As Introduced

136th General Assembly
Regular Session
2025-2026

S. B. No. 418

Senator Reynolds

To amend sections 2953.32 and 2953.34 and to enact sections 2953.322 and 2953.323 of the Revised Code to enact the Grow Act to allow for the expedited sealing of certain criminal records.

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

Section 1. That sections 2953.32 and 2953.34 be amended and sections 2953.322 and 2953.323 of the Revised Code be enacted to read as follows:

Sec. 2953.32. (A)(1) Sections 2953.32 to 2953.34 of the Revised Code do not apply to any of the following:

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

(b) Convictions of a felony offense of violence that is not a sexually oriented offense;

(c) Convictions of a sexually oriented offense when the 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;

(d) 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;

(e) Convictions of a felony of the first or second degree;

(f) Except as provided in division (A)(2) of this section, 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;

(g) Convictions of a felony of the third degree if the offender has more than one other conviction of any felony or, if the person has exactly two convictions of a felony of the third degree, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions.

(2) Sections 2953.32 to 2953.34 of the Revised Code apply to a conviction for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the fourth degree for purposes of sealing, but not for purposes of expungement of the record of the case.

(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)(1) 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.

(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 or expungement 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 whichever of the following times is applicable regarding the offense:

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

(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 provided in division (B)(2)(b)(ii) of this section, 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;

(ii) If the offense is a minor misdemeanor, at any time after the expiration of six months from the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first.

(C) 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 not less than sixty days prior to the hearing. Pursuant to the Ohio Constitution, the prosecutor shall provide timely notice of the application and the date and time of the hearing to a victim and victim's representative, if applicable, if the victim or victim's representative requested notice of the proceedings in the underlying case. The court shall hold the hearing not less than forty-five days and not more than ninety days from the date of the filing of the application. The prosecutor may object to the granting of the application by filing a written objection with the court not later than thirty days 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 victim, victim's representative, and victim's attorney, if applicable, may be present and heard orally, in writing, or both at any hearing under this section. 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 and written reports as the court requires 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.

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

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

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

(c) 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 (C) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;

(e) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection;

(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;

(g) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable;

(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:

(i) The age of the offender;

(ii) The facts and circumstances of the offense;

(iii) The cessation or continuation of criminal behavior;

(iv) The education and employment of the offender;

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

(2) If the court determines, after complying with division (D)(1) of this section, that the offender is not pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section or that the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, that the application was made at the time specified in division (B)(1)(a) or (b) or division (B)(2)

(a) or (b) of this section that is applicable with respect to the application and the subject offense, 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 or expunged are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of the applicant has been attained to the satisfaction of the court, both of the following apply:

(a) The court, except as provided in division (D)(4) or (5) of this section or division (D), (F), or (G) of section 2953.34 of the Revised Code, shall order all official records of the case that pertain to the conviction or bail forfeiture sealed if the application was for sealing or expunged if the application was for expungement and, except as provided in division (C) of section 2953.34 of the Revised Code, 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.

(b) 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 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 an application fee of fifty dollars and may pay a local court 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 the record of a conviction or bail forfeiture 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 destroy, delete, or erase those records so that the records are permanently irretrievable. 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 enforcement.

When any other entity other than the bureau of criminal identification and investigation receives notice from a court that the record of a conviction or bail forfeiture has been expunged under this section, the entity shall destroy, delete,

and erase the record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

(6) In a civil action or administrative proceeding alleging negligence or other fault, no case that has been sealed or expunged shall be considered as evidence against an employer for negligent hiring or negligent supervision, and the sealing or expungement provides immunity for the employer to the extent that a sealed or expunged record is the basis of a claim against the employer for negligent hiring or negligent supervision.

Sec. 2953.322. (A) At least once every calendar month, beginning three years after the effective date of this section, the bureau of criminal identification and investigation shall, for purposes of state-initiated sealing under this section, identify records that, except as provided in division (G) of this section, are eligible for sealing under sections 2953.32 to 2953.521 of the Revised Code. The bureau shall provide to each prosecuting attorney and each court a list of those cases over which the prosecutor or court has jurisdiction. The prosecutor in each case shall provide timely notice of state-initiated sealing to any victim of an offense identified by the bureau.

(B) A prosecutor may object to the sealing of a record identified in division (A) of this section for any of the following reasons:

(1) After reviewing the records of the case, the prosecutor determines that the records are not eligible for sealing under section 2953.32 of the Revised Code.

(2) The prosecutor determines that the subject of the criminal records has not paid court-ordered restitution to the

victim.

(3) The prosecutor has a reasonable belief, grounded in supporting facts, that the subject of the criminal record is continuing to engage in criminal activity, whether or not the individual has been charged with an offense, and whether or not the activity in question takes place within or outside of the state.

(4) The subject of the criminal records is the defendant in a pending criminal case.

(5) The interests of the government in maintaining the criminal records outweigh the interests of the individual who is the subject of the records in having those records sealed.

(C) If, ninety days after a record has been identified on a list provided to the court and prosecutor under division (A) of this section, the court has not received an objection to the sealing of the record from the prosecutor, the court with jurisdiction over the record shall determine whether the interests of the subject of the records in having the records pertaining to the case sealed are outweighed by any legitimate governmental needs to maintain such records. If the court does not determine that a legitimate governmental need to maintain the records outweighs the interests of the subject of the records in having the records pertaining to the case sealed, the court shall order all official records that pertain to the conviction sealed and, except as provided in section 2953.34 of the Revised Code, shall order all index references to the case that pertain to the conviction deleted.

(D) If, within ninety days after a record has been identified on a list provided to the court and prosecutor under

division (A) of this section, the prosecutor objects to the sealing of a record identified in the list, in accordance with division (B) of this section, that record shall not be sealed under this section.

(E) At least once each calendar year, beginning the year that is three years after the effective date of this section, the bureau shall submit a report to the general assembly identifying every case for which a record included on a list for sealing under division (A) of this section was not sealed because of an objection by the prosecutor under division (B) of this section. The report shall identify the records not sealed under this section by the county with jurisdiction over the matter and by the objection raised for each record that was not sealed.

(F) The attorney general may adopt rules, in accordance with Chapter 119. of the Revised Code, governing the procedures to be followed by the superintendent of the bureau of criminal identification and investigation in carrying out the superintendent's duties under this section.

(G) For purposes of identifying records that are eligible for state-initiated sealing under this section, the bureau of criminal identification and investigation shall consider an offender's final discharge to be the point at which all nonmonetary sanctions imposed on the offender have been completed.

(H) Nothing in this section shall be construed to do either of the following:

(1) Prohibit an individual from applying for sealing or expungement of records under section 2953.32 of the Revised

Code;

(2) Create an individual cause of action for the bureau of criminal identification and investigation failing to identify records that are eligible for sealing under division (C) of this section.

Sec. 2953.323. To the extent practicable, the bureau of criminal identification and investigation, prosecutors, and courts shall use or adapt existing technology and interagency information sharing services to comply with the requirements of section 2953.322 of the Revised Code, including the Ohio law enforcement gateway established under section 109.57 of the Revised Code and the Ohio courts network.

Sec. 2953.34. (A) Inspection of the sealed records included in a sealing 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 or a legal representative of that person, 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, division (I) of section 2953.34 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.

(B) 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 or expungement previously was issued pursuant to sections 2953.31 to 2953.34 of the Revised Code.

(C) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to section 2953.32 or 2953.322 of the Revised Code 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 (A), (B), and (D) of this section.

(D) Notwithstanding any provision of this section ~~or~~ , section 2953.32, or section 2953.322 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 or expunge the record. An order issued under section 2953.32 or 2953.322 of the Revised Code to seal or expunge the record of a conviction does not revoke the adjudication order of the director of education and workforce to permanently exclude the individual who is the subject of the sealing or expungement order. An order issued under section 2953.32 or 2953.322 of the Revised Code to seal or expunge 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 or expungement 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 or expunged conviction records of an individual that were the basis of a permanent exclusion of the individual is subject to division (J) of this section.

(E) Notwithstanding any provision of this section ~~or~~, section 2953.32, or section 2953.322 of the Revised Code that requires otherwise, if the auditor of state or a prosecutor maintains records, reports, or audits of an individual who has been forever disqualified from holding public office, employment, or a position of trust in this state under sections 2921.41 and 2921.43 of the Revised Code, or has otherwise been convicted of an offense based upon the records, reports, or audits of the auditor of state, the auditor of state or prosecutor is permitted to maintain those records to the extent they were used as the basis for the individual's disqualification or conviction, and shall not be compelled by court order to seal or expunge those records.

(F) For purposes of sections 2953.31 and 2953.34 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 or expunged 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.

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

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

(2) The sealing of a record under section 2953.32 or 2953.322 of the Revised Code 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.

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

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

(3) An order to seal or expunge official records issued pursuant to section 2953.33 of the Revised Code applies to every public office or agency that has a record of the case that is the subject of the order, regardless of whether it receives notice of the hearing on the application for the order to seal or expunge the official records or receives a copy of the order to seal the official records pursuant to division (H)(1) or (2) of this section.

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

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

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

(b) To 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;

(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 or division (C) of section 2953.322 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.

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

(J)(1) Except as authorized by divisions (A) to (C) of this section or by Chapter 2950. of the Revised Code and subject to ~~division~~divisions (J)(2) and (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 section 2953.32 of the Revised Code, division (E) of section 2151.358, section 2953.35, or section 2953.36 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.

(2) Division (J)(1) 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 system matter were not sealed or expunged by any order of a type described in division (J)(1) of this section.

(c) The law enforcement or justice system matter covered by the information or data from the sealed or expunged records and the other law enforcement or justice system 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 system 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.

(3) Division (J)(1) 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 the records are released or disseminated or access is provided pursuant to an application by the person who is the subject of the information or data or by a legal representative of that person.

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

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

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

(b) Every law enforcement agency that possesses records or reports pertaining to the case that are its specific investigatory work product and that are excepted from the definition of official records, or that are the specific investigatory work product of a law enforcement officer it employs and that were delivered to it under division (K)(1)(a) of this section shall, except as provided in division (K)(1)(c) or (d) of this section, close the records and reports to all persons who are not directly employed by the law enforcement

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

(c) A law enforcement agency that possesses records or reports pertaining to the case that are its specific investigatory work product and that are excepted from the definition of official records, or that are the specific investigatory work product of a law enforcement officer it employs and that were delivered to it under division (K)(1)(a) of this section may permit another law enforcement agency to use the records or reports 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 provides the records and reports 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.

No law enforcement agency, or person employed by a law enforcement agency, that receives from another law enforcement agency records or reports pertaining to a case the records of which have been ordered sealed or expunged pursuant to division

(B) of section 2953.33 of the Revised Code shall use the records and reports for any purpose other than the investigation of the offense for which they were obtained from the other law enforcement agency, or disclose the name of the person who is the subject of the records or reports except when necessary for the conduct of the investigation of the offense, or the prosecution of the person for committing the offense, for which they were obtained from the other law enforcement agency.

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

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

(L)(1) In any application for employment, license, or any other right or privilege, any appearance as a witness, or any other inquiry, a person may not be questioned with respect to any record that has been sealed or expunged pursuant to section 2953.33 of the Revised Code. If an inquiry is made in violation of this division, the person whose official record was sealed may respond as if the arrest underlying the case to which the sealed official records pertain and all other proceedings in that case did not occur, and the person whose official record

was sealed shall not be subject to any adverse action because of the arrest, the proceedings, or the person's response.

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

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

(M) It is not a violation of division (I), (J), (K), or (L) 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.

(N)(1) An order issued under section 2953.35 of the

Revised Code to expunge the record of a person's conviction or, except as provided in division (D) of this section, an order issued under that section 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.

(2)(a) 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 (B) of this section and in section 3319.292 of the Revised Code and subject to division (N)(2)(c) 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.

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

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

(O) Nothing in section 2953.32~~ or~~, 2953.322, 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.

Section 2. That existing sections 2953.32 and 2953.34 of the Revised Code are hereby repealed.

Section 3. The General Assembly, in enacting this act, encourages the Supreme Court to do both of the following:

(A) Review the Rules of Superintendence for the Courts of Ohio and to update the Rules to facilitate state-initiated sealing under section 2953.322 of the Revised Code.

(B) Create a form for courts to use when taking objections to state-initiated sealing under section 2953.322 of the Revised Code that specifies the objection the prosecutor is raising to prevent a record from being sealed under that section so that the reasons for objection may be tracked and aggregated.

Section 4. This act shall be known as the Grow Act.