

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 608**

**Representative Williams**

---

**A BILL**

To amend sections 2953.33, 2953.34, and 2953.61 and 1  
to enact section 2953.331 of the Revised Code to 2  
reduce the requirements for sealing or 3  
expungement of records in a case where the 4  
defendant was acquitted or found not guilty. 5

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

**Section 1.** That sections 2953.33, 2953.34, and 2953.61 be 6  
amended and section 2953.331 of the Revised Code be enacted to 7  
read as follows: 8

**Sec. 2953.33.** (A) (1) Any person, ~~who is found not guilty~~ 9  
~~of an offense by a jury or a court or~~ who is the defendant named 10  
in a dismissed complaint, indictment, or information, may apply 11  
to the court for an order to seal or, except as provided in 12  
division (C) of this section, expunge the person's official 13  
records in the case. Except as provided in section 2953.61 of 14  
the Revised Code, the application may be filed at any time after 15  
the ~~finding of not guilty or the dismissal~~ of the complaint, 16  
indictment, or information is entered upon the minutes of the 17  
court or the journal, whichever entry occurs first. 18

(2) Any person, against whom a no bill is entered by a 19

grand jury, may apply to the court for an order to seal or, 20  
except as provided in division (C) of this section, expunge the 21  
person's official records in the case. Except as provided in 22  
section 2953.61 of the Revised Code, the application may be 23  
filed at any time after the expiration of two years after the 24  
date on which the foreperson or deputy foreperson of the grand 25  
jury reports to the court that the grand jury has reported a no 26  
bill. 27

(3) Any person who is granted by the governor under 28  
division (B) of section 2967.02 of the Revised Code an absolute 29  
and entire pardon, a partial pardon, or a pardon upon conditions 30  
precedent or subsequent may apply to the court for an order to 31  
seal the person's official records in the case in which the 32  
person was convicted of the offense for which any of those types 33  
of pardons are granted. The application may be filed at any time 34  
after an absolute and entire pardon or a partial pardon is 35  
granted or at any time after all of the conditions precedent or 36  
subsequent to the pardon are met. 37

(B) (1) Upon the filing of an application pursuant to 38  
division (A) of this section, the court shall set a date for a 39  
hearing and shall notify the prosecutor in the case of the 40  
hearing on the application. The court shall hold the hearing not 41  
less than forty-five days and not more than ninety days from the 42  
date of the filing of the application. The prosecutor may object 43  
to the granting of the application by filing a written objection 44  
with the court not later than thirty days prior to the date set 45  
for the hearing. The prosecutor shall specify in the objection 46  
the reasons the prosecutor believes justify a denial of the 47  
application. 48

(2) The court shall do each of the following, except as 49

provided in division (B) (3) of this section:	50
(a) (i) Determine whether <del>the person was found not guilty</del>	51
<del>in the case, or</del> the complaint, indictment, or information in the	52
case was dismissed, or a no bill was returned in the case and a	53
period of two years or a longer period as required by section	54
2953.61 of the Revised Code has expired from the date of the	55
report to the court of that no bill by the foreperson or deputy	56
foreperson of the grand jury;	57
(ii) If the complaint, indictment, or information in the	58
case was dismissed, determine whether it was dismissed with	59
prejudice or without prejudice and, if it was dismissed without	60
prejudice, determine whether the relevant statute of limitations	61
has expired;	62
(b) Determine whether criminal proceedings are pending	63
against the person;	64
(c) If the prosecutor has filed an objection in accordance	65
with division (B) (1) of this section, consider the reasons	66
against granting the application specified by the prosecutor in	67
the objection;	68
(d) If the person was granted a pardon upon conditions	69
precedent or subsequent for the offense for which the person was	70
convicted, determine whether all of those conditions have been	71
met;	72
(e) Weigh the interests of the person in having the	73
official records pertaining to the case sealed or expunged, as	74
applicable, against the legitimate needs, if any, of the	75
government to maintain those records.	76
(3) If the court determines after complying with division	77
(B) (2) (a) of this section that <del>the person was found not guilty</del>	78

~~in the case, that~~ the complaint, indictment, or information in 79  
the case was dismissed with prejudice, that the complaint, 80  
indictment, or information in the case was dismissed without 81  
prejudice and that the relevant statute of limitations has 82  
expired, or that the individual was granted by the governor an 83  
absolute and entire pardon, a partial pardon, or a pardon upon 84  
conditions precedent or subsequent that have been met, the court 85  
shall issue an order to the superintendent of the bureau of 86  
criminal identification and investigation directing that the 87  
superintendent expunge or seal or cause to be sealed, as 88  
applicable, the official records in the case consisting of DNA 89  
specimens that are in the possession of the bureau and all DNA 90  
records and DNA profiles. The determinations and considerations 91  
described in divisions (B) (2) (b), (c), and (e) of this section 92  
do not apply with respect to a determination of the court 93  
described in this division. 94

(4) The determinations described in this division are 95  
separate from the determination described in division (B) (3) of 96  
this section. If the court determines, after complying with 97  
division (B) (2) of this section, that ~~the person was found not~~ 98  
~~guilty in the case, that~~ the complaint, indictment, or 99  
information in the case was dismissed, the individual was 100  
granted by the governor an absolute and entire pardon, a partial 101  
pardon, or a pardon upon conditions precedent or subsequent that 102  
have been met, or that a no bill was returned in the case and 103  
that the appropriate period of time has expired from the date of 104  
the report to the court of the no bill by the foreperson or 105  
deputy foreperson of the grand jury; that no criminal 106  
proceedings are pending against the person; and the interests of 107  
the person in having the records pertaining to the case sealed 108  
or expunged, as applicable, are not outweighed by any legitimate 109

governmental needs to maintain such records, or if division (E) 110  
(2) (b) of section 4301.69 of the Revised Code applies, in 111  
addition to the order required under division (B) (3) of this 112  
section, the court shall issue an order directing that all 113  
official records pertaining to the case be sealed or expunged, 114  
as applicable, and that, except as provided in section 2953.34 115  
of the Revised Code, the proceedings in the case be deemed not 116  
to have occurred. 117

(5) Any DNA specimens, DNA records, and DNA profiles 118  
ordered to be sealed or expunged under this section shall not be 119  
sealed or expunged if the person with respect to whom the order 120  
applies is otherwise eligible to have DNA records or a DNA 121  
profile in the national DNA index system. 122

(C) (1) A person who is the defendant named in a dismissed 123  
complaint, indictment, or information or against whom a no bill 124  
is entered by a grand jury is not entitled to have records of 125  
the case expunged under this section if the case involves any of 126  
the following offenses: 127

(a) A violation of any section contained in Chapter 4506., 128  
4507., 4510., 4511., or 4549. of the Revised Code, or a 129  
violation of a municipal ordinance that is substantially similar 130  
to any section contained in any of those chapters; 131

(b) A felony offense of violence that is not a sexually 132  
oriented offense; 133

(c) A sexually oriented offense when the offender is 134  
subject to the requirements of Chapter 2950. of the Revised Code 135  
or Chapter 2950. of the Revised Code as it existed prior to 136  
January 1, 2008; 137

(d) An offense involving a victim who is less than 138

thirteen years of age, except for an offense under section	139
2919.21 of the Revised Code;	140
(e) A felony of the first or second degree;	141
(f) A violation of section 2919.25 or 2919.27 of the	142
Revised Code or a violation of a municipal ordinance that is	143
substantially similar to either section;	144
(g) A violation that is a felony of the third degree if	145
the person has more than one prior conviction of any felony or,	146
if the person has exactly one prior conviction of a felony of	147
the third degree, the person has more prior convictions in total	148
than a third degree felony conviction and two misdemeanor	149
convictions.	150
(2) As used in division (C) of this section, "sexually	151
oriented offense" has the same meaning as in section 2950.01 of	152
the Revised Code.	153
<u>Sec. 2953.331. (A) Except as provided in section 2953.61</u>	154
<u>of the Revised Code, any person who is found not guilty of an</u>	155
<u>offense by a jury or a court may apply to the court for an order</u>	156
<u>to seal or expunge the person's official records in the case. A</u>	157
<u>request for sealing or expungement under this section may be</u>	158
<u>made at any time after the finding of not guilty is made by the</u>	159
<u>jury or court.</u>	160
<u>(B) Upon a request for sealing or expungement of official</u>	161
<u>records that complies with division (A) of this section, the</u>	162
<u>court shall determine whether the person was found not guilty in</u>	163
<u>the case. If the court determines that the person was found not</u>	164
<u>guilty, the court shall do all of the following:</u>	165
<u>(1) Issue an order to the superintendent of the bureau of</u>	166
<u>criminal identification and investigation directing that the</u>	167

superintendent expunge or seal or cause to be sealed, as 168  
applicable, the official records in the case consisting of DNA 169  
specimens that are in the possession of the bureau and all DNA 170  
records and DNA profiles; 171

(2) Issue an order directing that all official records 172  
pertaining to the case be sealed or expunged, as applicable, and 173  
that, except as provided in section 2953.34 of the Revised Code, 174  
the proceedings in the case be deemed not to have occurred. 175

(C) Any DNA specimens, DNA records, and DNA profiles 176  
ordered to be sealed or expunged under this section shall not be 177  
sealed or expunged if the person with respect to whom the order 178  
applies is otherwise eligible to have DNA records or a DNA 179  
profile in the national DNA index system. 180

**Sec. 2953.34.** (A) Inspection of the sealed records 181  
included in a sealing order may be made only by the following 182  
persons or for the following purposes: 183

(1) By a law enforcement officer or prosecutor, or the 184  
assistants of either, to determine whether the nature and 185  
character of the offense with which a person is to be charged 186  
would be affected by virtue of the person's previously having 187  
been convicted of a crime; 188

(2) By the parole or probation officer of the person who 189  
is the subject of the records, for the exclusive use of the 190  
officer in supervising the person while on parole or under a 191  
community control sanction or a post-release control sanction, 192  
and in making inquiries and written reports as requested by the 193  
court or adult parole authority; 194

(3) Upon application by the person who is the subject of 195  
the records or a legal representative of that person, by the 196

persons named in the application;	197
(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;	198 199 200
(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;	201 202 203 204
(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;	205 206 207 208 209
(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, division (I) of section 2953.34 of the Revised Code;	210 211 212 213
(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;	214 215 216 217
(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;	218 219 220 221 222
(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	223 224 225



pursuant to division (B) of section 109.572 of the Revised Code 226  
that was requested pursuant to any of the sections identified in 227  
division (B)(1) of that section; 228

(11) By the bureau of criminal identification and 229  
investigation, an authorized employee of the bureau, a sheriff, 230  
or an authorized employee of a sheriff in connection with a 231  
criminal records check described in section 311.41 of the 232  
Revised Code; 233

(12) By the attorney general or an authorized employee of 234  
the attorney general or a court for purposes of determining a 235  
person's classification pursuant to Chapter 2950. of the Revised 236  
Code; 237

(13) By a court, the registrar of motor vehicles, a 238  
prosecuting attorney or the prosecuting attorney's assistants, 239  
or a law enforcement officer for the purpose of assessing points 240  
against a person under section 4510.036 of the Revised Code or 241  
for taking action with regard to points assessed. 242

When the nature and character of the offense with which a 243  
person is to be charged would be affected by the information, it 244  
may be used for the purpose of charging the person with an 245  
offense. 246

(B) In any criminal proceeding, proof of any otherwise 247  
admissible prior conviction may be introduced and proved, 248  
notwithstanding the fact that for any such prior conviction an 249  
order of sealing or expungement previously was issued pursuant 250  
to sections 2953.31 to 2953.34 of the Revised Code. 251

(C) The person or governmental agency, office, or 252  
department that maintains sealed records pertaining to 253  
convictions or bail forfeitures that have been sealed pursuant 254

to section 2953.32 of the Revised Code may maintain a manual or 255  
computerized index to the sealed records. The index shall 256  
contain only the name of, and alphanumeric identifiers that 257  
relate to, the persons who are the subject of the sealed 258  
records, the word "sealed," and the name of the person, agency, 259  
office, or department that has custody of the sealed records, 260  
and shall not contain the name of the crime committed. The index 261  
shall be made available by the person who has custody of the 262  
sealed records only for the purposes set forth in divisions (A), 263  
(B), and (D) of this section. 264

(D) Notwithstanding any provision of this section or 265  
section 2953.32 of the Revised Code that requires otherwise, a 266  
board of education of a city, local, exempted village, or joint 267  
vocational school district that maintains records of an 268  
individual who has been permanently excluded under sections 269  
3301.121 and 3313.662 of the Revised Code is permitted to 270  
maintain records regarding a conviction that was used as the 271  
basis for the individual's permanent exclusion, regardless of a 272  
court order to seal or expunge the record. An order issued under 273  
section 2953.32 of the Revised Code to seal or expunge the 274  
record of a conviction does not revoke the adjudication order of 275  
the director of education and workforce to permanently exclude 276  
the individual who is the subject of the sealing or expungement 277  
order. An order issued under section 2953.32 of the Revised Code 278  
to seal or expunge the record of a conviction of an individual 279  
may be presented to a district superintendent as evidence to 280  
support the contention that the superintendent should recommend 281  
that the permanent exclusion of the individual who is the 282  
subject of the sealing or expungement order be revoked. Except 283  
as otherwise authorized by this division and sections 3301.121 284  
and 3313.662 of the Revised Code, any school employee in 285

possession of or having access to the sealed or expunged 286  
conviction records of an individual that were the basis of a 287  
permanent exclusion of the individual is subject to division (J) 288  
of this section. 289

(E) Notwithstanding any provision of this section or 290  
section 2953.32 of the Revised Code that requires otherwise, if 291  
the auditor of state or a prosecutor maintains records, reports, 292  
or audits of an individual who has been forever disqualified 293  
from holding public office, employment, or a position of trust 294  
in this state under sections 2921.41 and 2921.43 of the Revised 295  
Code, or has otherwise been convicted of an offense based upon 296  
the records, reports, or audits of the auditor of state, the 297  
auditor of state or prosecutor is permitted to maintain those 298  
records to the extent they were used as the basis for the 299  
individual's disqualification or conviction, and shall not be 300  
compelled by court order to seal or expunge those records. 301

(F) For purposes of sections 2953.31 and 2953.34 of the 302  
Revised Code, DNA records collected in the DNA database and 303  
fingerprints filed for record by the superintendent of the 304  
bureau of criminal identification and investigation shall not be 305  
sealed or expunged unless the superintendent receives a 306  
certified copy of a final court order establishing that the 307  
offender's conviction has been overturned. For purposes of this 308  
section, a court order is not "final" if time remains for an 309  
appeal or application for discretionary review with respect to 310  
the order. 311

(G) (1) The court shall send notice of any order to seal or 312  
expunge official records issued pursuant to section 2953.32 of 313  
the Revised Code to the bureau of criminal identification and 314  
investigation and to any public office or agency that the court 315

knows or has reason to believe may have any record of the case, 316  
whether or not it is an official record, that is the subject of 317  
the order. 318

(2) The sealing of a record under section 2953.32 of the 319  
Revised Code does not affect the assessment of points under 320  
section 4510.036 of the Revised Code and does not erase points 321  
assessed against a person as a result of the sealed record. 322

(H) (1) The court shall send notice of any order to seal or 323  
expunge official records issued pursuant to division (B) (3) of 324  
section 2953.33 or section 2953.331 of the Revised Code to the 325  
bureau of criminal identification and investigation and shall 326  
send notice of any order issued pursuant to division (B) (4) of 327  
~~that~~ section 2953.33 of the Revised Code or pursuant to section 328  
2953.331 of the Revised Code to any public office or agency that 329  
the court knows or has reason to believe may have any record of 330  
the case, whether or not it is an official record, that is the 331  
subject of the order. 332

(2) A person whose official records have been sealed or 333  
expunged pursuant to an order issued pursuant to section 2953.33 334  
or 2953.331 of the Revised Code may present a copy of that order 335  
and a written request to comply with it, to a public office or 336  
agency that has a record of the case that is the subject of the 337  
order. 338

(3) An order to seal or expunge official records issued 339  
pursuant to section 2953.33 or section 2953.331 of the Revised 340  
Code applies to every public office or agency that has a record 341  
of the case that is the subject of the order, regardless of 342  
whether it receives notice of the hearing on the application for 343  
the order to seal or expunge the official records or receives a 344  
copy of the order to seal the official records pursuant to 345

division (H) (1) or (2) of this section. 346

(4) Upon receiving a copy of an order to seal or expunge 347  
official records pursuant to division (H) (1) or (2) of this 348  
section or upon otherwise becoming aware of an applicable order 349  
to seal or expunge official records issued pursuant to section 350  
2953.33 or 2953.331 of the Revised Code, a public office or 351  
agency shall comply with the order and, if applicable, with 352  
division (K) of this section, except that if the order is a 353  
sealing order, the office or agency may maintain a record of the 354  
case that is the subject of the order if the record is 355  
maintained for the purpose of compiling statistical data only 356  
and does not contain any reference to the person who is the 357  
subject of the case and the order. 358

(5) A public office or agency to which division (H) (4) of 359  
this section applies also may maintain an index of sealed 360  
official records that are the subject of a sealing order, in a 361  
form similar to that for sealed records of conviction as set 362  
forth in division (C) of this section, access to which may not 363  
be afforded to any person other than the person who has custody 364  
of the sealed official records. The sealed official records to 365  
which such an index pertains shall not be available to any 366  
person, except that the official records of a case that have 367  
been sealed may be made available to the following persons for 368  
the following purposes: 369

(a) To the person who is the subject of the records upon 370  
written application, and to any other person named in the 371  
application, for any purpose; 372

(b) To a law enforcement officer who was involved in the 373  
case, for use in the officer's defense of a civil action arising 374  
out of the officer's involvement in that case; 375

(c) To 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;

(d) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program under division (E)(2)(b) of section 4301.69 of the Revised Code.

(I)(1) Upon the issuance of an order by a court pursuant to division (D)(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 expunged or an order by a court pursuant to division (E) of section 2151.358, division (C)(2) of section 2953.35, or division (E) of section 2953.36 of the Revised Code directing that all official records of a case pertaining to a conviction or delinquent child adjudication be expunged:

(a) 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.

(b) Except as provided in divisions (I)(1)(c) and (d) 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.

(c) 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.

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

(2) (a) Except as provided in divisions (I) (1) (c) and (d) 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.

(b) No law enforcement agency, or person employed by a law enforcement agency, that receives investigatory work product pursuant to divisions (I) (1) (c) and (d) 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. 435

(3) Whoever violates division (I) (2) (a) or (b) of this 436  
section is guilty of divulging confidential investigatory work 437  
product, a misdemeanor of the fourth degree. 438

(J) (1) Except as authorized by divisions (A) to (C) of 439  
this section or by Chapter 2950. of the Revised Code and subject 440  
to ~~division~~ divisions (J) (2) and (3) of this section, any 441  
officer or employee of the state, or a political subdivision of 442  
the state, who releases or otherwise disseminates or makes 443  
available for any purpose involving employment, bonding, or 444  
licensing in connection with any business, trade, or profession 445  
to any person, or to any department, agency, or other 446  
instrumentality of the state, or any political subdivision of 447  
the state, any information or other data concerning any law 448  
enforcement or justice system matter the records with respect to 449  
which the officer or employee had knowledge of were sealed by an 450  
existing order issued pursuant to section 2953.32 of the Revised 451  
Code, division (E) of section 2151.358, section 2953.35, or 452  
section 2953.36 of the Revised Code, or were expunged by an 453  
order issued pursuant to section 2953.42 of the Revised Code as 454  
it existed prior to June 29, 1988, is guilty of divulging 455  
confidential information, a misdemeanor of the fourth degree. 456

(2) Division (J) (1) of this section does not apply to an 457  
officer or employee of the state, or a political subdivision of 458  
the state, who releases or otherwise disseminates or makes 459  
available for any purpose specified in that division any 460  
information or other data concerning a law enforcement or 461  
justice system matter the records of which the officer had 462  
knowledge were sealed or expunged by an order of a type 463  
described in that division, if all of the following apply: 464



(a) The officer or employee released, disseminated, or 465  
made available the information or data from the sealed or 466  
expunged records together with information or data concerning 467  
another law enforcement or justice system matter. 468

(b) The records of the other law enforcement or justice 469  
system matter were not sealed or expunged by any order of a type 470  
described in division (J) (1) of this section. 471

(c) The law enforcement or justice system matter covered 472  
by the information or data from the sealed or expunged records 473  
and the other law enforcement or justice system matter covered 474  
by the information or data from the records that were not sealed 475  
or expunged resulted from or were connected to the same act. 476

(d) The officer or employee made a good faith effort to 477  
not release, disseminate, or make available any information or 478  
other data concerning any law enforcement or justice system 479  
matter from the sealed or expunged records, and the officer or 480  
employee did not release, disseminate, or make available the 481  
information or other data from the sealed or expunged records 482  
with malicious purpose, in bad faith, or in a wanton or reckless 483  
manner. 484

(3) Division (J) (1) of this section does not apply to an 485  
officer or employee of the state, or a political subdivision of 486  
the state, who releases or otherwise disseminates or makes 487  
available for any purpose specified in that division any 488  
information or other data concerning a law enforcement or 489  
justice system matter the records of which the officer had 490  
knowledge were sealed or expunged by an order of a type 491  
described in that division, if the records are released or 492  
disseminated or access is provided pursuant to an application by 493  
the person who is the subject of the information or data or by a 494

legal representative of that person. 495

(4) Any person who, in violation of this section, uses, 496  
disseminates, or otherwise makes available any index prepared 497  
pursuant to division (C) of this section is guilty of a 498  
misdemeanor of the fourth degree. 499

(K) (1) Except as otherwise provided in Chapter 2950. of 500  
the Revised Code, upon the issuance of an order by a court under 501  
division (B) of section 2953.33 or section 2953.331 of the 502  
Revised Code directing that all official records pertaining to a 503  
case be sealed or expunged and that the proceedings in the case 504  
be deemed not to have occurred: 505

(a) Every law enforcement officer possessing records or 506  
reports pertaining to the case that are the officer's specific 507  
investigatory work product and that are excepted from the 508  
definition of official records shall immediately deliver the 509  
records and reports to the officer's employing law enforcement 510  
agency. Except as provided in division (K) (1) (c) or (d) of this 511  
section, no such officer shall knowingly release, disseminate, 512  
or otherwise make the records and reports or any information 513  
contained in them available to, or discuss any information 514  
contained in them with, any person not employed by the officer's 515  
employing law enforcement agency. 516

(b) Every law enforcement agency that possesses records or 517  
reports pertaining to the case that are its specific 518  
investigatory work product and that are excepted from the 519  
definition of official records, or that are the specific 520  
investigatory work product of a law enforcement officer it 521  
employs and that were delivered to it under division (K) (1) (a) 522  
of this section shall, except as provided in division (K) (1) (c) 523  
or (d) of this section, close the records and reports to all 524

persons who are not directly employed by the law enforcement 525  
agency and shall, except as provided in division (K) (1) (c) or 526  
(d) of this section, treat the records and reports, in relation 527  
to all persons other than those who are directly employed by the 528  
law enforcement agency, as if they did not exist and had never 529  
existed. Except as provided in division (K) (1) (c) or (d) of this 530  
section, no person who is employed by the law enforcement agency 531  
shall knowingly release, disseminate, or otherwise make the 532  
records and reports in the possession of the employing law 533  
enforcement agency or any information contained in them 534  
available to, or discuss any information contained in them with, 535  
any person not employed by the employing law enforcement agency. 536

(c) A law enforcement agency that possesses records or 537  
reports pertaining to the case that are its specific 538  
investigatory work product and that are excepted from the 539  
definition of official records, or that are the specific 540  
investigatory work product of a law enforcement officer it 541  
employs and that were delivered to it under division (K) (1) (a) 542  
of this section may permit another law enforcement agency to use 543  
the records or reports in the investigation of another offense, 544  
if the facts incident to the offense being investigated by the 545  
other law enforcement agency and the facts incident to an 546  
offense that is the subject of the case are reasonably similar. 547  
The agency that provides the records and reports may provide the 548  
other agency with the name of the person who is the subject of 549  
the case, if it believes that the name of the person is 550  
necessary to the conduct of the investigation by the other 551  
agency. 552

No law enforcement agency, or person employed by a law 553  
enforcement agency, that receives from another law enforcement 554  
agency records or reports pertaining to a case the records of 555

which have been ordered sealed or expunged pursuant to division 556  
(B) of section 2953.33 of the Revised Code or pursuant to 557  
section 2953.331 of the Revised Code shall use the records and 558  
reports for any purpose other than the investigation of the 559  
offense for which they were obtained from the other law 560  
enforcement agency, or disclose the name of the person who is 561  
the subject of the records or reports except when necessary for 562  
the conduct of the investigation of the offense, or the 563  
prosecution of the person for committing the offense, for which 564  
they were obtained from the other law enforcement agency. 565

(d) The auditor of state may provide to or discuss with 566  
other parties records, reports, or audits maintained by the 567  
auditor of state pursuant to Chapter 117. of the Revised Code 568  
pertaining to the case that are the auditor of state's specific 569  
investigatory work product and that are excepted from the 570  
definition of "official records" contained in division (C) of 571  
section 2953.31 of the Revised Code, or that are the specific 572  
investigatory work product of a law enforcement officer the 573  
auditor of state employs and that were delivered to the auditor 574  
of state under division (K) (1) (a) of this section. 575

(2) Whoever violates division (K) (1) of this section is 576  
guilty of divulging confidential information, a misdemeanor of 577  
the fourth degree. 578

(L) (1) In any application for employment, license, or any 579  
other right or privilege, any appearance as a witness, or any 580  
other inquiry, a person may not be questioned with respect to 581  
any record that has been sealed or expunged pursuant to section 582  
2953.33 or 2953.331 of the Revised Code. If an inquiry is made 583  
in violation of this division, the person whose official record 584  
was sealed may respond as if the arrest underlying the case to 585

which the sealed official records pertain and all other 586  
proceedings in that case did not occur, and the person whose 587  
official record was sealed shall not be subject to any adverse 588  
action because of the arrest, the proceedings, or the person's 589  
response. 590

(2) (a) Except as provided in division (L) (2) (b) of this 591  
section, an officer or employee of the state or any of its 592  
political subdivisions who knowingly releases, disseminates, or 593  
makes available for any purpose involving employment, bonding, 594  
licensing, or education to any person or to any department, 595  
agency, or other instrumentality of the state, or of any of its 596  
political subdivisions, any information or other data concerning 597  
any arrest, complaint, indictment, information, trial, 598  
adjudication, or correctional supervision, knowing the records 599  
of which have been sealed or expunged pursuant to section 600  
2953.33 or 2953.331 of the Revised Code, is guilty of divulging 601  
confidential information, a misdemeanor of the fourth degree. 602

(b) Division (L) (2) (a) of this section does not apply to 603  
any release, dissemination, or access to information or data if 604  
the records are released or disseminated or access is provided 605  
pursuant to an application by the person who is the subject of 606  
the information or data or by a legal representative of that 607  
person. 608

(M) It is not a violation of division (I), (J), (K), or 609  
(L) of this section for the bureau of criminal identification 610  
and investigation or any authorized employee of the bureau 611  
participating in the investigation of criminal activity to 612  
release, disseminate, or otherwise make available to, or discuss 613  
with, a person directly employed by a law enforcement agency DNA 614  
records collected in the DNA database or fingerprints filed for 615

record by the superintendent of the bureau of criminal 616  
identification and investigation. 617

(N) (1) An order issued under section 2953.35 of the 618  
Revised Code to expunge the record of a person's conviction or, 619  
except as provided in division (D) of this section, an order 620  
issued under that section to seal the record of a person's 621  
conviction restores the person who is the subject of the order 622  
to all rights and privileges not otherwise restored by 623  
termination of the sentence or community control sanction or by 624  
final release on parole or post-release control. 625

(2) (a) In any application for employment, license, or 626  
other right or privilege, any appearance as a witness, or any 627  
other inquiry, except as provided in division (B) of this 628  
section and in section 3319.292 of the Revised Code and subject 629  
to division (N) (2) (c) of this section, a person may be 630  
questioned only with respect to convictions not sealed, bail 631  
forfeitures not expunged under section 2953.42 of the Revised 632  
Code as it existed prior to June 29, 1988, and bail forfeitures 633  
not sealed, unless the question bears a direct and substantial 634  
relationship to the position for which the person is being 635  
considered. 636

(b) In any application for a certificate of qualification 637  
for employment under section 2953.25 of the Revised Code, a 638  
person may be questioned only with respect to convictions not 639  
sealed and bail forfeitures not sealed. 640

(c) A person may not be questioned in any application, 641  
appearance, or inquiry of a type described in division (N) (2) (a) 642  
of this section with respect to any conviction expunged under 643  
section 2953.35 of the Revised Code. 644

(O) Nothing in section 2953.32 or 2953.34 of the Revised Code precludes an offender from taking an appeal or seeking any relief from the offender's conviction or from relying on it in lieu of any subsequent prosecution for the same offense.

**Sec. 2953.61.** (A) Except as provided in division (B)(1) of this section, a person charged with two or more offenses as a result of or in connection with the same act may not apply to the court pursuant to section 2953.32, 2953.33, 2953.331, or 2953.521 of the Revised Code for the sealing or expungement of the person's record in relation to any of the charges, and a prosecutor may not apply to the court pursuant to section 2953.39 of the Revised Code for the sealing or expungement of the record of a person in relation to any of the charges if the person was charged with two or more offenses as a result of or in connection with the same act, when at least one of the charges has a final disposition that is different from the final disposition of the other charges until such time as the person, or prosecutor, would be able to apply to the court and have all of the records pertaining to all of those charges sealed or expunged pursuant to section 2953.32, 2953.33, 2953.331, 2953.39, or 2953.521 of the Revised Code.

(B) (1) When a person is charged with two or more offenses as a result of or in connection with the same act and the final disposition of one, and only one, of the charges is a conviction under any section of Chapter 4507., 4510., 4511., or 4549., other than section 4511.19 or 4511.194 of the Revised Code, or under a municipal ordinance that is substantially similar to any section other than section 4511.19 or 4511.194 of the Revised Code contained in any of those chapters, and if the records pertaining to all the other charges would be eligible for sealing or expungement under section 2953.33, 2953.331, 2953.39,

or 2953.521 of the Revised Code in the absence of that 676  
conviction, the court may order that the records pertaining to 677  
all the charges be sealed or expunged. In such a case, the court 678  
shall not order that only a portion of the records be sealed or 679  
expunged. 680

(2) Division (B)(1) of this section does not apply if the 681  
person convicted of the offenses currently holds a commercial 682  
driver's license or commercial driver's license temporary 683  
instruction permit. 684

**Section 2.** That existing sections 2953.33, 2953.34, and 685  
2953.61 of the Revised Code are hereby repealed. 686