

Sub. H.B. 33
As Passed by the Senate
JSCCD14

_____ moved to amend as follows:

In line 62 of the title, after "2945.38," insert "2953.25,
2953.32," 1
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In line 807, after "2945.38," insert "2953.25, 2953.32," 3

After line 38724, insert: 4

"**Sec. 2953.25.** (A) As used in this section: 5

(1) "Collateral sanction" means a penalty, disability, or 6
disadvantage that is related to employment or occupational 7
licensing, however denominated, as a result of the individual's 8
conviction of or plea of guilty to an offense and that applies by 9
operation of law in this state whether or not the penalty, 10
disability, or disadvantage is included in the sentence or 11
judgment imposed. 12

"Collateral sanction" does not include imprisonment, 13
probation, parole, supervised release, forfeiture, restitution, 14
fine, assessment, or costs of prosecution. 15

(2) "Decision-maker" includes, but is not limited to, the 16
state acting through a department, agency, board, commission, or 17
instrumentality established by the law of this state for the 18
exercise of any function of government, a political subdivision, 19

an educational institution, or a government contractor or
subcontractor made subject to this section by contract, law, or
ordinance.

(3) "Department-funded program" means a residential or
nonresidential program that is not a term in a state correctional
institution, that is funded in whole or part by the department of
rehabilitation and correction, and that is imposed as a sanction
for an offense, as part of a sanction that is imposed for an
offense, or as a term or condition of any sanction that is imposed
for an offense.

(4) "Designee" means the person designated by the deputy
director of the division of parole and community services to
perform the duties designated in division (B) of this section.

(5) "Division of parole and community services" means the
division of parole and community services of the department of
rehabilitation and correction.

(6) "Offense" means any felony or misdemeanor under the laws
of this state.

(7) "Political subdivision" has the same meaning as in
section 2969.21 of the Revised Code.

(8) "Discretionary civil impact," "licensing agency," and
"mandatory civil impact" have the same meanings as in section
2961.21 of the Revised Code.

(B)(1) An individual who is subject to one or more collateral
sanctions as a result of being convicted of or pleading guilty to
an offense and who either has served a term in a state
correctional institution for any offense or has spent time in a
department-funded program for any offense may file a petition with
the designee of the deputy director of the division of parole and

community services for a certificate of qualification for 49
employment. 50

(2) An individual who is subject to one or more collateral 51
sanctions as a result of being convicted of or pleading guilty to 52
an offense and who is not in a category described in division 53
(B)(1) of this section may file for a certificate of qualification 54
for employment by doing either of the following: 55

(a) In the case of an individual who resides in this state, 56
filing a petition with the court of common pleas of the county in 57
which the person resides or with the designee of the deputy 58
director of the division of parole and community services; 59

(b) In the case of an individual who resides outside of this 60
state, filing a petition with the court of common pleas of any 61
county in which any conviction or plea of guilty from which the 62
individual seeks relief was entered or with the designee of the 63
deputy director of the division of parole and community services. 64

(3) A petition under division (B)(1) or (2) of this section 65
shall be made on a copy of the form prescribed by the division of 66
parole and community services under division (J) of this section, 67
shall contain all of the information described in division (F) of 68
this section, and, except as provided in division (B)(6) of this 69
section, shall be accompanied by an application fee of ~~not more~~ 70
~~than~~ fifty dollars, ~~including~~ and may be accompanied by a local 71
court fees fee of not more than fifty dollars. 72

(4)(a) Except as provided in division (B)(4)(b) of this 73
section, an individual may file a petition under division (B)(1) 74
or (2) of this section at any time after the expiration of 75
whichever of the following is applicable: 76

(i) If the offense that resulted in the collateral sanction 77

from which the individual seeks relief is a felony, at any time 78
after the expiration of one year from the date of release of the 79
individual from any period of incarceration in a state or local 80
correctional facility that was imposed for that offense and all 81
periods of supervision imposed after release from the period of 82
incarceration or, if the individual was not incarcerated for that 83
offense, at any time after the expiration of one year from the 84
date of the individual's final release from all other sanctions 85
imposed for that offense. 86

(ii) If the offense that resulted in the collateral sanction 87
from which the individual seeks relief is a misdemeanor, at any 88
time after the expiration of six months from the date of release 89
of the individual from any period of incarceration in a local 90
correctional facility that was imposed for that offense and all 91
periods of supervision imposed after release from the period of 92
incarceration or, if the individual was not incarcerated for that 93
offense, at any time after the expiration of six months from the 94
date of the final release of the individual from all sanctions 95
imposed for that offense including any period of supervision. 96

(b) The department of rehabilitation and correction may 97
establish criteria by rule adopted under Chapter 119. of the 98
Revised Code that, if satisfied by an individual, would allow the 99
individual to file a petition before the expiration of six months 100
or one year from the date of final release, whichever is 101
applicable under division (B)(4)(a) of this section. 102

(5)(a) A designee that receives a petition for a certificate 103
of qualification for employment from an individual under division 104
(B)(1) or (2) of this section shall review the petition to 105
determine whether it is complete. If the petition is complete, the 106
designee shall forward the petition, the application fee, and any 107

other information the designee possesses that relates to the 108
petition, to the court of common pleas of the county in which the 109
individual resides if the individual submitting the petition 110
resides in this state or, if the individual resides outside of 111
this state, to the court of common pleas of the county in which 112
the conviction or plea of guilty from which the individual seeks 113
relief was entered. 114

(b) A court of common pleas that receives a petition for a 115
certificate of qualification for employment from an individual 116
under division (B)(2) of this section, or that is forwarded a 117
petition for such a certificate under division (B)(5)(a) of this 118
section, shall attempt to determine all other courts in this state 119
in which the individual was convicted of or pleaded guilty to an 120
offense other than the offense from which the individual is 121
seeking relief. The court that receives or is forwarded the 122
petition shall notify all other courts in this state that it 123
determines under this division were courts in which the individual 124
was convicted of or pleaded guilty to an offense other than the 125
offense from which the individual is seeking relief that the 126
individual has filed the petition and that the court may send 127
comments regarding the possible issuance of the certificate. 128

A court of common pleas that receives a petition for a 129
certificate of qualification for employment under division (B)(2) 130
of this section shall notify the county's prosecuting attorney 131
that the individual has filed the petition. 132

A court of common pleas that receives a petition for a 133
certificate of qualification for employment under division (B)(2) 134
of this section, or that is forwarded a petition for qualification 135
under division (B)(5)(a) of this section may direct the clerk of 136
court to process and record all notices required in or under this 137

section. Except as provided in division (B)(6) of this section,
the court shall pay thirty dollars of the application fee into the
state treasury and twenty dollars of the application fee into the
county general revenue fund.

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(6) Upon receiving a petition for a certificate of
qualification for employment filed by an individual under division
(B)(1) or (2) of this section, a court of common pleas or the
designee of the deputy director of the division of parole and
community services who receives the petition may waive all or part
of the ~~filing~~ application fee of ~~not more than~~ fifty dollars
described in division (B)(3) of this section, for an applicant who
presents a poverty affidavit showing that the applicant is
indigent. If an applicant pays an application fee, the first
twenty dollars or two-fifths of the fee, whichever is greater,
that is collected shall be paid into the county general revenue
fund. If an applicant pays an application fee, the amount
collected in excess of the amount to be paid into the county
general revenue fund shall be paid into the state treasury.

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(C)(1) Upon receiving a petition for a certificate of
qualification for employment filed by an individual under division
(B)(2) of this section or being forwarded a petition for such a
certificate under division (B)(5)(a) of this section, the court
shall review the individual's petition, the individual's criminal
history, except for information contained in any record that has
been sealed under section 2953.32 of the Revised Code, all filings
submitted by the prosecutor or by the victim in accordance with
rules adopted by the division of parole and community services,
the applicant's military service record, if applicable, and
whether the applicant has an emotional, mental, or physical
condition that is traceable to the applicant's military service in
the armed forces of the United States and that was a contributing

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factor in the commission of the offense or offenses, and all other
relevant evidence. The court may order any report, investigation,
or disclosure by the individual that the court believes is
necessary for the court to reach a decision on whether to approve
the individual's petition for a certificate of qualification for
employment, except that the court shall not require an individual
to disclose information about any record sealed under section
2953.32 of the Revised Code.

(2) Upon receiving a petition for a certificate of
qualification for employment filed by an individual under division
(B)(2) of this section or being forwarded a petition for such a
certificate under division (B)(5)(a) of this section, except as
otherwise provided in this division, the court shall decide
whether to issue the certificate within sixty days after the court
receives or is forwarded the completed petition and all
information requested for the court to make that decision. Upon
request of the individual who filed the petition, the court may
extend the sixty-day period specified in this division.

(3) Except as provided in division (C)(5) of this section and
subject to division (C)(7) of this section, a court that receives
an individual's petition for a certificate of qualification for
employment under division (B)(2) of this section or that is
forwarded a petition for such a certificate under division
(B)(5)(a) of this section may issue a certificate of qualification
for employment, at the court's discretion, if the court finds that
the individual has established all of the following by a
preponderance of the evidence:

(a) Granting the petition will materially assist the
individual in obtaining employment or occupational licensing.

(b) The individual has a substantial need for the relief

requested in order to live a law-abiding life.	199
(c) Granting the petition would not pose an unreasonable risk to the safety of the public or any individual.	200 201
(4) The submission of an incomplete petition by an individual shall not be grounds for the designee or court to deny the petition.	202 203 204
(5) Subject to division (C)(6) of this section, an individual is rebuttably presumed to be eligible for a certificate of qualification for employment if the court that receives the individual's petition under division (B)(2) of this section or that is forwarded a petition under division (B)(5)(a) of this section finds all of the following:	205 206 207 208 209 210
(a) The application was filed after the expiration of the applicable waiting period prescribed in division (B)(4) of this section;	211 212 213
(b) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at least three years have elapsed since the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least three years have elapsed since the date of the individual's final release from all other sanctions imposed for that offense;	214 215 216 217 218 219 220 221 222
(c) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at least one year has elapsed since the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision	223 224 225 226 227

imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at least one year has elapsed since the date of the final release of the individual from all sanctions imposed for that offense including any period of supervision.

(6) An application that meets all of the requirements for the presumption under division (C)(5) of this section shall be denied only if the court that receives the petition finds that the evidence reviewed under division (C)(1) of this section rebuts the presumption of eligibility for issuance by establishing, by clear and convincing evidence, that the applicant has not been rehabilitated.

(7) A certificate of qualification for employment shall not create relief from any of the following collateral sanctions:

(a) Requirements imposed by Chapter 2950. of the Revised Code and rules adopted under sections 2950.13 and 2950.132 of the Revised Code;

(b) A driver's license, commercial driver's license, or probationary license suspension, cancellation, or revocation pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the Revised Code if the relief sought is available pursuant to section 4510.021 or division (B) of section 4510.13 of the Revised Code;

(c) Restrictions on employment as a prosecutor or law enforcement officer;

(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention

in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code;

(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code;

(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code;

(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code.

(8) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent petition for a certificate of qualification for employment. The written notice must notify the individual of any conditions placed on the individual's filing of a subsequent petition for a certificate of qualification for employment.

If a court of common pleas that receives an individual's petition for a certificate of qualification for employment under

division (B)(2) of this section or that is forwarded a petition 287
for such a certificate under division (B)(5)(a) of this section 288
denies the petition, the individual may appeal the decision to the 289
court of appeals only if the individual alleges that the denial 290
was an abuse of discretion on the part of the court of common 291
pleas. 292

(D)(1) A certificate of qualification for employment issued 293
to an individual lifts the automatic bar of a collateral sanction, 294
and a decision-maker shall consider on a case-by-case basis 295
whether to grant or deny the issuance or restoration of an 296
occupational license or an employment opportunity, notwithstanding 297
the individual's possession of the certificate, without, however, 298
reconsidering or rejecting any finding made by a designee or court 299
under division (C)(3) of this section. 300

(2) The certificate constitutes a rebuttable presumption that 301
the person's criminal convictions are insufficient evidence that 302
the person is unfit for the license, employment opportunity, or 303
certification in question. Notwithstanding the presumption 304
established under this division, the agency may deny the license 305
or certification for the person if it determines that the person 306
is unfit for issuance of the license. 307

(3) If an employer that has hired a person who has been 308
issued a certificate of qualification for employment applies to a 309
licensing agency for a license or certification and the person has 310
a conviction or guilty plea that otherwise would bar the person's 311
employment with the employer or licensure for the employer because 312
of a mandatory civil impact, the agency shall give the person 313
individualized consideration, notwithstanding the mandatory civil 314
impact, the mandatory civil impact shall be considered for all 315
purposes to be a discretionary civil impact, and the certificate 316

constitutes a rebuttable presumption that the person's criminal 317
 convictions are insufficient evidence that the person is unfit for 318
 the employment, or that the employer is unfit for the license or 319
 certification, in question. 320

(E) A certificate of qualification for employment does not 321
 grant the individual to whom the certificate was issued relief 322
 from the mandatory civil impacts identified in division (A)(1) of 323
 section 2961.01 or division (B) of section 2961.02 of the Revised 324
 Code. 325

(F) A petition for a certificate of qualification for 326
 employment filed by an individual under division (B)(1) or (2) of 327
 this section shall include all of the following: 328

(1) The individual's name, date of birth, and social security 329
 number; 330

(2) All aliases of the individual and all social security 331
 numbers associated with those aliases; 332

(3) The individual's residence address, including the city, 333
 county, and state of residence and zip code; 334

(4) The length of time that the individual has resided in the 335
 individual's current state of residence, expressed in years and 336
 months of residence; 337

(5) A general statement as to why the individual has filed 338
 the petition and how the certificate of qualification for 339
 employment would assist the individual; 340

(6) A summary of the individual's criminal history, except 341
 for information contained in any record that has been sealed or 342
 expunged under section 2953.32 or 2953.39 of the Revised Code, 343
 with respect to each offense that is a disqualification from 344
 employment or licensing in an occupation or profession, including 345

the years of each conviction or plea of guilty for each of those offenses; 346
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(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer; 348
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(8) Verifiable references and endorsements; 351

(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan; 352
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(10) A summary of the reason the individual believes the certificate of qualification for employment should be granted; 355
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(11) Any other information required by rule by the department of rehabilitation and correction. 357
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(G)(1) In a judicial or administrative proceeding alleging negligence or other fault, a certificate of qualification for employment issued to an individual under this section may be introduced as evidence of a person's due care in hiring, retaining, licensing, leasing to, admitting to a school or program, or otherwise transacting business or engaging in activity with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault. 359
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(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence. 368
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(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if 373
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the individual, after being hired, subsequently demonstrates 375
dangerousness or is convicted of or pleads guilty to a felony, and 376
if the employer retains the individual as an employee after the 377
demonstration of dangerousness or the conviction or guilty plea, 378
the employer may be held liable in a civil action that is based on 379
or relates to the retention of the individual as an employee only 380
if it is proved by a preponderance of the evidence that the person 381
having hiring and firing responsibility for the employer had 382
actual knowledge that the employee was dangerous or had been 383
convicted of or pleaded guilty to the felony and was willful in 384
retaining the individual as an employee after the demonstration of 385
dangerousness or the conviction or guilty plea of which the person 386
has actual knowledge. 387

(H) A certificate of qualification for employment issued 388
under this section shall be revoked if the individual to whom the 389
certificate of qualification for employment was issued is 390
convicted of or pleads guilty to a felony offense committed 391
subsequent to the issuance of the certificate of qualification for 392
employment. The department of rehabilitation and correction shall 393
periodically review the certificates listed in the database 394
described in division (K) of this section to identify those that 395
are subject to revocation under this division. Upon identifying a 396
certificate of qualification for employment that is subject to 397
revocation, the department shall note in the database that the 398
certificate has been revoked, the reason for revocation, and the 399
effective date of revocation, which shall be the date of the 400
conviction or plea of guilty subsequent to the issuance of the 401
certificate. 402

(I) A designee's forwarding, or failure to forward, a 403
petition for a certificate of qualification for employment to a 404
court or a court's issuance, or failure to issue, a petition for a 405

certificate of qualification for employment to an individual under 406
 division (B) of this section does not give rise to a claim for 407
 damages against the department of rehabilitation and correction or 408
 court. 409

(J) The division of parole and community services shall adopt 410
 rules in accordance with Chapter 119. of the Revised Code for the 411
 implementation and administration of this section and shall 412
 prescribe the form for the petition to be used under division 413
 (B)(1) or (2) of this section. The form for the petition shall 414
 include places for all of the information specified in division 415
 (F) of this section. 416

(K) The department of rehabilitation and correction shall 417
 maintain a database that identifies granted certificates and 418
 revoked certificates and tracks the number of certificates granted 419
 and revoked, the industries, occupations, and professions with 420
 respect to which the certificates have been most applicable, and 421
 the types of employers that have accepted the certificates. The 422
 department shall annually create a report that summarizes the 423
 information maintained in the database and shall make the report 424
 available to the public on its internet web site. 425

Sec. 2953.32. (A) Sections 2953.32 to 2953.34 of the Revised 426
 Code do not apply to any of the following: 427

(1) Convictions under Chapter 4506., 4507., 4510., 4511., or 428
 4549. of the Revised Code, or a conviction for a violation of a 429
 municipal ordinance that is substantially similar to any section 430
 contained in any of those chapters; 431

(2) Convictions of a felony offense of violence that is not a 432
 sexually oriented offense; 433

(3) Convictions of a sexually oriented offense when the 434

offender is subject to the requirements of Chapter 2950. of the
Revised Code or Chapter 2950. of the Revised Code as it existed
prior to January 1, 2008;

(4) Convictions of an offense in circumstances in which the
victim of the offense was less than thirteen years of age, except
for convictions under section 2919.21 of the Revised Code;

(5) Convictions of a felony of the first or second degree or
of more than two felonies of the third degree;

(6) Convictions for a violation of section 2919.25 or 2919.27
of the Revised Code or a conviction for a violation of a municipal
ordinance that is substantially similar to either section.

(B)(1) Except as provided in section 2953.61 of the Revised
Code or as otherwise provided in division (B)(1)(a)(iii) of this
section, 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
or expungement of the record of the case that pertains to the
conviction, except for convictions listed in division (A) of this
section. Application may be made at whichever of the following
times is applicable regarding the offense:

(a) An application for sealing under this section may be made
at whichever of the following times is applicable regarding the
offense:

(i) Except as otherwise provided in division (B)(1)(a)(iv) of
this section, at the expiration of three years after the
offender's final discharge if convicted of one or two felonies of
the third degree, so long as none of the offenses is a violation
of section 2921.43 of the Revised Code;

(ii) Except as otherwise provided in division (B)(1)(a)(iv)

of this section, at the expiration of one year after the
offender's final discharge if convicted of one or more felonies of
the fourth or fifth degree or one or more misdemeanors, so long as
none of the offenses is a violation of section 2921.43 of the
Revised Code or a felony offense of violence;

(iii) At the expiration of seven years after the offender's
final discharge if the record includes one or more convictions of
soliciting improper compensation in violation of section 2921.43
of the Revised Code;

(iv) If the offender was subject to the requirements of
Chapter 2950. of the Revised Code or Chapter 2950. of the Revised
Code as it existed prior to January 1, 2008, at the expiration of
five years after the requirements have ended under section 2950.07
of the Revised Code or section 2950.07 of the Revised Code as it
existed prior to January 1, 2008, or are terminated under section
2950.15 or 2950.151 of the Revised Code;

(v) At the expiration of six months after the offender's
final discharge if convicted of a minor misdemeanor.

(b) An application for expungement under this section may be
made at whichever of the following times is applicable regarding
the offense:

(i) Except as otherwise provided in division (B)(1)(b)(ii) of
this section, if the offense is a misdemeanor, at the expiration
of one year after the offender's final discharge;

(ii) If the offense is a minor misdemeanor, at the expiration
of six months after the offender's final discharge;

(iii) If the offense is a felony, at the expiration of ten
years after the time specified in division (B)(1)(a) of this
section at which the person may file an application for sealing

with respect to that felony offense. 493

(2) Any person who has been arrested for any misdemeanor 494
offense and who has effected a bail forfeiture for the offense 495
charged may apply to the court in which the misdemeanor criminal 496
case was pending when bail was forfeited for the sealing or 497
expungement of the record of the case that pertains to the charge. 498
Except as provided in section 2953.61 of the Revised Code, the 499
application may be filed at whichever of the following times is 500
applicable regarding the offense: 501

(a) An application for sealing may be made at any time after 502
the date on which the bail forfeiture was entered upon the minutes 503
of the court or the journal, whichever entry occurs first. 504

(b) An application for expungement may be made at any time 505
after the expiration of three years from the date on which the 506
bail forfeiture was entered upon the minutes of the court or the 507
journal, whichever entry occurs first. 508

(C) Upon the filing of an application under this section, the 509
court shall set a date for a hearing and shall notify the 510
prosecutor for the case of the hearing on the application not less 511
than sixty days prior to the hearing. The prosecutor shall provide 512
timely notice to a victim and victim's representative, if 513
applicable, if the victim or victim's representative requested 514
notice of the proceedings in the underlying case. The court shall 515
hold the hearing not less than forty-five days and not more than 516
ninety days from the date of the filing of the application. The 517
prosecutor may object to the granting of the application by filing 518
a written objection with the court not later than thirty days 519
prior to the date set for the hearing. The prosecutor shall 520
specify in the objection the reasons for believing a denial of the 521
application is justified. The prosecutor shall provide notice of 522

the application and the date and time of the hearing to the victim 523
of the offense in the case pursuant to the Ohio Constitution. The 524
victim, victim's representative, and victim's attorney, if 525
applicable, may be present and heard orally, in writing, or both 526
at any hearing under this section. The court shall direct its 527
regular probation officer, a state probation officer, or the 528
department of probation of the county in which the applicant 529
resides to make inquiries and written reports as the court 530
requires concerning the applicant. The probation officer or county 531
department of probation that the court directs to make inquiries 532
and written reports as the court requires concerning the applicant 533
shall determine whether or not the applicant was fingerprinted at 534
the time of arrest or under section 109.60 of the Revised Code. If 535
the applicant was so fingerprinted, the probation officer or 536
county department of probation shall include with the written 537
report a record of the applicant's fingerprints. If the applicant 538
was convicted of or pleaded guilty to a violation of division 539
(A)(2) or (B) of section 2919.21 of the Revised Code, the 540
probation officer or county department of probation that the court 541
directed to make inquiries concerning the applicant shall contact 542
the child support enforcement agency enforcing the applicant's 543
obligations under the child support order to inquire about the 544
offender's compliance with the child support order. 545

(D)(1) At the hearing held under division (C) of this 546
section, the court shall do each of the following: 547

(a) Determine whether the applicant is pursuing sealing or 548
expunging a conviction of an offense that is prohibited under 549
division (A) of this section or whether the forfeiture of bail was 550
agreed to by the applicant and the prosecutor in the case, and 551
determine whether the application was made at the time specified 552
in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this 553

section that is applicable with respect to the application and the subject offense;	554 555
(b) Determine whether criminal proceedings are pending against the applicant;	556 557
(c) Determine whether the applicant has been rehabilitated to the satisfaction of the court;	558 559
(d) If the prosecutor has filed an objection in accordance with division (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;	560 561 562 563
(e) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection;	564 565 566
(f) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged against the legitimate needs, if any, of the government to maintain those records;	567 568 569 570
(g) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable;	571 572
(h) If the applicant was an eligible offender of the type described in division (A)(3) of section 2953.36 of the Revised Code as it existed prior to the effective date of this amendment, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:	573 574 575 576 577 578
(i) The age of the offender;	579
(ii) The facts and circumstances of the offense;	580
(iii) The cessation or continuation of criminal behavior;	581

(iv) The education and employment of the offender; 582

(v) Any other circumstances that may relate to the offender's 583
rehabilitation. 584

(2) If the court determines, after complying with division 585
(D)(1) of this section, that the offender is not pursuing sealing 586
or expunging a conviction of an offense that is prohibited under 587
division (A) of this section or that the forfeiture of bail was 588
agreed to by the applicant and the prosecutor in the case, that 589
the application was made at the time specified in division 590
(B)(1)(a) or (b) or division (B)(2)(a) or (b) of this section that 591
is applicable with respect to the application and the subject 592
offense, that no criminal proceeding is pending against the 593
applicant, that the interests of the applicant in having the 594
records pertaining to the applicant's conviction or bail 595
forfeiture sealed or expunged are not outweighed by any legitimate 596
governmental needs to maintain those records, and that the 597
rehabilitation of the applicant has been attained to the 598
satisfaction of the court, both of the following apply: 599

(a) The court, except as provided in division (D)(4) or (5) 600
of this section or division (D), (F), or (G) of section 2953.34 of 601
the Revised Code, shall order all official records of the case 602
that pertain to the conviction or bail forfeiture sealed if the 603
application was for sealing or expunged if the application was for 604
expungement and, except as provided in division (C) of section 605
2953.34 of the Revised Code, all index references to the case that 606
pertain to the conviction or bail forfeiture deleted and, in the 607
case of bail forfeitures, shall dismiss the charges in the case. 608

(b) The proceedings in the case that pertain to the 609
conviction or bail forfeiture shall be considered not to have 610
occurred and the conviction or bail forfeiture of the person who 611

is the subject of the proceedings shall be sealed if the application was for sealing or expunged if the application was for expungement, except that upon conviction of a subsequent offense, a 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, 2953.32, and 2953.34 of the Revised Code.

(3) An applicant may request the sealing or expungement 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 the applicant presents a poverty affidavit showing that the applicant is indigent, shall pay a an application fee of ~~not more than~~ fifty dollars, ~~including and may pay a~~ local court ~~fees~~ fee of not more than fifty dollars, regardless of the number of records the application requests to have sealed or expunged. If the applicant pays a fee, the court shall pay three-fifths of the fee collected into the state treasury, with half of that amount credited to the attorney general reimbursement fund created by section 109.11 of the Revised Code. If the applicant pays a fee, the court shall pay two-fifths of the fee collected into the county general revenue fund if the sealed or expunged conviction or bail forfeiture was pursuant to a state statute, or into the general revenue fund of the municipal corporation involved if the sealed or expunged conviction or bail forfeiture was pursuant to a municipal ordinance.

(4) If the court orders the official records pertaining to the case sealed or expunged, 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 (C) of this section, forward a copy of the sealing or expungement 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 (C) 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 or expungement order to the bureau of criminal identification and investigation.

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

(5) Notwithstanding any other provision of the Revised Code to the contrary, when the bureau of criminal identification and investigation receives notice from a court that a conviction has been expunged under this section, the bureau of criminal identification and investigation shall maintain a record of the expunged conviction record for the limited purpose of determining an individual's qualification or disqualification for employment in law enforcement. The bureau of criminal identification and investigation shall not be compelled by the court to expunge those records. These records may only be disclosed or provided to law enforcement for the limited purpose of determining an individual's

qualification or disqualification for employment in law	672
enforcement."	673

In line 124631, after "2945.38," insert "2953.25, 2953.32,"	674
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After line 281859, insert:	675
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"Section 2953.32 of the Revised Code as amended by both H.B.	676
343 and S.B. 288 of the 134th General Assembly."	677

The motion was _____ agreed to.

SYNOPSIS

Application fees and local court fees	678
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R.C. 2953.25 and 2953.32	679
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Requires that a petition for a certificate of qualification	680
for employment and an application for sealing or expungement be	681
accompanied by an application fee of \$50, and provides that the	682
petition may be accompanied by a local court fee of not more than	683
\$50.	684