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H. B. No. 164

Representatives Pelanda, Rogers

Cosponsors: Representatives Becker, Fedor, Rezabek, Smith, K., Lepore-Hagan, Sykes, Antonio, Ashford, Baker, Boyce, Boyd, Brenner, Buchy, Cera, Clyde, Craig, Grossman, Howse, Johnson, G., Johnson, T., Kuhns, Leland, Manning, McClain, O'Brien, M., O'Brien, S., Patterson, Perales, Phillips, Ramos, Reece, Retherford, Sheehy, Slesnick, Sprague, Stinziano, Sweeney, Young

A BILL

To amend section 2953.36 of the Revised Code to
allow a person who is convicted of an offense
that may not be sealed to apply to have the
conviction sealed if, before the person makes
that application, the offense is changed so that
it may be sealed.

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

Section 1. That section 2953.36 of the Revised Code be
amended to read as follows:

Sec. 2953.36. ~~Sections~~ (A) Except as otherwise provided in
division (B) of this section, sections 2953.31 to 2953.35 of the
Revised Code do not apply to any of the following:

~~(A)~~ (1) Convictions when the offender is subject to a
mandatory prison term;

~~(B)~~ (2) Convictions under section 2907.02, 2907.03,
2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323,

former section 2907.12, or Chapter 4507., 4510., 4511., or 4549. 16
of the Revised Code, or a conviction for a violation of a 17
municipal ordinance that is substantially similar to any section 18
contained in any of those chapters, except as otherwise provided 19
in section 2953.61 of the Revised Code; 20

~~(C)~~ (3) Convictions of an offense of violence when the 21
offense is a misdemeanor of the first degree or a felony and 22
when the offense is not a violation of section 2917.03 of the 23
Revised Code and is not a violation of section 2903.13, 2917.01, 24
or 2917.31 of the Revised Code that is a misdemeanor of the 25
first degree; 26

~~(D)~~ (4) Convictions on or after October 10, 2007, under 27
section 2907.07 of the Revised Code or a conviction on or after 28
October 10, 2007, for a violation of a municipal ordinance that 29
is substantially similar to that section; 30

~~(E)~~ (5) Convictions on or after October 10, 2007, under 31
section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 32
2907.311, 2907.32, or 2907.33 of the Revised Code when the 33
victim of the offense was under eighteen years of age; 34

~~(F)~~ (6) Convictions of an offense in circumstances in 35
which the victim of the offense was under eighteen years of age 36
when the offense is a misdemeanor of the first degree or a 37
felony, except for convictions under section 2919.21 of the 38
Revised Code; 39

~~(G)~~ (7) Convictions of a felony of the first or second 40
degree; 41

~~(H)~~ (8) Bail forfeitures in a traffic case as defined in 42
Traffic Rule 2. 43

(B) Sections 2953.31 to 2953.35 of the Revised Code apply 44

to a conviction listed in this section if, on the date of the 45
conviction, those sections did not apply to the conviction, but 46
after the date of the conviction, the penalty for or 47
classification of the offense was changed so that those sections 48
apply to the conviction. 49

Section 2. That existing section 2953.36 of the Revised 50
Code is hereby repealed. 51