As Introduced

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S. B. No. 160

Senators O’Brien, Rulli
Cosponsors: Senators Antonio, Craig, Eklund, Fedor, Huffman, M., Sykes, Thomas, Williams, Yuko, Lehner

A BILL

To amend sections 2923.125, 2953.32, 2953.321, 2953.33, 2953.35, and 2953.52 and to enact section 2953.39 of the Revised Code to provide a mechanism for the expungement of records of most convictions that, depending on the category of the offense, are at least 10 years old, 15 years old, or 20 years old, and to eliminate the waiting period for sealing a record related to a no bill.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2923.125, 2953.32, 2953.321, 2953.33, 2953.35, and 2953.52 be amended and section 2953.39 of the Revised Code be enacted to read as follows:

Sec. 2923.125. It is the intent of the general assembly that Ohio concealed handgun license law be compliant with the national instant criminal background check system, that the bureau of alcohol, tobacco, firearms, and explosives is able to determine that Ohio law is compliant with the national instant criminal background check system, and that no person shall be
eligible to receive a concealed handgun license permit under section 2923.125 or 2923.1213 of the Revised Code unless the person is eligible lawfully to receive or possess a firearm in the United States.

(A) This section applies with respect to the application for and issuance by this state of concealed handgun licenses other than concealed handgun licenses on a temporary emergency basis that are issued under section 2923.1213 of the Revised Code. Upon the request of a person who wishes to obtain a concealed handgun license with respect to which this section applies or to renew a concealed handgun license with respect to which this section applies, a sheriff, as provided in division (I) of this section, shall provide to the person free of charge an application form and the web site address at which a printable version of the application form that can be downloaded and the pamphlet described in division (B) of section 109.731 of the Revised Code may be found. A sheriff shall accept a completed application form and the fee, items, materials, and information specified in divisions (B)(1) to (5) of this section at the times and in the manners described in division (I) of this section.

(B) An applicant for a concealed handgun license who is a resident of this state shall submit a completed application form and all of the material and information described in divisions (B)(1) to (6) of this section to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides. An applicant for a license who resides in another state shall submit a completed application form and all of the material and information described in divisions (B)(1) to (7) of this section to the sheriff of the county in which the applicant is employed.
or to the sheriff of any county adjacent to the county in which
the applicant is employed:

(1)(a) A nonrefundable license fee as described in either
of the following:

(i) For an applicant who has been a resident of this state
for five or more years, a fee of sixty-seven dollars;

(ii) For an applicant who has been a resident of this
state for less than five years or who is not a resident of this
state, but who is employed in this state, a fee of sixty-seven
dollars plus the actual cost of having a background check
performed by the federal bureau of investigation.

(b) No sheriff shall require an applicant to pay for the
cost of a background check performed by the bureau of criminal
identification and investigation.

(c) A sheriff shall waive the payment of the license fee
described in division (B)(1)(a) of this section in connection
with an initial or renewal application for a license that is
submitted by an applicant who is an active or reserve member of
the armed forces of the United States or has retired from or was
honorably discharged from military service in the active or
reserve armed forces of the United States, a retired peace
officer, a retired person described in division (B)(1)(b) of
section 109.77 of the Revised Code, or a retired federal law
enforcement officer who, prior to retirement, was authorized
under federal law to carry a firearm in the course of duty,
unless the retired peace officer, person, or federal law
enforcement officer retired as the result of a mental
disability.

(d) The sheriff shall deposit all fees paid by an
applicant under division (B)(1)(a) of this section into the sheriff’s concealed handgun license issuance fund established pursuant to section 311.42 of the Revised Code. The county shall distribute the fees in accordance with section 311.42 of the Revised Code.

(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application;

(3) One or more of the following competency certifications, each of which shall reflect that, regarding a certification described in division (B)(3)(a), (b), (c), (e), or (f) of this section, within the three years immediately preceding the application the applicant has performed that to which the competency certification relates and that, regarding a certification described in division (B)(3)(d) of this section, the applicant currently is an active or reserve member of the armed forces of the United States, the applicant has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, or within the ten years immediately preceding the application the retirement of the peace officer, person described in division (B)(1)(b) of section 109.77 of the Revised Code, or federal law enforcement officer to which the competency certification relates occurred:

(a) An original or photocopy of a certificate of completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or program that was offered by or under the auspices of a national gun advocacy organization and that complies with the requirements set forth in division (G) of this section;

(b) An original or photocopy of a certificate of
completion of a firearms safety, training, or requalification or firearms safety instructor course, class, or program that satisfies all of the following criteria:

(i) It was open to members of the general public.

(ii) It utilized qualified instructors who were certified by a national gun advocacy organization, the executive director of the Ohio peace officer training commission pursuant to section 109.75 or 109.78 of the Revised Code, or a governmental official or entity of another state.

(iii) It was offered by or under the auspices of a law enforcement agency of this or another state or the United States, a public or private college, university, or other similar postsecondary educational institution located in this or another state, a firearms training school located in this or another state, or another type of public or private entity or organization located in this or another state.

(iv) It complies with the requirements set forth in division (G) of this section.

(c) An original or photocopy of a certificate of completion of a state, county, municipal, or department of natural resources peace officer training school that is approved by the executive director of the Ohio peace officer training commission pursuant to section 109.75 of the Revised Code and that complies with the requirements set forth in division (G) of this section, or the applicant has satisfactorily completed and been issued a certificate of completion of a basic firearms training program, a firearms requalification training program, or another basic training program described in section 109.78 or 109.801 of the Revised Code that complies with the requirements
set forth in division (G) of this section;

(d) A document that evidences both of the following:

(i) That the applicant is an active or reserve member of the armed forces of the United States, has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, is a retired trooper of the state highway patrol, or is a retired peace officer or federal law enforcement officer described in division (B)(1) of this section or a retired person described in division (B)(1)(b) of section 109.77 of the Revised Code and division (B)(1) of this section;

(ii) That, through participation in the military service or through the former employment described in division (B)(3)(d) (i) of this section, the applicant acquired experience with handling handguns or other firearms, and the experience so acquired was equivalent to training that the applicant could have acquired in a course, class, or program described in division (B)(3)(a), (b), or (c) of this section.

(e) A certificate or another similar document that evidences satisfactory completion of a firearms training, safety, or requalification or firearms safety instructor course, class, or program that is not otherwise described in division (B)(3)(a), (b), (c), or (d) of this section, that was conducted by an instructor who was certified by an official or entity of the government of this or another state or the United States or by a national gun advocacy organization, and that complies with the requirements set forth in division (G) of this section;

(f) An affidavit that attests to the applicant's satisfactory completion of a course, class, or program described
in division (B)(3)(a), (b), (c), or (e) of this section and that is subscribed by the applicant's instructor or an authorized representative of the entity that offered the course, class, or program or under whose auspices the course, class, or program was offered;

(g) A document that evidences that the applicant has successfully completed the Ohio peace officer training program described in section 109.79 of the Revised Code.

(4) A certification by the applicant that the applicant has read the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters.

(5) A set of fingerprints of the applicant provided as described in section 311.41 of the Revised Code through use of an electronic fingerprint reading device or, if the sheriff to whom the application is submitted does not possess and does not have ready access to the use of such a reading device, on a standard impression sheet prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code.

(6) If the applicant is not a citizen or national of the United States, the name of the applicant's country of citizenship and the applicant's alien registration number issued by the United States citizenship and immigration services agency.

(7) If the applicant resides in another state, adequate proof of employment in Ohio.

(C) Upon receipt of the completed application form, supporting documentation, and, if not waived, license fee of an
applicant under this section, a sheriff, in the manner specified
in section 311.41 of the Revised Code, shall conduct or cause to
be conducted the criminal records check and the incompetency
records check described in section 311.41 of the Revised Code.

(D)(1) Except as provided in division (D)(3) of this
section, within forty-five days after a sheriff's receipt of an
applicant's completed application form for a concealed handgun
license under this section, the supporting documentation, and,
if not waived, the license fee, the sheriff shall make available
through the law enforcement automated data system in accordance
with division (H) of this section the information described in
that division and, upon making the information available through
the system, shall issue to the applicant a concealed handgun
license that shall expire as described in division (D)(2)(a) of
this section if all of the following apply:

(a) The applicant is legally living in the United States.
For purposes of division (D)(1)(a) of this section, if a person
is absent from the United States in compliance with military or
naval orders as an active or reserve member of the armed forces
of the United States and if prior to leaving the United States
the person was legally living in the United States, the person,
solely by reason of that absence, shall not be considered to
have lost the person's status as living in the United States.

(b) The applicant is at least twenty-one years of age.

(c) The applicant is not a fugitive from justice.

(d) The applicant is not under indictment for or otherwise
charged with a felony; an offense under Chapter 2925., 3719., or
4729. of the Revised Code that involves the illegal possession,
use, sale, administration, or distribution of or trafficking in
a drug of abuse; a misdemeanor offense of violence; or a violation of section 2903.14 or 2923.1211 of the Revised Code.

(e) Except as otherwise provided in division (D)(4) or (5) of this section, the applicant has not been convicted of or pleaded guilty to a felony or an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been adjudicated a delinquent child for committing an act that if committed by an adult would be a felony or would be an offense under Chapter 2925., 3719., or 4729. of the Revised Code that involves the illegal possession, use, sale, administration, or distribution of or trafficking in a drug of abuse; has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, regardless of whether the applicant was sentenced under division (C)(4) of that section; and has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing any other offense that is not previously described in this division that is a misdemeanor punishable by imprisonment for a term exceeding one year.

(f) Except as otherwise provided in division (D)(4) or (5) of this section, the applicant, within three years of the date of the application, has not been convicted of or pleaded guilty to a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer, or a misdemeanor violation of section 2923.1211 of the Revised Code; and has not been adjudicated a delinquent child for committing an act that if
committed by an adult would be a misdemeanor offense of violence other than a misdemeanor violation of section 2921.33 of the Revised Code or a violation of section 2903.13 of the Revised Code when the victim of the violation is a peace officer or for committing an act that if committed by an adult would be a misdemeanor violation of section 2923.1211 of the Revised Code.

(g) Except as otherwise provided in division (D)(1)(e) of this section, the applicant, within five years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing two or more violations of section 2903.13 or 2903.14 of the Revised Code.

(h) Except as otherwise provided in division (D)(4) or (5) of this section, the applicant, within ten years of the date of the application, has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2921.33 of the Revised Code.

(i) The applicant has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to court order, and is not an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.

(j) The applicant is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state.

(k) The applicant certifies that the applicant desires a
legal means to carry a concealed handgun for defense of the applicant or a member of the applicant's family while engaged in lawful activity.

(1) The applicant submits a competency certification of the type described in division (B)(3) of this section and submits a certification of the type described in division (B)(4) of this section regarding the applicant's reading of the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

(m) The applicant currently is not subject to a suspension imposed under division (A)(2) of section 2923.128 of the Revised Code of a concealed handgun license that previously was issued to the applicant under this section or section 2923.1213 of the Revised Code or a similar suspension imposed by another state regarding a concealed handgun license issued by that state.

(n) If the applicant resides in another state, the applicant is employed in this state.

(o) The applicant certifies that the applicant is not an unlawful user of or addicted to any controlled substance as defined in 21 U.S.C. 802.

(p) If the applicant is not a United States citizen, the applicant is an alien and has not been admitted to the United States under a nonimmigrant visa, as defined in the "Immigration and Nationality Act," 8 U.S.C. 1101(a)(26).

(q) The applicant has not been discharged from the armed forces of the United States under dishonorable conditions.

(r) The applicant certifies that the applicant has not renounced the applicant's United States citizenship, if applicable.
(s) The applicant has not been convicted of, pleaded guilty to, or adjudicated a delinquent child for committing a violation of section 2919.25 of the Revised Code or a similar violation in another state.

(2)(a) A concealed handgun license that a sheriff issues under division (D)(1) of this section shall expire five years after the date of issuance.

If a sheriff issues a license under this section, the sheriff shall place on the license a unique combination of letters and numbers identifying the license in accordance with the procedure prescribed by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.

(b) If a sheriff denies an application under this section because the applicant does not satisfy the criteria described in division (D)(1) of this section, the sheriff shall specify the grounds for the denial in a written notice to the applicant. The applicant may appeal the denial pursuant to section 119.12 of the Revised Code in the county served by the sheriff who denied the application. If the denial was as a result of the criminal records check conducted pursuant to section 311.41 of the Revised Code and if, pursuant to section 2923.127 of the Revised Code, the applicant challenges the criminal records check results using the appropriate challenge and review procedure specified in that section, the time for filing the appeal pursuant to section 119.12 of the Revised Code and this division is tolled during the pendency of the request or the challenge and review.

(c) If the court in an appeal under section 119.12 of the Revised Code and division (D)(2)(b) of this section enters a judgment sustaining the sheriff's refusal to grant to the
applicant a concealed handgun license, the applicant may file a
new application beginning one year after the judgment is
entered. If the court enters a judgment in favor of the
applicant, that judgment shall not restrict the authority of a
sheriff to suspend or revoke the license pursuant to section
2923.128 or 2923.1213 of the Revised Code or to refuse to renew
the license for any proper cause that may occur after the date
the judgment is entered. In the appeal, the court shall have
full power to dispose of all costs.

(3) If the sheriff with whom an application for a
concealed handgun license was filed under this section becomes
aware that the applicant has been arrested for or otherwise
charged with an offense that would disqualify the applicant from
holding the license, the sheriff shall suspend the processing of
the application until the disposition of the case arising from
the arrest or charge.

(4) If an applicant has been convicted of or pleaded
guilty to an offense identified in division (D)(1)(e), (f), or
(h) of this section or has been adjudicated a delinquent child
for committing an act or violation identified in any of those
divisions, and if a court has ordered the sealing or expungement
of the records of that conviction, guilty plea, or adjudication
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to
2953.36, or section 2953.37 or 2953.39 of the Revised Code or
the applicant has been relieved under operation of law or legal
process from the disability imposed pursuant to section 2923.13
of the Revised Code relative to that conviction, guilty plea, or
adjudication, the sheriff with whom the application was
submitted shall not consider the conviction, guilty plea, or
adjudication in making a determination under division (D)(1) or
(F) of this section or, in relation to an application for a
concealed handgun license on a temporary emergency basis submitted under section 2923.1213 of the Revised Code, in making a determination under division (B)(2) of that section.

(5) If an applicant has been convicted of or pleaded guilty to a minor misdemeanor offense or has been adjudicated a delinquent child for committing an act or violation that is a minor misdemeanor offense, the sheriff with whom the application was submitted shall not consider the conviction, guilty plea, or adjudication in making a determination under division (D)(1) or (F) of this section or, in relation to an application for a concealed handgun license on a temporary basis submitted under section 2923.1213 of the Revised Code, in making a determination under division (B)(2) of that section.

(E) If a concealed handgun license issued under this section is lost or is destroyed, the licensee may obtain from the sheriff who issued that license a duplicate license upon the payment of a fee of fifteen dollars and the submission of an affidavit attesting to the loss or destruction of the license. The sheriff, in accordance with the procedures prescribed in section 109.731 of the Revised Code, shall place on the replacement license a combination of identifying numbers different from the combination on the license that is being replaced.

(F)(1)(a) Except as provided in division (F)(1)(b) of this section, a licensee who wishes to renew a concealed handgun license issued under this section may do so at any time before the expiration date of the license or at any time after the expiration date of the license by filing with the sheriff of the county in which the applicant resides or with the sheriff of an adjacent county, or in the case of an applicant who resides in
another state with the sheriff of the county that issued the applicant's previous concealed handgun license an application for renewal of the license obtained pursuant to division (D) of this section, a certification by the applicant that, subsequent to the issuance of the license, the applicant has reread the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters, and a nonrefundable license renewal fee in an amount determined pursuant to division (F)(4) of this section unless the fee is waived.

(b) A person on active duty in the armed forces of the United States or in service with the peace corps, volunteers in service to America, or the foreign service of the United States is exempt from the license requirements of this section for the period of the person's active duty or service and for six months thereafter, provided the person was a licensee under this section at the time the person commenced the person's active duty or service or had obtained a license while on active duty or service. The spouse or a dependent of any such person on active duty or in service also is exempt from the license requirements of this section for the period of the person's active duty or service and for six months thereafter, provided the spouse or dependent was a licensee under this section at the time the person commenced the active duty or service or had obtained a license while the person was on active duty or service, and provided further that the person's active duty or service resulted in the spouse or dependent relocating outside of this state during the period of the active duty or service. This division does not prevent such a person or the person's spouse or dependent from making an application for the renewal
of a concealed handgun license during the period of the person's
active duty or service.

(2) A sheriff shall accept a completed renewal
application, the license renewal fee, and the information
specified in division (F)(1) of this section at the times and in
the manners described in division (I) of this section. Upon
receipt of a completed renewal application, of certification
that the applicant has reread the specified pamphlet prepared by
the Ohio peace officer training commission, and of a license
renewal fee unless the fee is waived, a sheriff, in the manner
specified in section 311.41 of the Revised Code shall conduct or
cause to be conducted the criminal records check and the
incompetency records check described in section 311.41 of the
Revised Code. The sheriff shall renew the license if the sheriff
determines that the applicant continues to satisfy the
requirements described in division (D)(1) of this section,
except that the applicant is not required to meet the
requirements of division (D)(1)(l) of this section. A renewed
license shall expire five years after the date of issuance. A
renewed license is subject to division (E) of this section and
sections 2923.126 and 2923.128 of the Revised Code. A sheriff
shall comply with divisions (D)(2) and (3) of this section when
the circumstances described in those divisions apply to a
requested license renewal. If a sheriff denies the renewal of a
concealed handgun license, the applicant may appeal the denial,
or challenge the criminal record check results that were the
basis of the denial if applicable, in the same manner as
specified in division (D)(2)(b) of this section and in section
2923.127 of the Revised Code, regarding the denial of a license
under this section.

(3) A renewal application submitted pursuant to division
(F) of this section shall only require the licensee to list on the application form information and matters occurring since the date of the licensee's last application for a license pursuant to division (B) or (F) of this section. A sheriff conducting the criminal records check and the incompetency records check described in section 311.41 of the Revised Code shall conduct the check only from the date of the licensee's last application for a license pursuant to division (B) or (F) of this section through the date of the renewal application submitted pursuant to division (F) of this section.

(4) An applicant for a renewal concealed handgun license under this section shall submit to the sheriff of the county in which the applicant resides or to the sheriff of any county adjacent to the county in which the applicant resides, or in the case of an applicant who resides in another state to the sheriff of the county that issued the applicant's previous concealed handgun license, a nonrefundable license fee as described in either of the following:

(a) For an applicant who has been a resident of this state for five or more years, a fee of fifty dollars;

(b) For an applicant who has been a resident of this state for less than five years or who is not a resident of this state but who is employed in this state, a fee of fifty dollars plus the actual cost of having a background check performed by the federal bureau of investigation.

(5) The concealed handgun license of a licensee who is no longer a resident of this state or no longer employed in this state, as applicable, is valid until the date of expiration on the license, and the licensee is prohibited from renewing the concealed handgun license.
(G)(1) Each course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section shall provide to each person who takes the course, class, or program the web site address at which the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code that reviews firearms, dispute resolution, and use of deadly force matters may be found. Each such course, class, or program described in one of those divisions shall include at least eight hours of training in the safe handling and use of a firearm that shall include training, provided as described in division (G)(3) of this section, on all of the following:

(a) The ability to name, explain, and demonstrate the rules for safe handling of a handgun and proper storage practices for handguns and ammunition;

(b) The ability to demonstrate and explain how to handle ammunition in a safe manner;

(c) The ability to demonstrate the knowledge, skills, and attitude necessary to shoot a handgun in a safe manner;

(d) Gun handling training;

(e) A minimum of two hours of in-person training that consists of range time and live-fire training.

(2) To satisfactorily complete the course, class, or program described in division (B)(3)(a), (b), (c), or (e) of this section, the applicant shall pass a competency examination that shall include both of the following:

(a) A written section, provided as described in division (G)(3) of this section, on the ability to name and explain the rules for the safe handling of a handgun and proper storage;
practices for handguns and ammunition;

(b) An in-person physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.

(3)(a) Except as otherwise provided in this division, the training specified in division (G)(1)(a) of this section shall be provided to the person receiving the training in person by an instructor. If the training specified in division (G)(1)(a) of this section is provided by a course, class, or program described in division (B)(3)(a) of this section, or it is provided by a course, class, or program described in division (B)(3)(b), (c), or (e) of this section and the instructor is a qualified instructor certified by a national gun advocacy organization, the training so specified, other than the training that requires the person receiving the training to demonstrate handling abilities, may be provided online or as a combination of in-person and online training, as long as the online training includes an interactive component that regularly engages the person.

(b) Except as otherwise provided in this division, the written section of the competency examination specified in division (G)(2)(a) of this section shall be administered to the person taking the competency examination in person by an instructor. If the training specified in division (G)(1)(a) of this section is provided to the person receiving the training by a course, class, or program described in division (B)(3)(a) of this section, or it is provided by a course, class, or program described in division (B)(3)(b), (c), or (e) of this section and the instructor is a qualified instructor certified by a national
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This section of the competency examination specified in division (G)(2)(a) of this section may be administered online, as long as the online training includes an interactive component that regularly engages the person.

(4) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall be dated and shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G)(1) of this section and that the applicant passed the competency examination described in division (G)(2) of this section.

(H) Upon deciding to issue a concealed handgun license, deciding to issue a replacement concealed handgun license, or deciding to renew a concealed handgun license pursuant to this section, and before actually issuing or renewing the license, the sheriff shall make available through the law enforcement automated data system all information contained on the license. If the license subsequently is suspended under division (A)(1) or (2) of section 2923.128 of the Revised Code, revoked pursuant to division (B)(1) of section 2923.128 of the Revised Code, or lost or destroyed, the sheriff also shall make available through the law enforcement automated data system a notation of that fact. The superintendent of the state highway patrol shall ensure that the law enforcement automated data system is so configured as to permit the transmission through the system of the information specified in this division.

(I)(1) A sheriff shall accept a completed application form or renewal application, and the fee, items, materials, and information specified in divisions (B)(1) to (5) or division (F) of this section, whichever is applicable, and shall provide an
application form or renewal application to any person during at least fifteen hours a week and shall provide the web site address at which a printable version of the application form that can be downloaded and the pamphlet described in division (B) of section 109.731 of the Revised Code may be found at any time, upon request. The sheriff shall post notice of the hours during which the sheriff is available to accept or provide the information described in this division.

(2) A sheriff shall transmit a notice to the attorney general, in a manner determined by the attorney general, every time a license is issued that waived payment under division (B)(1)(c) of this section for an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States. The attorney general shall monitor and inform sheriffs issuing licenses under this section when the amount of license fee payments waived and transmitted to the attorney general reach one million five hundred thousand dollars each year. Once a sheriff is informed that the payments waived reached one million five hundred thousand dollars in any year, a sheriff shall no longer waive payment of a license fee for an applicant who is an active or reserve member of the armed forces of the United States or has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States for the remainder of that year.

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 of the Revised Code, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing of the record of the case that pertains
to the conviction. Application may be made at one of the following times:

(a) At the expiration of three years after the offender's final discharge if convicted of one felony;

(b) When division (A)(1)(a) of section 2953.31 of the Revised Code applies to the offender, at the expiration of four years after the offender's final discharge if convicted of two felonies, or at the expiration of five years after final discharge if convicted of three, four, or five felonies;

(c) At the expiration of one year after the offender's final discharge if convicted of a misdemeanor.

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

(B) Upon the filing of an application under this section, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. 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. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state
probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The probation officer or county department of probation that the court directs to make inquiries concerning the applicant shall determine whether or not the applicant was fingerprinted at the time of arrest or under section 109.60 of the Revised Code. If the applicant was so fingerprinted, the probation officer or county department of probation shall include with the written report a record of the applicant's fingerprints. If the applicant was convicted of or pleaded guilty to a violation of division (A)(2) or (B) of section 2919.21 of the Revised Code, the probation officer or county department of probation that the court directed to make inquiries concerning the applicant shall contact the child support enforcement agency enforcing the applicant's obligations under the child support order to inquire about the offender's compliance with the child support order.

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

(a) Determine whether the applicant is an eligible offender or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case. If the applicant applies as an eligible offender pursuant to division (A)(1) of this section and has two or three convictions that result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, in making its determination under this division, the court initially shall determine whether it is not in the public interest for the two or three convictions to be counted as one conviction. If the court
determines that it is not in the public interest for the two or three convictions to be counted as one conviction, the court shall determine that the applicant is not an eligible offender; if the court does not make that determination, the court shall determine that the offender is an eligible offender.

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

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

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

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

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

(3) An applicant may request the sealing of the records of more than one case in a single application under this section. Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars, regardless of the number of records the application requests to have sealed. The court shall pay thirty dollars of the fee into the state treasury. It shall pay twenty dollars of the fee into the county general revenue fund if the sealed conviction or bail forfeiture was pursuant to a state statute, or into the general revenue fund of the municipal corporation involved if the sealed conviction or bail forfeiture was pursuant to a municipal ordinance.

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

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

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

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

(D) Inspection of the sealed records included in the order
may be made only by the following persons or for the following
purposes:

(1) By a law enforcement officer or prosecutor, or the
assistants of either, to determine whether the nature and
character of the offense with which a person is to be charged
would be affected by virtue of the person's previously having
been convicted of a crime;

(2) By the parole or probation officer of the person who
is the subject of the records, for the exclusive use of the
officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority;

(3) Upon application by the person who is the subject of the records, by the persons named in the application;

(4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;

(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department;

(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;

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

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

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

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

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

(13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed.

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

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

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

(G) Notwithstanding any provision of this section or section 2953.33 of the Revised Code that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding a conviction that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under this section to seal the record of a conviction does not revoke the adjudication order of the superintendent of public instruction to permanently exclude the individual who is the subject of the sealing order. An order issued under this section to seal the record of a conviction of an individual may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent
exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed conviction records of an individual that were the basis of a permanent exclusion of the individual is subject to section 2953.35 of the Revised Code.

(H) For purposes of sections 2953.31 to 2953.36 of the Revised Code, DNA records collected in the DNA database and fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation shall not be sealed unless the superintendent receives a certified copy of a final court order establishing that the offender's conviction has been overturned. For purposes of this section, a court order is not "final" if time remains for an appeal or application for discretionary review with respect to the order.

(I)(1) The sealing of a record under this section does not affect the assessment of points under section 4510.036 of the Revised Code and does not erase points assessed against a person as a result of the sealed record.

(2) The sealing of a record of conviction with respect to an offense under this section does not preclude a person's subsequent use of section 2953.39 of the Revised Code to expunge the record of conviction with respect to the same offense.

Sec. 2953.321. (A) As used in this section, "investigatory work product" means any records or reports of a law enforcement officer or agency that are excepted from the definition of "official records" contained in section 2953.51 of the Revised Code and that pertain to a conviction or bail forfeiture the records of which have been ordered sealed pursuant to division
(C)(2) of section 2953.32 of the Revised Code or that pertain to a conviction or delinquent child adjudication the records of which have been ordered expunged pursuant to division (E) of section 2151.358, division (D)(2) of section 2953.37, or division (G) of section 2953.38, or division (G) of section 2953.39 of the Revised Code.

(B) Upon the issuance of an order by a court pursuant to division (C)(2) of section 2953.32 of the Revised Code directing that all official records of a case pertaining to a conviction or bail forfeiture be sealed or an order by a court pursuant to division (E) of section 2151.358, division (D)(2) of section 2953.37, or division (G) of section 2953.38, or division (G) of section 2953.39 of the Revised Code directing that all official records of a case pertaining to a conviction or delinquent child adjudication be expunged:

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

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

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

(C)(1) Except as provided in division (B)(3) of this section, no law enforcement officer or other person employed by a law enforcement agency shall knowingly release, disseminate, or otherwise make the investigatory work product or any information contained in that work product available to, or discuss any information contained in it with, any person not employed by the employing law enforcement agency.

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

(3) It is not a violation of division (C)(1) or (2) 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 or fingerprints filed for
record by the superintendent of the bureau of criminal
identification and investigation.

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

Sec. 2953.33. (A) An order issued under section 2953.37 or
2953.39 of the Revised Code to expunge the record of a person's
conviction or, except as provided in division (G) of section
2953.32 of the Revised Code, an order issued under that section
2953.32 of the Revised Code to seal the record of a person's
conviction restores the person who is the subject of the order
to all rights and privileges not otherwise restored by
termination of the sentence or community control sanction or by
final release on parole or post-release control.

(B)(1) In any application for employment, license, or
other right or privilege, any appearance as a witness, or any
other inquiry, except as provided in division (E) of section
2953.32 and in section 3319.292 of the Revised Code and subject
to division (B)(2) of this section, a person may be questioned
only with respect to convictions not sealed, bail forfeitures
not expunged under section 2953.42 of the Revised Code as it
existed prior to June 29, 1988, and bail forfeitures not sealed,
unless the question bears a direct and substantial relationship
to the position for which the person is being considered.

(2) A person may not be questioned in any application,
appearance, or inquiry of a type described in division (B)(1) of
this section with respect to any conviction expunged under
section 2953.37 or 2953.39 of the Revised Code.
Sec. 2953.35. (A)(1) As used in divisions (A)(2) and (3) of this section, "law enforcement or justice system matter" means an arrest, complaint, indictment, trial, hearing, adjudication, conviction, or correctional supervision.

(2) Except as authorized by divisions (D), (E), and (F) of section 2953.32 of the Revised Code or by Chapter 2950. of the Revised Code and subject to division (A)(3) of this section, any officer or employee of the state, or a political subdivision of the state, who releases or otherwise disseminates or makes available for any purpose involving employment, bonding, or licensing in connection with any business, trade, or profession to any person, or to any department, agency, or other instrumentality of the state, or any political subdivision of the state, any information or other data concerning any law enforcement or justice system matter the records with respect to which the officer or employee had knowledge of were sealed by an existing order issued pursuant to sections 2953.31 to 2953.36 of the Revised Code, were expunged by an order issued pursuant to division (E) of section 2151.358, or section 2953.37, or section 2953.38, or 2953.39 of the Revised Code, or were expunged by an order issued pursuant to section 2953.42 of the Revised Code as it existed prior to June 29, 1988, is guilty of divulging confidential information, a misdemeanor of the fourth degree.

(3) Division (A)(2) of this section does not apply to an officer or employee of the state, or a political subdivision of the state, who releases or otherwise disseminates or makes available for any purpose specified in that division any information or other data concerning a law enforcement or justice system matter the records of which the officer had knowledge were sealed or expunged by an order of a type described in that division, if all of the following apply:
(a) The officer or employee released, disseminated, or made available the information or data from the sealed or expunged records together with information or data concerning another law enforcement or justice system matter.

(b) The records of the other law enforcement or justice matter were not sealed or expunged by any order of a type described in division (A)(2) of this section.

(c) The law enforcement or justice matter covered by the information or data from the sealed or expunged records and the other law enforcement or justice matter covered by the information or data from the records that were not sealed or expunged resulted from or were connected to the same act.

(d) The officer or employee made a good faith effort to not release, disseminate, or make available any information or other data concerning any law enforcement or justice matter from the sealed or expunged records, and the officer or employee did not release, disseminate, or make available the information or other data from the sealed or expunged records with malicious purpose, in bad faith, or in a wanton or reckless manner.

(B) Any person who, in violation of section 2953.32 of the Revised Code, uses, disseminates, or otherwise makes available any index prepared pursuant to division (F) of section 2953.32 of the Revised Code is guilty of 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 or fingerprints filed for record by the superintendent of the bureau of criminal identification and investigation.

Sec. 2953.39. (A) As used in this section:

(1) "Disqualifying offense" means, with respect to an expungement application filed under division (B) of this section, an offense to which both of the following apply:

(a) The offense is one of the following:

(i) A felony violation of any prohibition in the Revised Code, a violation of section 4511.19 of the Revised Code, or a sexually oriented offense or child-victim oriented offense;

(ii) A violation of any prohibition in an ordinance of a municipal corporation that is substantially equivalent to any violation or offense listed in division (A)(1)(a)(i) of this section;

(iii) A violation of any prohibition in a law of a state other than this state or of the United States that is substantially equivalent to any violation or offense listed in division (A)(1)(a)(i) of this section.

(b) The offense is not the offense that is the subject of the expungement application.

(2) "Excluded offense" means any of the following offenses:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.15, 2903.34, 2905.01, 2905.02, 2905.32, 2909.02, 2909.24, 2919.25, 2925.03, or 2907.04 of the Revised Code;

(b) A violation of any prohibition in Chapter 4511. of the
Revised Code:

(c) A sexually oriented offense or child-victim oriented offense;

(d) A violation of a municipal ordinance that is substantially equivalent to any violation listed in division (A) (2)(a), (b), or (c) of this section.

(3) "Expunge" has the same meaning as in section 2953.37 of the Revised Code.

(4) "LEADS" means the law enforcement automated data system created by section 5503.10 of the Revised Code.

(5) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.

(6) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense.

(7) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(B) Any person who has been convicted of or pleaded guilty to any misdemeanor or felony that is not an excluded offense may apply to the sentencing court for the expungement of the record of conviction of the offense. The person may file the application at any time at or after the expiration of the period of time specified in division (C) of this section that is applicable with respect to the offense that is the subject of the application. The application may request an order to expunge the record of conviction for more than one offense, but if it does, the court shall consider the request for each offense separately as if a separate application had been made for each
offense and all references in divisions (B) to (L) of this section to "the offense" or "that offense" mean each of those offenses that is included as a subject of the application. There is no limit on the number of offenses for which a person may file an application under this division or for which a court may grant an application for a person and order the expungement of a record of conviction. The application shall do all of the following:

(1) Identify the applicant, the offense that is the subject of the application, the date of the conviction of or plea of guilty to that offense, and the court in which the conviction or guilty plea occurred;

(2) Describe the evidence and provide copies of any documentation showing that the person is entitled to relief under this section for the offense that is the subject of the application;

(3) Include an assertion by the offender that, during the period commencing with the offender's final discharge for the offense that is the subject of the application and continuing until the offender's making of the application, the offender has not been convicted of or pleaded guilty to any disqualifying offense;

(4) Include a request for expungement under this section of the record of conviction of the offense that is the subject of the application.

(C) An application may be made under division (B) of this section at any time at or after the expiration of the following period of time:

(1) If the offense for which expungement is sought is a
misdemeanor or a felony of the third, fourth, or fifth degree, the expiration of ten years after the offender's final discharge for the offense;

(2) If the offense for which expungement is sought is a felony of the second degree, the expiration of fifteen years after the offender's final discharge for the offense;

(3) If the offense for which expungement is sought is a felony of the first degree, the expiration of twenty years after the offender's final discharge for the offense.

(D) The court, without conducting a hearing, may deny an application made under division (B) of this section if it finds that the application fails to assert grounds on which relief may be granted and shall deny an application made under division (B) of this section that requests expungement of the record of conviction of an excluded offense.

(E) If an application is made under division (B) of this section and the court does not deny the application under division (D) of this section, the court shall set a date for a hearing and shall notify the prosecutor for the case from which the record of conviction that is the subject of the application resulted, or that prosecutor's successor in office, of the hearing on the application. 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. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court may direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the
hearing on the date set as described in this division.

(F) At the hearing held under division (E) of this section, the court shall do all of the following:

(1) If the prosecutor has filed an objection, consider the reasons against granting the application specified by the prosecutor in the objection;

(2) Determine whether the applicant has demonstrated by a preponderance of the evidence that, during the period commencing with the offender's final discharge for the offense that is the subject of the application and continuing until the offender's making of the application, the offender has not been convicted of or pleaded guilty to any disqualifying offense;

(3) Consider all of the following factors:

(a) The seriousness of the subject offense;

(b) The relative degree of physical harm done to any person in the commission of the subject offense;

(c) The length of time that has expired since the commission of the subject offense;

(d) The age of the applicant at the time of the commission of the subject offense;

(e) All criminal activity of the applicant that occurred prior to the commission of the subject offense or between the time of the commission of the subject offense and the making of the application, including criminal activity involving a law of the United States or of a state other than this state;

(f) The applicant's current and past participation in the community in which the applicant resides;
(g) The applicant's current and past employment situation;

(h) Whether the prosecutor represents to the court that criminal proceedings are likely to still be initiated against the applicant for a felony offense for which the period of limitations has not expired;

(i) Any information or input provided by the victim of the subject offense regarding the victim's belief as to whether the application should be granted.

(4) Upon consideration of the factors listed in divisions (F)(3)(a) to (h) of this section and, if the prosecutor has filed an objection, the reasons specified by the prosecutor as described in division (F)(1) of this section, determine whether the applicant represents a threat to society at the time of the hearing or will represent a threat to society subsequent to the hearing.

(G) After a court holds the hearing under division (E) of this section with respect to an application made under division (B) of this section, the court shall grant the application and order that the record of conviction be expunged unless one or both of the following apply:

(1) The court finds that the applicant has not demonstrated by a preponderance of the evidence that, during the period commencing with the offender's final discharge for the offense that is the subject of the application and continuing until the offender's making of the application, the offender has not been convicted of or pleaded guilty to any disqualifying offense.

(2) After consideration of the factors and reasons specified in division (F)(4) of this section, the court finds
that the applicant represents a threat to society at the time of
the hearing or will represent a threat to society subsequent to
the hearing.

(H) After a court holds a hearing under division (E) of
this section with respect to an application made under division
(B) of this section, the court shall deny the application and
not order that the record of conviction be expunged only if the
court makes either of the findings described in divisions (G)(1)
and (2) of this section.

(I) A court's denial of an application under division (D)
of this section without a hearing or denial of an application
under division (H) of this section after holding a hearing is a
final appealable order, and the applicant may appeal the denial
to the court of appeals with jurisdiction over the territory of
the court that denied the application.

(J) If the court issues an order of expungement under
division (G) of this section, all of the following apply:

(1) The court shall send notice of the issuance to the
bureau of criminal identification and investigation and each
other public office or agency that the court has reason to
believe may have an official record pertaining to the case.

(2) The proceedings in the case that is the subject of the
order shall be considered not to have occurred and the
conviction of the person who is the subject of the proceedings
and that is the subject of the order shall be expunged.

(3) The record of the conviction that is the subject of
the order shall not be used for any purpose, including, but not
limited to, a criminal records check under section 109.572 of
the Revised Code.
(4) The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter that is the subject of the order.

(5) Upon receipt under division (J)(1) of this section of the notice of the issuance of the order, the bureau of criminal identification and investigation shall ensure that all information pertaining to the conviction that is the subject of the order, including any record of an arrest, charge, plea, conviction, or sentence pertaining to it, is removed from LEADS.

(K) If an application is made under division (B) of this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury and shall pay twenty dollars of the fee into the county general revenue fund.

(L) The sealing of a record of conviction under section 2953.32 of the Revised Code with respect to an offense does not preclude a person's subsequent use of this section to expunge the record of conviction with respect to the same offense.

Sec. 2953.52. (A)(1) Any person who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, or information may apply to the court for an order to seal the person's official records in the case. Except as provided in section 2953.61 of the Revised Code, the application may be filed at any time after the finding of not guilty or the dismissal of the complaint, indictment, or information is entered upon the minutes of the court or the journal, whichever entry occurs first.

(2) Any person against whom a no bill is entered by a grand jury may apply to the court for an order to seal his
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official records in the case. Except as provided in section 2953.61 of the Revised Code, the application may be filed at any time after the expiration of two years after the date on which the foreperson or deputy foreperson of the grand jury reports to the court that the grand jury has reported a no bill.

(B)(1) Upon the filing of an application pursuant to division (A) of this section, the court shall set a date for a hearing and shall notify the prosecutor in the case of the hearing on the application. 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. The prosecutor shall specify in the objection the reasons the prosecutor believes justify a denial of the application.

(2) The court shall do each of the following, except as provided in division (B)(3) of this section:

(a)(i) Determine whether the person was found not guilty in the case, or whether the complaint, indictment, or information in the case was dismissed, or whether a no bill was returned in the case and a period of two years or a longer period as required by section 2953.61 of the Revised Code has expired from the date of the report to the court of that no bill by the foreperson or deputy foreperson of the grand jury;

(ii) If the complaint, indictment, or information in the case was dismissed, determine whether it was dismissed with prejudice or without prejudice and, if it was dismissed without prejudice, determine whether the relevant statute of limitations has expired;

(b) Determine whether criminal proceedings are pending against the person;
(c) If the prosecutor has filed an objection in accordance with division (B)(1) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(d) Weigh the interests of the person in having the official records pertaining to the case sealed against the legitimate needs, if any, of the government to maintain those records.

(3) If the court determines after complying with division (B)(2)(a) of this section that the person was found not guilty in the case, that the complaint, indictment, or information in the case was dismissed with prejudice, or that the complaint, indictment, or information in the case was dismissed without prejudice and that the relevant statute of limitations has expired, the court shall issue an order to the superintendent of the bureau of criminal identification and investigation directing that the superintendent seal or cause to be sealed the official records in the case consisting of DNA specimens that are in the possession of the bureau and all DNA records and DNA profiles. The determinations and considerations described in divisions (B)(2)(b), (c), and (d) of this section do not apply with respect to a determination of the court described in this division.

(4) The determinations described in this division are separate from the determination described in division (B)(3) of this section. If the court determines, after complying with division (B)(2) of this section, that the person was found not guilty in the case, that the complaint, indictment, or information in the case was dismissed, or that a no bill was returned in the case and that the appropriate period of time has
expired from the date of the report to the court of the no bill
by the foreperson or deputy foreperson of the grand jury; that
no criminal proceedings are pending against the person; and that
the interests of the person in having the records pertaining to
the case sealed are not outweighed by any legitimate
governmental needs to maintain such records, or if division (E)
(2)(b) of section 4301.69 of the Revised Code applies, in
addition to the order required under division (B)(3) of this
section, the court shall issue an order directing that all
official records pertaining to the case be sealed and that,
except as provided in section 2953.53 of the Revised Code, the
proceedings in the case be deemed not to have occurred.

(5) Any DNA specimens, DNA records, and DNA profiles
ordered to be sealed under this section shall not be sealed if
the person with respect to whom the order applies is otherwise
eligible to have DNA records or a DNA profile in the national
DNA index system.

Section 2. That existing sections 2923.125, 2953.32,
2953.321, 2953.33, 2953.35, and 2953.52 of the Revised Code are
hereby repealed.