



As of April 4, 2023 new laws have made many changes to sealing and expungement processes in Ohio.

Under New laws, a person may be eligible to have their criminal conviction sealed or expunged so long as the conviction is not for an offense that is prohibited from sealing and the applicant has waited the proper length of time. A non-conviction (dismissal, no bill, etc.) can continue to be sealed under these new laws

## What is the difference between sealing a record and expunging a record?

**Sealing** a criminal case record means that it is unavailable for public access. This record is not destroyed or erased because there are many circumstances in which the court documents from that case can be accessed, such as for some types of background checks.

When a criminal record is **expunged**, the records are permanently destroyed so that the record is “permanently irretrievable” - no case documents can ever be accessed.

## Is my case eligible for sealing or expungement?

Your case may be eligible for sealing or expungement if (1) it is not a prohibited offense and (2) you have waited the proper length of time.

Some types of felonies that are **not eligible** for sealing or expungement:

- Some sexually oriented offenses with registration requirements
- Convictions of an offense where victim is under 13 (except for non-support)
- Convictions of domestic violence or violating a protection order
- Any 1st or 2nd degree felony or more than two 3rd degree felonies
- Any felony offense of violence

Some types of municipal court cases that are **not eligible** for sealing or expungement:

- Convictions under R.C. 4506 (CDLs)
- Convictions under R.C. 4507 (Driver's License Laws)
- Convictions under R.C. 4510 (License Suspension / Cancellation / Revocation)
- Convictions under R.C. 4511 (Traffic Laws, such as OVI)
- Convictions under R.C. 4549 (Motor Vehicle Crimes such as Fictitious Plates)
- Some sexually oriented offenses with registrations requirements
- Convictions of an offense where victim is under 13 (except for non-support)
- Convictions of domestic violence or violating a protection order

## What is the waiting period to seal felony offenses?

- Three years after the final discharge if convicted of one or more 3rd degree felonies.
- One year after the final discharge if convicted of one or more 4th or 5th degree felonies.
- If the offender is subject to sex offense registration requirements, five years after the registration requirement ends.
- For bail forfeiture - anytime after the date on which the forfeiture was entered.

## What is the waiting period on expunging felony offenses?

- Ten years after the time period specified at which the person can apply to have a case sealed.
- For bail forfeiture, three years after the date on which the forfeiture was entered.

## What is the waiting period for a misdemeanor offenses?

Misdemeanors have the same waiting period for expunging or sealing a case:

- One year after the final discharge if convicted of one or more misdemeanor offenses
- Six months after final discharge of a minor misdemeanor conviction
- Bail forfeiture - any time after the date on which the forfeiture was entered
- Dismissals / no bills / not guilty - can be sealed after the finding is entered by the court

## How much does it cost to seal or expunge a case?

There is no fee for non-convictions.

There is a \$50 non-refundable fee for convictions. Under the Revised Code, an applicant may request to have the records of more than one case in a single application. However, the application has to include only cases from that court.

## Where can I find more information about my case(s)?

You can search for your records online.

Please visit our website at [gmcourt.org](http://gmcourt.org) and click on "record search" to begin.

## Where do I file?

Gallipolis Municipal Court  
518 Second Ave  
Gallipolis, Oh 45631

Business Hours:  
Monday - Friday  
7:30am - 4:00pm

## Where can I find more information sealing and expunging?

- Ohio Revised Code sections 2953.31 - 2953.34
- [www.ohiolegalhelp.org](http://www.ohiolegalhelp.org) - a great self-help resource for many legal issues
- For answers to specific questions, it's best to consult with an attorney.



# 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

### Offenses of Violence (per R.C. 2901.01)

2905.01	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
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 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 prisor sentence, any terms of probation or parole, and all payments of fine: or fees that were a penalty for the conviction. Court costs are not par 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.

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. 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?

Sealed records will not show up on most background checks. Landlords, schools, and the general public cannot see the sealed record. Note, however, that certain “collateral consequences” allow some employers and professional licensing boards to see sealed conviction records (e.g. nursing, childcare, and security-related employment).

### NOTE: DIFFERENCE BETWEEN SEALING & 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.

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If you have questions about record sealing, eligibility and other ways to overcome the barriers of a criminal conviction, register to participate in the Ohio Justice & Policy Center’s Second Chance Virtual Legal Clinic at [www.ohiojpc.org](http://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.

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# Adult record sealing and expungement

A GUIDE TO POST-CONVICTION REMEDIES IN OHIO

STEP

## 1 WHO CAN APPLY TO SEAL A CONVICTION?

To apply for record sealing or expungement, the applicant must not have any open or pending criminal cases, including warrants and traffic cases which may include warrants, traffic cases, and community control.

### Sealing vs. Expungement

#### SEALING:

Sealing removes the record from public view, but it still may be visible to certain groups, such as law enforcement, government, or specific types of employers.

Sealing is like locking the record in a filing cabinet and only certain people have the key.

#### EXPUNGEMENT:

Expungement removes the record entirely.

Expungement is like putting the record in a paper shredder

BUT

Records may be accessed if there are future criminal proceedings.

STEP

## 2 WHICH RECORDS ARE ELIGIBLE?

Any *dismissal* can be **SEALED**.

Any conviction **EXCEPT**:

- Traffic and motor vehicle convictions in Table 3
- Felonies of the first or second degree
- Felonies of the third degree when the applicant has more than 2
- Felony offenses of violence in Table 1
- Sex offenses when the offender is subject to requirements of Chapter 2950 (Table 2)
- Offenses where the victim was under 13 (except non-support R.C. 2919.21)
- Domestic Violence (R.C. 2919.25)
- Violations of a Protection Order (R.C. 2919.27)

**TABLE 1: Offenses of Violence (2901.01(9)(a))**

2905.01	Abduction	2919.22 (B)(1), (2), (3), or (4)	Endangering children	2903.02	Murder
2909.02	Aggravated arson	2921.34	Escape	29034(A)(1)	Patient Abuse or Neglect
2903.12	Aggravated assault	2905.11	Extortion	2903.15	Permitting child abuse
2911.11	Aggravated burglary	2903.11	Felonious assault	2907.02	Rape
2903.21	Aggravated menacing	2923.161	Improperly discharging a firearm	2911.02	Robbery
2903.01	Aggravated murder	2917.01	Inciting to violence	2907.03	Sexual battery
2917.02	Aggravated riot	921.03	Intimidation	2903.18	Strangulation
2911.01	Aggravated robbery	2921.04	Intimidation of attorney, victim, or witness	2909.24	Terrorism
2909.03	Arson	2903.04	Involuntary manslaughter	2905.32	Trafficking in persons
2903.13	Assault	2905.01	Kidnapping	2903.03	Voluntary manslaughter
2911.12 (A)(1), (2), or (3)	Burglary	2903.22	Menacing	Attempt, conspiracy, or complicity of any listed offense	
2912.25	Domestic violence	2903.211	Menacing by stalking		

**TABLE 2: Example Requirements of Chapter 2950**

Classification	Example offenses	Requirement
Tier III	Rape Sexual Battery GSI/victim under 12	Offenders are required to register every 90 days for life
Tier II	Compelling prostitution Trafficking in persons	Offenders are required to register every 180 days for 25 years
Tier I	Importuning Voyeurism Pandering obscenity	Offenders are subject to registration once every 12 months for up to 15 years

**TABLE 3: Traffic + Motor Vehicle Offenses**

**The following offenses cannot be sealed or expunged:**

Chapter 4511: speed, OVI, driving while texting, etc.

Chapter 4506: CDL related offenses

Chapter 4507: driver's license-related offenses

Chapter 4510: drivers license suspensions

Chapter 4549: hit-skip, fictitious license palates, etc.

**Local Rules:**

Offenses charged under local statutes that are the same or substantially similar to state statutes can never be sealed or expunged.

**R.C. 2953.61(B)(1) exception:**

When charged with multiple and connected traffic offenses and only ONE of the offenses results in a conviction under 4507, 4510, 4511, or 4549 (except OVI or physical control) the court can seal or expunge the whole record if all other offenses are eligible.



### 3 >> WHEN CAN A PERSON APPLY?

All convictions on the application must reach final discharge and the applicable waiting period. Final discharge means there is a final judgment and may include completing of community control and paying fines/restitution. Waiting periods vary based on the offense. There is no waiting period for dismissals.

#### How Long Do I Wait After My Case Is Discharged?

Level of Offense	Sealing	Expungement
Minor Misdemeanor	6 months	6 months
Misdemeanor (M4-M1)	1 year	1 year
4th or 5th degree Felonies	1 year	sealing time period + 10 years (=11 years)
3rd degree Felonies	3 years	sealing time period + 10 years (= 13 years)
Offenses subject to 2950 reporting (sex offenses)	5 years after reporting requirements end or are terminated	5 years after reporting requirements end or are terminated (+10 years for felonies)
Theft in office 2921.43	7 years	7 years
Bail forfeiture	Any time after the date which the forfeiture was entered upon the court minutes or journal	3 years after the date the forfeiture was entered upon the court minutes or journal
No bill	2 years after the decision is reported	N/A

### 4 >> HOW DOES A PERSON APPLY?

Applications must be filed in the court where the conviction or dismissal occurred. Applicants may need to apply in more than one court.

Every court has its own application forms and processes. The Clerk of Courts can provide information about what documents are needed and how to file them. The Clerk 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 cannot be more than \$50 per court, even if a person files to seal multiple cases. A person can ask the court to waive this fee by completing a poverty affidavit (sometimes called an "affidavit of indigence"). Applications to seal dismissals should be free. If a hearing is scheduled, the applicant must attend.

#### What if Your Record Is Already Sealed?

Applicants who have sealed records can apply to expunge those records. They will likely need to request a copy of the judgment entries.

### PREPARING FOR A HEARING << 5

The court will hold a hearing 45-90 days after the application is filed. Applicants may receive a written objection from the prosecutor. Even if the prosecutor objects, applicants must still attend the hearing to explain why they would like to seal or expunge their records.

At the hearing, the court will make sure that the applicant has no open or pending cases, that all cases on the application have reached final discharge, and that each offense is eligible for sealing or expungement.

Applicants should be prepared to discuss steps they have taken toward rehabilitation, including any therapy, substance abuse counseling, etc. Applicants will need to show that their interest in having the record sealed or expunged outweighs the government's interest in keeping the record public. This can be any reason the applicant wants the record addressed, such as better job opportunities, housing, volunteering, etc.

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Disclaimer: This guide is a general source of information about criminal record sealing and expungement. It is not legal advice. If you have more questions, contact an attorney or your local legal aid.

The information in this document was adapted from material produced by the Ohio Justice and Policy Center.



**RC 2901.01 (A)(9)** "Offense of violence" means any of the following:

(a) A violation of section

2903.01, Aggravated Murder  
2903.02, Murder  
2903.03, Voluntary Manslaughter  
2903.04, Involuntary Manslaughter  
2903.11, Felonious Assault  
2903.12, Aggravated Assault  
2903.13, Assault  
2903.15, Permitting Child Abuse  
2903.21, Aggravated Menacing  
2903.211, Menacing by Stalking  
2903.22, Menacing  
2903.34, Patient Abuse (A)(1)  
2905.01, Kidnapping  
2905.02, Abduction  
2905.11, Extortion  
2905.32, Trafficking in Persons  
2907.02, Rape  
2907.03, Sexual Battery  
2907.05, Gross Sexual Imposition  
2909.02, Aggravated Arson  
2909.03, Arson  
2909.24, Terrorism  
2911.01, Aggravated Robbery  
2911.02, Robbery  
2911.11, Aggravated Burglary  
2911.12, Burglary (A)(1), (2), or (3)  
2917.01, Inciting to Violence  
2917.02, Aggravated Riot  
2917.03, Riot  
2917.31, Inducing Panic  
2919.22, Endanger Childrn (B)(1),(2),(3),(4)  
2919.25, Domestic Violence  
2921.03, Intimidation  
2921.04, Intimidation of atty or witness in a criminal case  
2921.34, Escape  
2923.161, Improper Discharge of a Firearm  
former section 2907.12, felonious sexual penetration

(b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offense listed in division (A)(9)(a) of this section;

(c) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;

(d) A conspiracy or attempt to commit, or complicity in committing, any offense under division (A)(9)(a), (b), or (c) of this section.

**RC 2950.01 (A)** Sexually oriented offense: (1) – (12)  
(Must read statute to get details for each crime listed below)

2907.02 Rape  
2907.03 Sexual Battery  
2907.05 Gross Sexual Imposition  
2907.06 Sexual Imposition  
2907.07 Importuning  
2907.08 Voyeurism  
2907.21 Compelling Prostitution  
2907.22 Promoting Prostitution  
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  
2907.323 Illegal Use of Minor or Impaired Person in Nudity-Oriented Material or Performance  
2907.04 Unlawful Sexual Conduct with Minor  
2907.05 2903.01 Aggravated Murder\*  
2907.06 2903.02 Murder\*  
2903.11 Felonious Assault\*  
2903.094 Involuntary Manslaughter  
2903.11 Menacing by Stalking  
2905.11 Kidnapping\*  
2903.03 (B) Voluntary Manslaughter  
2905.02 (B) Abduction  
2905.03(B) Unlawful Restraint  
2905.05 (B) Criminal Child Enticement  
2919.22(B)(5) Endangering Children  
2905.32 Trafficking in Persons  
2907.09 Public Indecency

(13) A violation of any former law of this state, any existing or former municipal ordinance or law of another state or the United States, any existing or former law applicable in a military court or in an Indian tribal court, or any existing or former law of any nation other than the United States that is or was substantially equivalent to any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or (12) of this section;

(14) Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or (13) of this section.

\*committed with a sexual motivation