

Am. S. B. No. 10  
As Re-Referred by the House  
Rules and Reference Committee

\_\_\_\_\_ moved to amend as follows:

In line 1 of the title, delete "section" and insert "sections"; 1  
after "2921.41" insert ", 2953.32, 2953.321, 2953.36, 2953.51, and 2  
2953.54" 3

In line 3 of the title, delete "and" and insert "," 4

In line 5 of the title, after "loss" insert ", and to modify various 5  
aspects of the laws regarding criminal and delinquency record sealing and 6  
expungement" 7

In line 6, delete "section" and insert "sections"; after "2921.41" 8  
insert ", 2953.32, 2953.321, 2953.36, 2953.51, and 2953.54" 9

After line 230, insert: 10

"**Sec. 2953.32.** (A) (1) Except as provided in section 11  
2953.61 of the Revised Code or as otherwise provided in division 12  
(A) (1) (d) of this section, an eligible offender may apply to the 13  
sentencing court if convicted in this state, or to a court of 14  
common pleas if convicted in another state or in a federal 15  
court, for the sealing of the record of the case that pertains 16



to the conviction. Application may be made at one of the 17  
following times: 18

(a) At the expiration of three years after the offender's 19  
final discharge if convicted of one felony, so long as none of 20  
the offenses is a violation of section 2921.43 of the Revised 21  
Code; 22

(b) When division (A)(1)(a) of section 2953.31 of the 23  
Revised Code applies to the offender, at the expiration of four 24  
years after the offender's final discharge if convicted of two 25  
felonies, or at the expiration of five years after final 26  
discharge if convicted of three, four, or five felonies, so long 27  
as none of the offenses is a violation of section 2921.43 of the 28  
Revised Code; 29

(c) At the expiration of one year after the offender's 30  
final discharge if convicted of a misdemeanor, so long as none 31  
of the offenses is a violation of section 2921.43 of the Revised 32  
Code; 33

(d) At the expiration of seven years after the offender's 34  
final discharge if the record includes a conviction of 35  
soliciting improper compensation in violation of section 2921.43 36  
of the Revised Code. 37

(2) Any person who has been arrested for any misdemeanor 38  
offense and who has effected a bail forfeiture for the offense 39  
charged may apply to the court in which the misdemeanor criminal 40  
case was pending when bail was forfeited for the sealing of the 41  
record of the case that pertains to the charge. Except as 42  
provided in section 2953.61 of the Revised Code, the application 43  
may be filed at any time after the expiration of one year from 44  
the date on which the bail forfeiture was entered upon the 45

minutes of the court or the journal, whichever entry occurs 46  
first. 47

(B) Upon the filing of an application under this section, 48  
the court shall set a date for a hearing and shall notify the 49  
prosecutor for the case of the hearing on the application. The 50  
prosecutor may object to the granting of the application by 51  
filing an objection with the court prior to the date set for the 52  
hearing. The prosecutor shall specify in the objection the 53  
reasons for believing a denial of the application is justified. 54  
The court shall direct its regular probation officer, a state 55  
probation officer, or the department of probation of the county 56  
in which the applicant resides to make inquiries and written 57  
reports as the court requires concerning the applicant. The 58  
probation officer or county department of probation that the 59  
court directs to make inquiries concerning the applicant shall 60  
determine whether or not the applicant was fingerprinted at the 61  
time of arrest or under section 109.60 of the Revised Code. If 62  
the applicant was so fingerprinted, the probation officer or 63  
county department of probation shall include with the written 64  
report a record of the applicant's fingerprints. If the 65  
applicant was convicted of or pleaded guilty to a violation of 66  
division (A) (2) or (B) of section 2919.21 of the Revised Code, 67  
the probation officer or county department of probation that the 68  
court directed to make inquiries concerning the applicant shall 69  
contact the child support enforcement agency enforcing the 70  
applicant's obligations under the child support order to inquire 71  
about the offender's compliance with the child support order. 72

(C) (1) The court shall do each of the following: 73

(a) Determine whether the applicant is an eligible 74  
offender or whether the forfeiture of bail was agreed to by the 75

applicant and the prosecutor in the case. If the applicant 76  
 applies as an eligible offender pursuant to division (A)(1) of 77  
 this section and has two or three convictions that result from 78  
 the same indictment, information, or complaint, from the same 79  
 plea of guilty, or from the same official proceeding, and result 80  
 from related criminal acts that were committed within a three- 81  
 month period but do not result from the same act or from 82  
 offenses committed at the same time, in making its determination 83  
 under this division, the court initially shall determine whether 84  
 it is not in the public interest for the two or three 85  
 convictions to be counted as one conviction. If the court 86  
 determines that it is not in the public interest for the two or 87  
 three convictions to be counted as one conviction, the court 88  
 shall determine that the applicant is not an eligible offender; 89  
 if the court does not make that determination, the court shall 90  
 determine that the offender is an eligible offender. 91

(b) Determine whether criminal proceedings are pending 92  
 against the applicant; 93

(c) If the applicant is an eligible offender who applies 94  
 pursuant to division (A)(1) of this section, determine whether 95  
 the applicant has been rehabilitated to the satisfaction of the 96  
 court; 97

(d) If the prosecutor has filed an objection in accordance 98  
 with division (B) of this section, consider the reasons against 99  
 granting the application specified by the prosecutor in the 100  
 objection; 101

(e) Weigh the interests of the applicant in having the 102  
 records pertaining to the applicant's conviction or bail 103  
 forfeiture sealed against the legitimate needs, if any, of the 104  
 government to maintain those records. 105

(2) If the court determines, after complying with division 106  
(C)(1) of this section, that the applicant is an eligible 107  
offender or the subject of a bail forfeiture, that no criminal 108  
proceeding is pending against the applicant, that the interests 109  
of the applicant in having the records pertaining to the 110  
applicant's conviction or bail forfeiture sealed are not 111  
outweighed by any legitimate governmental needs to maintain 112  
those records, and that the rehabilitation of an applicant who 113  
is an eligible offender applying pursuant to division (A)(1) of 114  
this section has been attained to the satisfaction of the court, 115  
the court, except as provided in division (C)(4), (G), (H), or 116  
(I) of this section, shall order all official records of the 117  
case that pertain to the conviction or bail forfeiture sealed 118  
and, except as provided in division (F) of this section, all 119  
index references to the case that pertain to the conviction or 120  
bail forfeiture deleted and, in the case of bail forfeitures, 121  
shall dismiss the charges in the case. The proceedings in the 122  
case that pertain to the conviction or bail forfeiture shall be 123  
considered not to have occurred and the conviction or bail 124  
forfeiture of the person who is the subject of the proceedings 125  
shall be sealed, except that upon conviction of a subsequent 126  
offense, the sealed record of prior conviction or bail 127  
forfeiture may be considered by the court in determining the 128  
sentence or other appropriate disposition, including the relief 129  
provided for in sections 2953.31 to 2953.33 of the Revised Code. 130

(3) An applicant may request the sealing of the records of 131  
more than one case in a single application under this section. 132  
Upon the filing of an application under this section, the 133  
applicant, unless indigent, shall pay a fee of fifty dollars, 134  
regardless of the number of records the application requests to 135  
have sealed. The court shall pay thirty dollars of the fee into 136

the state treasury. It shall pay twenty dollars of the fee into 137  
the county general revenue fund if the sealed conviction or bail 138  
forfeiture was pursuant to a state statute, or into the general 139  
revenue fund of the municipal corporation involved if the sealed 140  
conviction or bail forfeiture was pursuant to a municipal 141  
ordinance. 142

(4) If the court orders the official records pertaining to 143  
the case sealed, the court shall do one of the following: 144

(a) If the applicant was fingerprinted at the time of 145  
arrest or under section 109.60 of the Revised Code and the 146  
record of the applicant's fingerprints was provided to the court 147  
under division (B) of this section, forward a copy of the 148  
sealing order and the record of the applicant's fingerprints to 149  
the bureau of criminal identification and investigation. 150

(b) If the applicant was not fingerprinted at the time of 151  
arrest or under section 109.60 of the Revised Code, or the 152  
record of the applicant's fingerprints was not provided to the 153  
court under division (B) of this section, but fingerprinting was 154  
required for the offense, order the applicant to appear before a 155  
sheriff to have the applicant's fingerprints taken according to 156  
the fingerprint system of identification on the forms furnished 157  
by the superintendent of the bureau of criminal identification 158  
and investigation. The sheriff shall forward the applicant's 159  
fingerprints to the court. The court shall forward the 160  
applicant's fingerprints and a copy of the sealing order to the 161  
bureau of criminal identification and investigation. 162

Failure of the court to order fingerprints at the time of 163  
sealing does not constitute a reversible error. 164

(D) Inspection of the sealed records included in the order 165

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| may be made only by the following persons or for the following   | 166 |
| purposes:                                                        | 167 |
| (1) By a law enforcement officer or prosecutor, or the           | 168 |
| assistants of either, to determine whether the nature and        | 169 |
| character of the offense with which a person is to be charged    | 170 |
| would be affected by virtue of the person's previously having    | 171 |
| been convicted of a crime;                                       | 172 |
| (2) By the parole or probation officer of the person who         | 173 |
| is the subject of the records, for the exclusive use of the      | 174 |
| officer in supervising the person while on parole or under a     | 175 |
| community control sanction or a post-release control sanction,   | 176 |
| and in making inquiries and written reports as requested by the  | 177 |
| court or adult parole authority;                                 | 178 |
| (3) Upon application by the person who is the subject of         | 179 |
| the records, by the persons named in the application;            | 180 |
| (4) By a law enforcement officer who was involved in the         | 181 |
| case, for use in the officer's defense of a civil action arising | 182 |
| out of the officer's involvement in that case;                   | 183 |
| (5) By a prosecuting attorney or the prosecuting                 | 184 |
| attorney's assistants, to determine a defendant's eligibility to | 185 |
| enter a pre-trial diversion program established pursuant to      | 186 |
| section 2935.36 of the Revised Code;                             | 187 |
| (6) By any law enforcement agency or any authorized              | 188 |
| employee of a law enforcement agency or by the department of     | 189 |
| rehabilitation and correction or department of youth services as | 190 |
| part of a background investigation of a person who applies for   | 191 |
| employment with the agency or with the department;               | 192 |
| (7) By any law enforcement agency or any authorized              | 193 |

employee of a law enforcement agency, for the purposes set forth 194  
in, and in the manner provided in, section 2953.321 of the 195  
Revised Code; 196

(8) By the bureau of criminal identification and 197  
investigation or any authorized employee of the bureau for the 198  
purpose of providing information to a board or person pursuant 199  
to division (F) or (G) of section 109.57 of the Revised Code; 200

(9) By the bureau of criminal identification and 201  
investigation or any authorized employee of the bureau for the 202  
purpose of performing a criminal history records check on a 203  
person to whom a certificate as prescribed in section 109.77 of 204  
the Revised Code is to be awarded; 205

(10) By the bureau of criminal identification and 206  
investigation or any authorized employee of the bureau for the 207  
purpose of conducting a criminal records check of an individual 208  
pursuant to division (B) of section 109.572 of the Revised Code 209  
that was requested pursuant to any of the sections identified in 210  
division (B)(1) of that section; 211

(11) By the bureau of criminal identification and 212  
investigation, an authorized employee of the bureau, a sheriff, 213  
or an authorized employee of a sheriff in connection with a 214  
criminal records check described in section 311.41 of the 215  
Revised Code; 216

(12) By the attorney general or an authorized employee of 217  
the attorney general or a court for purposes of determining a 218  
person's classification pursuant to Chapter 2950. of the Revised 219  
Code; 220

(13) By a court, the registrar of motor vehicles, a 221  
prosecuting attorney or the prosecuting attorney's assistants, 222

or a law enforcement officer for the purpose of assessing points 223  
against a person under section 4510.036 of the Revised Code or 224  
for taking action with regard to points assessed. 225

When the nature and character of the offense with which a 226  
person is to be charged would be affected by the information, it 227  
may be used for the purpose of charging the person with an 228  
offense. 229

(E) In any criminal proceeding, proof of any otherwise 230  
admissible prior conviction may be introduced and proved, 231  
notwithstanding the fact that for any such prior conviction an 232  
order of sealing previously was issued pursuant to sections 233  
2953.31 to 2953.36 of the Revised Code. 234

(F) The person or governmental agency, office, or 235  
department that maintains sealed records pertaining to 236  
convictions or bail forfeitures that have been sealed pursuant 237  
to this section may maintain a manual or computerized index to 238  
the sealed records. The index shall contain only the name of, 239  
and alphanumeric identifiers that relate to, the persons who are 240  
the subject of the sealed records, the word "sealed," and the 241  
name of the person, agency, office, or department that has 242  
custody of the sealed records, and shall not contain the name of 243  
the crime committed. The index shall be made available by the 244  
person who has custody of the sealed records only for the 245  
purposes set forth in divisions (C), (D), and (E) of this 246  
section. 247

(G) Notwithstanding any provision of this section or 248  
section 2953.33 of the Revised Code that requires otherwise, a 249  
board of education of a city, local, exempted village, or joint 250  
vocational school district that maintains records of an 251  
individual who has been permanently excluded under sections 252

3301.121 and 3313.662 of the Revised Code is permitted to 253  
maintain records regarding a conviction that was used as the 254  
basis for the individual's permanent exclusion, regardless of a 255  
court order to seal the record. An order issued under this 256  
section to seal the record of a conviction does not revoke the 257  
adjudication order of the superintendent of public instruction 258  
to permanently exclude the individual who is the subject of the 259  
sealing order. An order issued under this section to seal the 260  
record of a conviction of an individual may be presented to a 261  
district superintendent as evidence to support the contention 262  
that the superintendent should recommend that the permanent 263  
exclusion of the individual who is the subject of the sealing 264  
order be revoked. Except as otherwise authorized by this 265  
division and sections 3301.121 and 3313.662 of the Revised Code, 266  
any school employee in possession of or having access to the 267  
sealed conviction records of an individual that were the basis 268  
of a permanent exclusion of the individual is subject to section 269  
2953.35 of the Revised Code. 270

(H) Notwithstanding any provision of this section or 271  
section 2953.33 of the Revised Code that requires otherwise, if 272  
the auditor of state or a prosecutor maintains records, reports, 273  
or audits of an individual who has been forever disqualified 274  
from holding public office, employment, or position of trust in 275  
this state under sections 2921.41 and 2921.43 of the Revised 276  
Code, or has otherwise been convicted of an offense based upon 277  
the records, reports, or audits of the auditor of state, the 278  
auditor of state or prosecutor is permitted to maintain those 279  
records to the extent they were used as the basis for the 280  
individual's disqualification or conviction, and shall not be 281  
compelled by court order to seal those records. 282

(I) For purposes of sections 2953.31 to 2953.36 of the 283

Revised Code, DNA records collected in the DNA database and 284  
fingerprints filed for record by the superintendent of the 285  
bureau of criminal identification and investigation shall not be 286  
sealed unless the superintendent receives a certified copy of a 287  
final court order establishing that the offender's conviction 288  
has been overturned. For purposes of this section, a court order 289  
is not "final" if time remains for an appeal or application for 290  
discretionary review with respect to the order. 291

~~(I)~~ (J) The sealing of a record under this section does 292  
not affect the assessment of points under section 4510.036 of 293  
the Revised Code and does not erase points assessed against a 294  
person as a result of the sealed record. 295

**Sec. 2953.321.** (A) As used in this section, 296  
"investigatory work product" means any records or reports of a 297  
law enforcement officer or agency that are excepted from the 298  
definition of "official records" contained in section 2953.51 of 299  
the Revised Code and that pertain to a conviction or bail 300  
forfeiture the records of which have been ordered sealed 301  
pursuant to division (C) (2) of section 2953.32 of the Revised 302  
Code or that pertain to a conviction or delinquent child 303  
adjudication the records of which have been ordered expunged 304  
pursuant to division (E) of section 2151.358, division (D) (2) of 305  
section 2953.37, or division (G) of section 2953.38 of the 306  
Revised Code. 307

(B) Upon the issuance of an order by a court pursuant to 308  
division (C) (2) of section 2953.32 of the Revised Code directing 309  
that all official records of a case pertaining to a conviction 310  
or bail forfeiture be sealed or an order by a court pursuant to 311  
division (E) of section 2151.358, division (D) (2) of section 312  
2953.37, or division (G) of section 2953.38 of the Revised Code 313

directing that all official records of a case pertaining to a 314  
conviction or delinquent child adjudication be expunged: 315

(1) Every law enforcement officer who possesses 316  
investigatory work product immediately shall deliver that work 317  
product to the law enforcement officer's employing law 318  
enforcement agency. 319

(2) Except as provided in division (B) (3) or (4) of this 320  
section, every law enforcement agency that possesses 321  
investigatory work product shall close that work product to all 322  
persons who are not directly employed by the law enforcement 323  
agency and shall treat that work product, in relation to all 324  
persons other than those who are directly employed by the law 325  
enforcement agency, as if it did not exist and never had 326  
existed. 327

(3) A law enforcement agency that possesses investigatory 328  
work product may permit another law enforcement agency to use 329  
that work product in the investigation of another offense if the 330  
facts incident to the offense being investigated by the other 331  
law enforcement agency and the facts incident to an offense that 332  
is the subject of the case are reasonably similar. The agency 333  
that permits the use of investigatory work product may provide 334  
the other agency with the name of the person who is the subject 335  
of the case if it believes that the name of the person is 336  
necessary to the conduct of the investigation by the other 337  
agency. 338

(4) The auditor of state may provide to or discuss with 339  
other parties investigatory work product maintained pursuant to 340  
Chapter 117. of the Revised Code by the auditor of state. 341

(C) (1) Except as provided in division (B) (3) or (4) of 342

this section, no law enforcement officer or other person 343  
employed by a law enforcement agency shall knowingly release, 344  
disseminate, or otherwise make the investigatory work product or 345  
any information contained in that work product available to, or 346  
discuss any information contained in it with, any person not 347  
employed by the employing law enforcement agency. 348

(2) No law enforcement agency, or person employed by a law 349  
enforcement agency, that receives investigatory work product 350  
pursuant to division (B) (3) or (4) of this section shall use 351  
that work product for any purpose other than the investigation 352  
of the offense for which it was obtained from the other law 353  
enforcement agency, or disclose the name of the person who is 354  
the subject of the work product except when necessary for the 355  
conduct of the investigation of the offense, or the prosecution 356  
of the person for committing the offense, for which it was 357  
obtained from the other law enforcement agency. 358

(3) It is not a violation of division (C) (1) or (2) of 359  
this section for the bureau of criminal identification and 360  
investigation or any authorized employee of the bureau 361  
participating in the investigation of criminal activity to 362  
release, disseminate, or otherwise make available to, or discuss 363  
with, a person directly employed by a law enforcement agency DNA 364  
records collected in the DNA database or fingerprints filed for 365  
record by the superintendent of the bureau of criminal 366  
identification and investigation. 367

(D) Whoever violates division (C) (1) or (2) of this 368  
section is guilty of divulging confidential investigatory work 369  
product, a misdemeanor of the fourth degree. 370

**Sec. 2953.36.** (A) Except as otherwise provided in 371  
division (B) of this section, sections 2953.31 to 2953.35 of the 372

|                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Revised Code do not apply to any of the following:                                                                                                                                                                                                                                                                                                                                                                                        | 373                                           |
| (1) Convictions when the offender is subject to a<br>mandatory prison term;                                                                                                                                                                                                                                                                                                                                                               | 374<br>375                                    |
| (2) Convictions under section 2907.02, 2907.03, 2907.04,<br>2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former<br>section 2907.12, or Chapter 4506., 4507., 4510., 4511., or 4549.<br>of the Revised Code, or a conviction for a violation of a<br>municipal ordinance that is substantially similar to any section<br>contained in any of those chapters, except as otherwise provided<br>in section 2953.61 of the Revised Code; | 376<br>377<br>378<br>379<br>380<br>381<br>382 |
| (3) Convictions of an offense of violence when the offense<br>is a misdemeanor of the first degree or a felony and when the<br>offense is not a violation of section 2917.03 of the Revised<br>Code and is not a violation of section 2903.13, 2917.01, or<br>2917.31 of the Revised Code that is a misdemeanor of the first<br>degree;                                                                                                   | 383<br>384<br>385<br>386<br>387<br>388        |
| (4) Convictions on or after October 10, 2007, under<br>section 2907.07 of the Revised Code or a conviction on or after<br>October 10, 2007, for a violation of a municipal ordinance that<br>is substantially similar to that section;                                                                                                                                                                                                    | 389<br>390<br>391<br>392                      |
| (5) Convictions on or after October 10, 2007, under<br>section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31,<br>2907.311, 2907.32, or 2907.33 of the Revised Code when the<br>victim of the offense was under eighteen years of age;                                                                                                                                                                                              | 393<br>394<br>395<br>396                      |
| (6) Convictions of an offense in circumstances in which<br>the victim of the offense was less than sixteen years of age<br>when the offense is a misdemeanor of the first degree or a<br>felony, except for convictions under section 2919.21 of the<br>Revised Code;                                                                                                                                                                     | 397<br>398<br>399<br>400<br>401               |

|                                                                   |     |
|-------------------------------------------------------------------|-----|
| (7) Convictions of a felony of the first or second degree;        | 402 |
| (8) Bail forfeitures in a traffic case as defined in              | 403 |
| Traffic Rule 2;                                                   | 404 |
| <u>(9) Convictions of theft in office in violation of section</u> | 405 |
| <u>2921.41 of the Revised Code.</u>                               | 406 |
| (B) Sections 2953.31 to 2953.35 of the Revised Code apply         | 407 |
| to a conviction listed in this section if, on the date of the     | 408 |
| conviction, those sections did not apply to the conviction, but   | 409 |
| after the date of the conviction, the penalty for or              | 410 |
| classification of the offense was changed so that those sections  | 411 |
| apply to the conviction.                                          | 412 |
| <b>Sec. 2953.51.</b> As used in sections 2953.51 to 2953.56 of    | 413 |
| the Revised Code:                                                 | 414 |
| (A) "No bill" means a report by the foreperson or deputy          | 415 |
| foreperson of a grand jury that an indictment is not found by     | 416 |
| the grand jury against a person who has been held to answer       | 417 |
| before the grand jury for the commission of an offense.           | 418 |
| (B) "Prosecutor" has the same meaning as in section               | 419 |
| 2953.31 of the Revised Code.                                      | 420 |
| (C) "Court" means the court in which a case is pending at         | 421 |
| the time a finding of not guilty in the case or a dismissal of    | 422 |
| the complaint, indictment, or information in the case is entered  | 423 |
| on the minutes or journal of the court, or the court to which     | 424 |
| the foreperson or deputy foreperson of a grand jury reports,      | 425 |
| pursuant to section 2939.23 of the Revised Code, that the grand   | 426 |
| jury has returned a no bill.                                      | 427 |
| (D) "Official records" means all records that are                 | 428 |
| possessed by any public office or agency that relate to a         | 429 |

criminal case, including, but not limited to: the notation to 430  
the case in the criminal docket; all subpoenas issued in the 431  
case; all papers and documents filed by the defendant or the 432  
prosecutor in the case; all records of all testimony and 433  
evidence presented in all proceedings in the case; all court 434  
files, papers, documents, folders, entries, affidavits, or writs 435  
that pertain to the case; all computer, microfilm, microfiche, 436  
or microdot records, indices, or references to the case; all 437  
index references to the case; all fingerprints and photographs; 438  
all DNA specimens, DNA records, and DNA profiles; all records 439  
and investigative reports pertaining to the case that are 440  
possessed by any law enforcement officer or agency, except that 441  
any records or reports that are the specific investigatory work 442  
product of a law enforcement officer or agency are not and shall 443  
not be considered to be official records when they are in the 444  
possession of that officer or agency; and all investigative 445  
records and reports other than those possessed by a law 446  
enforcement officer or agency pertaining to the case. "Official 447  
records" does not include any of the following: 448

(1) Records or reports maintained pursuant to section 449  
2151.421 of the Revised Code by a public children services 450  
agency or the department of job and family services; 451

(2) Any report of an investigation maintained by the 452  
inspector general pursuant to section 121.42 of the Revised 453  
Code, to the extent that the report contains information that 454  
pertains to an individual who was convicted of or pleaded guilty 455  
to an offense discovered in or related to the investigation and 456  
whose conviction or guilty plea was not overturned on appeal; 457

(3) Records, reports, or audits maintained by the auditor 458  
of state pursuant to Chapter 117. of the Revised Code. 459

(E) "DNA database," "DNA record," "DNA specimen," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code.

(F) "Fingerprints filed for record" has the same meaning as in section 2953.31 of the Revised Code.

**Sec. 2953.54.** (A) Except as otherwise provided in Chapter 2950. of the Revised Code, upon the issuance of an order by a court under division (B) of section 2953.52 of the Revised Code directing that all official records pertaining to a case be sealed and that the proceedings in the case be deemed not to have occurred:

(1) Every law enforcement officer possessing records or reports pertaining to the case that are the officer's specific investigatory work product and that are excepted from the definition of "official records" contained in section 2953.51 of the Revised Code shall immediately deliver the records and reports to the officer's employing law enforcement agency. Except as provided in division (A) (3) or (4) of this section, no such officer shall knowingly release, disseminate, or otherwise make the records and reports or any information contained in them available to, or discuss any information contained in them with, any person not employed by the officer's employing law enforcement agency.

(2) Every law enforcement agency that possesses records or reports pertaining to the case that are its specific investigatory work product and that are excepted from the definition of "official records" contained in section 2953.51 of the Revised Code, or that are the specific investigatory work product of a law enforcement officer it employs and that were delivered to it under division (A) (1) of this section shall,

except as provided in division (A) (3) or (4) of this section, 490  
close the records and reports to all persons who are not 491  
directly employed by the law enforcement agency and shall, 492  
except as provided in division (A) (3) or (4) of this section, 493  
treat the records and reports, in relation to all persons other 494  
than those who are directly employed by the law enforcement 495  
agency, as if they did not exist and had never existed. Except 496  
as provided in division (A) (3) or (4) of this section, no person 497  
who is employed by the law enforcement agency shall knowingly 498  
release, disseminate, or otherwise make the records and reports 499  
in the possession of the employing law enforcement agency or any 500  
information contained in them available to, or discuss any 501  
information contained in them with, any person not employed by 502  
the employing law enforcement agency. 503

(3) A law enforcement agency that possesses records or 504  
reports pertaining to the case that are its specific 505  
investigatory work product and that are excepted from the 506  
definition of "official records" contained in division (D) of 507  
section 2953.51 of the Revised Code, or that are the specific 508  
investigatory work product of a law enforcement officer it 509  
employs and that were delivered to it under division (A) (1) of 510  
this section may permit another law enforcement agency to use 511  
the records or reports in the investigation of another offense, 512  
if the facts incident to the offense being investigated by the 513  
other law enforcement agency and the facts incident to an 514  
offense that is the subject of the case are reasonably similar. 515  
The agency that provides the records and reports may provide the 516  
other agency with the name of the person who is the subject of 517  
the case, if it believes that the name of the person is 518  
necessary to the conduct of the investigation by the other 519  
agency. 520

No law enforcement agency, or person employed by a law enforcement agency, that receives from another law enforcement agency records or reports pertaining to a case the records of which have been ordered sealed pursuant to division (B) of section 2953.52 of the Revised Code shall use the records and reports for any purpose other than the investigation of the offense for which they were obtained from the other law enforcement agency, or disclose the name of the person who is the subject of the records or reports except when necessary for the conduct of the investigation of the offense, or the prosecution of the person for committing the offense, for which they were obtained from the other law enforcement agency.

(4) The auditor of state may provide to or discuss with other parties records, reports, or audits maintained by the auditor of state pursuant to Chapter 117. of the Revised Code pertaining to the case that are the auditor of state's specific investigatory work product and that are excepted from the definition of "official records" contained in division (D) of section 2953.51 of the Revised Code, or that are the specific investigatory work product of a law enforcement officer the auditor of state employs and that were delivered to the auditor of state under division (A)(1) of this section.

(B) Whoever violates division (A) (1), (2), or (3) of this section is guilty of divulging confidential information, a misdemeanor of the fourth degree.

(C) It is not a violation of this section for the bureau of criminal identification and investigation or any authorized employee of the bureau participating in the investigation of criminal activity to release, disseminate, or otherwise make available to, or discuss with, a person directly employed by a

law enforcement agency DNA records collected in the DNA database 551  
or fingerprints filed for record by the superintendent of the 552  
bureau of criminal identification and investigation." 553

In line 231, delete "section" and insert "sections"; after "2921.41" 554  
insert ", 2953.32, 2953.321, 2953.36, 2953.51, and 2953.54" 555

In line 232, delete "is" and insert "are" 556

After line 232, insert: 557

**"Section 3.** Section 2953.36 of the Revised Code is 558  
presented in this act as a composite of the section as amended 559  
by H.B. 53, H.B. 56, and H.B. 164, all of the 131st General 560  
Assembly. The General Assembly, applying the principle stated in 561  
division (B) of section 1.52 of the Revised Code that amendments 562  
are to be harmonized if reasonably capable of simultaneous 563  
operation, finds that the composite is the resulting version of 564  
the section in effect prior to the effective date of the section 565  
as presented in this act." 566

The motion was \_\_\_\_\_ agreed to.

SYNOPSIS 567

**Records held by Auditor of State and other sealing and 568  
expungement law changes 569**

**R.C 2953.32, 2953.321, 2953.36, 2953.51, and 2953.54 570**

Amends the criminal conviction records sealing law to 571  
prevent an application to seal a record containing a conviction 572  
for soliciting improper compensation until 7 years after the 573

offender's final discharge, an increase from the 1-4 years that 574  
would be required under current law, depending on the number and 575  
severity of other charges in the same case. 576

Notwithstanding existing law provisions that require law 577  
enforcement agencies to close investigatory work product upon 578  
the sealing of a criminal record or the expungement of a 579  
criminal record or delinquent child adjudication, permits the 580  
Auditor of State to provide or discuss investigatory work 581  
product with other parties. 582

Excludes the offense of "theft in office" from the 583  
provisions of the criminal conviction records sealing law. 584

Excludes, from the definition of "official records" that 585  
applies to the criminal records sealing law regarding not guilty 586  
findings, dismissed charges, and no bills, any records, reports, 587  
or audits maintained by the Auditor of State under the Auditor's 588  
authority. 589

Notwithstanding existing records sealing law, allows the 590  
auditor of state or a prosecutor to maintain records of an 591  
individual who has been forever disqualified from holding public 592  
office, employment, or position of trust in this state, or who 593  
has otherwise been convicted of an offense based on records, 594  
reports, or audits of the Auditor of State, to the extent the 595  
records were used as the basis for the individual's 596  
disqualification or conviction. 597