —OR—
- One misdemeanor and one felony

Minor misdemeanors (e.g. tickets) and traffic offenses do not count towards the number of convictions, except for the offenses listed below in Table 3.

Two or more convictions arising from the same incident could be treated like one conviction, and two or three convictions that resulted from the same court proceeding, for related criminal acts committed within a three-month span, could be treated like one conviction.

STEP 2: *What can be sealed?*

Any offense can be sealed except:

- Convictions with a mandatory prison term
- 1st or 2nd degree felonies
- Traffic offenses
- Offense of violence in Table 1 marked as (*) if the offense is a 1st degree misdemeanor or a felony
- Offense of violence in Table 1 marked as (+) if the offense is a felony
- Sex offense in Table 2 marked as (x)
- Sex offense in Table 2 marked as (#) if the victim of the offense was under 18 years of age

TABLE 2: SEX OFFENSES

2907.02 Rape (x)
 2907.03 Sexual battery (x)
 2907.04 Unlawful sexual conduct with minor (x)
 2907.05 Gross sexual imposition (x)
 2907.06 Sexual imposition (x)
 2907.07 Importuning (x) if convicted on or after 10/10/2007
 2907.08 Voyeurism (#)
 2907.09 Public Indecency (#)
 2907.19 Commercial sexual exploitation of a minor
 2907.21 Compelling prostitution (#)
 2907.22 Promoting prostitution (#)
 2907.23 Enticement or solicitation to patronize a prostitute; procurement of a prostitute for another (#)
 2907.24 Soliciting
 2908.241 Loitering to engage in solicitation
 2907.25 Prostitution
 2907.31 Disseminating matter harmful to juveniles (#)
 2907.311 Displaying matter harmful to juveniles (#)
 2907.32 Pandering obscenity (#)
 2907.321 Pandering obscenity involving a minor (x)
 2907.322 Pandering sexually oriented matter involving a minor (x)
 2907.323 Illegal use of minor in nudity-oriented material or performance (x)
 2907.33 Deception to obtain matter harmful to juveniles (#)
 2907.34 Compelling acceptance of objectionable materials

TABLE 1: OFFENSES OF VIOLENCE

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

TABLE 3: TRAFFIC OFFENSES

4511.19 Operating vehicle under the influence of alcohol or drugs- OVI	4549.42 Tampering with or disconnection of odometers
4511.251 Street racing	4549.43 Sale or use of fraudulent odometer
4549.02 Stopping after accident on public roads or highways	4549.44 Operating with disconnected or nonfunctional odometer
4549.021 Stopping after accident on other than public roads or highways	4549.45 Written notice of tampering or nonfunction
4549.03 Stopping after accident involving damage to realty or personal property attached to real property	4549.451 Auctioneer's statement of disconnected or nonfunctional odometer
4549.042 Sale or possession of master key designed to fit more than one motor vehicle	4549.46 Written odometer disclosure statement
4549.62 Offenses with purpose to conceal or destroy identity	4510.11 Driving under suspension or in violation of license restriction
4549.41 Odometer rollback and disclosure act	4510.14 Driving under OVI suspension
	4511.191 Implied consent
	4511.196 Initial appearance
	Felony violation of Title XLV of the ORC

STEP 3: *When can a person apply?*

Are there pending criminal charges? The court will not seal a conviction record if the applicant has any pending criminal charges. Applicants should wait until all charges on their record are completely dealt with, including paying all fines and completing 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.

Has the waiting period ended? Every case has a “waiting period” before it can be sealed, based on when the case 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 a sealing application.

How long do I wait after my case is discharged?

If applying to seal a misdemeanor: →	Wait one year after the misdemeanor is discharged.
If applying to seal a felony:	
A person whose record contains only 1 felony conviction: →	Wait three years after the felony is discharged.
A person whose record contains only 2 felony convictions: →	Wait four years after each felony is discharged. (Each felony has its own waiting period.)
A person whose record contains 3-5 felony convictions: →	Wait five years after each felony is discharged. (Each felony has its own waiting period.)

STEP 4: *How does a person apply?*

For each offense, **complete a record sealing application in the court where the conviction occurred.**

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 \$50 or more. 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 should 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. In limited cases, a few employers and professional licensing boards can see sealed conviction records (e.g. some healthcare, childcare, and security-related employment).

If you have more questions about record sealing, eligibility and other ways to overcome the barriers of a criminal conviction, **contact the Ohio Justice & Policy Center.**
513-421-1108
215 E. Ninth Street, Suite 601
Cincinnati, OH 45202
For full legal clinic schedules, visit 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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