

# 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 pathways** to become eligible for sealing:

#### PATHWAY NO. 1:

The applicant has never been convicted of:

The applicant can have any number of misdemeanors or 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)

#### PATHWAY NO. 2:

The applicant has only been convicted of:

- Zero or one felony and up to four misdemeanors **OR**
- Exactly two felonies and up to two misdemeanors

Minor misdemeanors 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
- Felonies or 1st degree misdemeanors where the victim was under 16 (except convictions under R.C. 2919.21)
- 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
- Convictions of theft in office under R.C. 2921.41

Table 1: Offenses of Violence

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

Table 2: Sex Offenses

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

Table 3: Traffic Offenses

Felony violation of Title XLV of the Ohio Revised Code

|              |  |          |   |
|--------------|--|----------|---|
| 4549.451     | Auctioneer's statement of disconnected or nonfunctional odometer   | 4549.42  | Tampering with or disconnection of odometers  |
| 4510.11, .14 | Driving under suspension, in violation of license restriction, or under OVI suspension, that is based upon the person's operation of a vehicle during a suspension imposed under 4511.191 (Implied consent) or 4511.196 (Initial appearance) | 4549.45  | Written notice of tampering or nonfunction  |
| 4549.41      | Odometer rollback and disclosure act   | 4549.46  | Written odometer disclosure statement   |
| 4549.62      | Offenses with purpose to conceal or destroy identity   |          |   |
| 4549.44      | Operating with disconnected or nonfunctional odometer  |          |   |
| 4511.19      | Operating vehicle under the influence of alcohol or drugs- OVI   |          |   |
|              |  | 4549.042 | Sale or possession of master key designed to fit more than one motor vehicle                      |
|              |  | 4549.43  | Sale or use of fraudulent odometer  |
|              |  | 4549.03  | Stopping after accident involving damage to realty or personal property attached to real property |
|              |  | 4549.021 | Stopping after accident on other than public roads or highways                                    |
|              |  | 4549.02  | Stopping after accident on public roads or highways   |
|              |  | 4511.251 | Street racing   |

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

Are there pending criminal charges? The court will not seal 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.

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 **fourth or fifth degree felony** → Wait one year after the fourth or fifth degree felony\* is discharged.

If applying to seal a **third degree felony** → Wait three years after the third degree felony\* is discharged.

\*So long as none of the offenses is a violation of R.C. 2921.43

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

For each offense, complete a record-sealing application in each court where there is a case to be sealed.

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).

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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.

For full legal clinic schedules, visit [ohiojpc.org](http://ohiojpc.org).

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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.