

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 1
sections 2953.322 and 2953.323 of the Revised 2
Code to enact the Grow Act to allow for the 3
expedited sealing of certain criminal records. 4

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

Section 1. That sections 2953.32 and 2953.34 be amended 5
and sections 2953.322 and 2953.323 of the Revised Code be 6
enacted to read as follows: 7

Sec. 2953.32. (A) (1) Sections 2953.32 to 2953.34 of the 8
Revised Code do not apply to any of the following: 9

(a) Convictions under Chapter 4506., 4507., 4510., 4511., 10
or 4549. of the Revised Code, or a conviction for a violation of 11
a municipal ordinance that is substantially similar to any 12
section contained in any of those chapters; 13

(b) Convictions of a felony offense of violence that is 14
not a sexually oriented offense; 15

(c) Convictions of a sexually oriented offense when the 16
offender is subject to the requirements of Chapter 2950. of the 17
Revised Code or Chapter 2950. of the Revised Code as it existed 18
prior to January 1, 2008; 19

(d) Convictions of an offense in circumstances in which 20
the victim of the offense was less than thirteen years of age, 21
except for convictions under section 2919.21 of the Revised 22
Code; 23

(e) Convictions of a felony of the first or second degree; 24

(f) Except as provided in division (A) (2) of this section, 25
convictions for a violation of section 2919.25 or 2919.27 of the 26
Revised Code or a conviction for a violation of a municipal 27
ordinance that is substantially similar to either section; 28

(g) Convictions of a felony of the third degree if the 29
offender has more than one other conviction of any felony or, if 30
the person has exactly two convictions of a felony of the third 31
degree, has more convictions in total than those two third 32
degree felony convictions and two misdemeanor convictions. 33

(2) Sections 2953.32 to 2953.34 of the Revised Code apply 34
to a conviction for a violation of section 2919.25 of the 35
Revised Code that is a misdemeanor of the fourth degree for 36
purposes of sealing, but not for purposes of expungement of the 37
record of the case. 38

(B) (1) Except as provided in section 2953.61 of the 39
Revised Code or as otherwise provided in division (B) (1) (a) (iii) 40
of this section, an eligible offender may apply to the 41
sentencing court if convicted in this state, or to a court of 42
common pleas if convicted in another state or in a federal 43
court, for the sealing or expungement of the record of the case 44
that pertains to the conviction, except for convictions listed 45
in division (A) (1) of this section. Application may be made at 46
whichever of the following times is applicable regarding the 47
offense: 48

(a) An application for sealing under this section may be 49
made at whichever of the following times is applicable regarding 50
the offense: 51

(i) Except as otherwise provided in division (B) (1) (a) (iv) 52
of this section, at the expiration of three years after the 53
offender's final discharge if convicted of one or two felonies 54
of the third degree, so long as none of the offenses is a 55
violation of section 2921.43 of the Revised Code; 56

(ii) Except as otherwise provided in division (B) (1) (a) 57
(iv) of this section, at the expiration of one year after the 58
offender's final discharge if convicted of one or more felonies 59
of the fourth or fifth degree or one or more misdemeanors, so 60
long as none of the offenses is a violation of section 2921.43 61
of the Revised Code or a felony offense of violence; 62

(iii) At the expiration of seven years after the 63
offender's final discharge if the record includes one or more 64
convictions of soliciting improper compensation in violation of 65
section 2921.43 of the Revised Code; 66

(iv) If the offender was subject to the requirements of 67
Chapter 2950. of the Revised Code or Chapter 2950. of the 68
Revised Code as it existed prior to January 1, 2008, at the 69
expiration of five years after the requirements have ended under 70
section 2950.07 of the Revised Code or section 2950.07 of the 71
Revised Code as it existed prior to January 1, 2008, or are 72
terminated under section 2950.15 or 2950.151 of the Revised 73
Code; 74

(v) At the expiration of six months after the offender's 75
final discharge if convicted of a minor misdemeanor. 76

(b) An application for expungement under this section may 77

be made at whichever of the following times is applicable	78
regarding the offense:	79
(i) Except as otherwise provided in division (B) (1) (b) (ii)	80
of this section, if the offense is a misdemeanor, at the	81
expiration of one year after the offender's final discharge;	82
(ii) If the offense is a minor misdemeanor, at the	83
expiration of six months after the offender's final discharge;	84
(iii) If the offense is a felony, at the expiration of ten	85
years after the time specified in division (B) (1) (a) of this	86
section at which the person may file an application for sealing	87
with respect to that felony offense.	88
(2) Any person who has been arrested for any misdemeanor	89
offense and who has effected a bail forfeiture for the offense	90
charged may apply to the court in which the misdemeanor criminal	91
case was pending when bail was forfeited for the sealing or	92
expungement of the record of the case that pertains to the	93
charge. Except as provided in section 2953.61 of the Revised	94
Code, the application may be filed at whichever of the following	95
times is applicable regarding the offense:	96
(a) An application for sealing under this section may be	97
made at any time after the date on which the bail forfeiture was	98
entered upon the minutes of the court or the journal, whichever	99
entry occurs first.	100
(b) An application for expungement under this section may	101
be made at whichever of the following times is applicable	102
regarding the offense:	103
(i) Except as provided in division (B) (2) (b) (ii) of this	104
section, at any time after the expiration of one year from the	105
date on which the bail forfeiture was entered upon the minutes	106

of the court or the journal, whichever entry occurs first; 107

(ii) If the offense is a minor misdemeanor, at any time 108
after the expiration of six months from the date on which the 109
bail forfeiture was entered upon the minutes of the court or the 110
journal, whichever entry occurs first. 111

(C) Upon the filing of an application under this section, 112
the court shall set a date for a hearing and shall notify the 113
prosecutor for the case of the hearing on the application not 114
less than sixty days prior to the hearing. Pursuant to the Ohio 115
Constitution, the prosecutor shall provide timely notice of the 116
application and the date and time of the hearing to a victim and 117
victim's representative, if applicable, if the victim or 118
victim's representative requested notice of the proceedings in 119
the underlying case. The court shall hold the hearing not less 120
than forty-five days and not more than ninety days from the date 121
of the filing of the application. The prosecutor may object to 122
the granting of the application by filing a written objection 123
with the court not later than thirty days prior to the date set 124
for the hearing. The prosecutor shall specify in the objection 125
the reasons for believing a denial of the application is 126
justified. The victim, victim's representative, and victim's 127
attorney, if applicable, may be present and heard orally, in 128
writing, or both at any hearing under this section. The court 129
shall direct its regular probation officer, a state probation 130
officer, or the department of probation of the county in which 131
the applicant resides to make inquiries and written reports as 132
the court requires concerning the applicant. The probation 133
officer or county department of probation that the court directs 134
to make inquiries and written reports as the court requires 135
concerning the applicant shall determine whether or not the 136
applicant was fingerprinted at the time of arrest or under 137

section 109.60 of the Revised Code. If the applicant was so 138
fingerprinted, the probation officer or county department of 139
probation shall include with the written report a record of the 140
applicant's fingerprints. If the applicant was convicted of or 141
pleaded guilty to a violation of division (A) (2) or (B) of 142
section 2919.21 of the Revised Code, the probation officer or 143
county department of probation that the court directed to make 144
inquiries concerning the applicant shall contact the child 145
support enforcement agency enforcing the applicant's obligations 146
under the child support order to inquire about the offender's 147
compliance with the child support order. 148

(D) (1) At the hearing held under division (C) of this 149
section, the court shall do each of the following: 150

(a) Determine whether the applicant is pursuing sealing or 151
expunging a conviction of an offense that is prohibited under 152
division (A) of this section or whether the forfeiture of bail 153
was agreed to by the applicant and the prosecutor in the case, 154
and determine whether the application was made at the time 155
specified in division (B) (1) (a) or (b) or division (B) (2) (a) or 156
(b) of this section that is applicable with respect to the 157
application and the subject offense; 158

(b) Determine whether criminal proceedings are pending 159
against the applicant; 160

(c) Determine whether the applicant has been rehabilitated 161
to the satisfaction of the court; 162

(d) If the prosecutor has filed an objection in accordance 163
with division (C) of this section, consider the reasons against 164
granting the application specified by the prosecutor in the 165
objection; 166

(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 195
the application and the subject offense, that no criminal 196
proceeding is pending against the applicant, that the interests 197
of the applicant in having the records pertaining to the 198
applicant's conviction or bail forfeiture sealed or expunged are 199
not outweighed by any legitimate governmental needs to maintain 200
those records, and that the rehabilitation of the applicant has 201
been attained to the satisfaction of the court, both of the 202
following apply: 203

(a) The court, except as provided in division (D) (4) or 204
(5) of this section or division (D), (F), or (G) of section 205
2953.34 of the Revised Code, shall order all official records of 206
the case that pertain to the conviction or bail forfeiture 207
sealed if the application was for sealing or expunged if the 208
application was for expungement and, except as provided in 209
division (C) of section 2953.34 of the Revised Code, all index 210
references to the case that pertain to the conviction or bail 211
forfeiture deleted and, in the case of bail forfeitures, shall 212
dismiss the charges in the case. 213

(b) The proceedings in the case that pertain to the 214
conviction or bail forfeiture shall be considered not to have 215
occurred and the conviction or bail forfeiture of the person who 216
is the subject of the proceedings shall be sealed if the 217
application was for sealing or expunged if the application was 218
for expungement, except that upon conviction of a subsequent 219
offense, a sealed record of prior conviction or bail forfeiture 220
may be considered by the court in determining the sentence or 221
other appropriate disposition, including the relief provided for 222
in sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 223

(3) An applicant may request the sealing or expungement of 224

the records of more than one case in a single application under 225
this section. Upon the filing of an application under this 226
section, the applicant, unless the applicant presents a poverty 227
affidavit showing that the applicant is indigent, shall pay an 228
application fee of fifty dollars and may pay a local court fee 229
of not more than fifty dollars, regardless of the number of 230
records the application requests to have sealed or expunged. If 231
the applicant pays a fee, the court shall pay three-fifths of 232
the fee collected into the state treasury, with half of that 233
amount credited to the attorney general reimbursement fund 234
created by section 109.11 of the Revised Code. If the applicant 235
pays a fee, the court shall pay two-fifths of the fee collected 236
into the county general revenue fund if the sealed or expunged 237
conviction or bail forfeiture was pursuant to a state statute, 238
or into the general revenue fund of the municipal corporation 239
involved if the sealed or expunged conviction or bail forfeiture 240
was pursuant to a municipal ordinance. 241

(4) If the court orders the official records pertaining to 242
the case sealed or expunged, the court shall do one of the 243
following: 244

(a) If the applicant was fingerprinted at the time of 245
arrest or under section 109.60 of the Revised Code and the 246
record of the applicant's fingerprints was provided to the court 247
under division (C) of this section, forward a copy of the 248
sealing or expungement order and the record of the applicant's 249
fingerprints to the bureau of criminal identification and 250
investigation. 251

(b) If the applicant was not fingerprinted at the time of 252
arrest or under section 109.60 of the Revised Code, or the 253
record of the applicant's fingerprints was not provided to the 254

court under division (C) of this section, but fingerprinting was 255
required for the offense, order the applicant to appear before a 256
sheriff to have the applicant's fingerprints taken according to 257
the fingerprint system of identification on the forms furnished 258
by the superintendent of the bureau of criminal identification 259
and investigation. The sheriff shall forward the applicant's 260
fingerprints to the court. The court shall forward the 261
applicant's fingerprints and a copy of the sealing or 262
expungement order to the bureau of criminal identification and 263
investigation. 264

Failure of the court to order fingerprints at the time of 265
sealing or expungement does not constitute a reversible error. 266

(5) Notwithstanding any other provision of the Revised 267
Code to the contrary, when the bureau of criminal identification 268
and investigation receives notice from a court that the record 269
of a conviction or bail forfeiture has been expunged under this 270
section, the bureau of criminal identification and investigation 271
shall maintain a record of the expunged conviction record for 272
the limited purpose of determining an individual's qualification 273
or disqualification for employment in law enforcement. The 274
bureau of criminal identification and investigation shall not be 275
compelled by the court to destroy, delete, or erase those 276
records so that the records are permanently irretrievable. These 277
records may only be disclosed or provided to law enforcement for 278
the limited purpose of determining an individual's qualification 279
or disqualification for employment in law enforcement. 280

When any other entity other than the bureau of criminal 281
identification and investigation receives notice from a court 282
that the record of a conviction or bail forfeiture has been 283
expunged under this section, the entity shall destroy, delete, 284

and erase the record as appropriate for the record's physical or 285
electronic form or characteristic so that the record is 286
permanently irretrievable. 287

(6) In a civil action or administrative proceeding 288
alleging negligence or other fault, no case that has been sealed 289
or expunged shall be considered as evidence against an employer 290
for negligent hiring or negligent supervision, and the sealing 291
or expungement provides immunity for the employer to the extent 292
that a sealed or expunged record is the basis of a claim against 293
the employer for negligent hiring or negligent supervision. 294

Sec. 2953.322. (A) At least once every calendar month, 295
beginning three years after the effective date of this section, 296
the bureau of criminal identification and investigation shall, 297
for purposes of state-initiated sealing under this section, 298
identify records that, except as provided in division (G) of 299
this section, are eligible for sealing under sections 2953.32 to 300
2953.521 of the Revised Code. The bureau shall provide to each 301
prosecuting attorney and each court a list of those cases over 302
which the prosecutor or court has jurisdiction. The prosecutor 303
in each case shall provide timely notice of state-initiated 304
sealing to any victim of an offense identified by the bureau. 305

(B) A prosecutor may object to the sealing of a record 306
identified in division (A) of this section for any of the 307
following reasons: 308

(1) After reviewing the records of the case, the 309
prosecutor determines that the records are not eligible for 310
sealing under section 2953.32 of the Revised Code. 311

(2) The prosecutor determines that the subject of the 312
criminal records has not paid court-ordered restitution to the 313

victim. 314

(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. 315
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(4) The subject of the criminal records is the defendant in a pending criminal case. 321
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(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. 323
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(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. 326
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(D) If, within ninety days after a record has been identified on a list provided to the court and prosecutor under 341
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division (A) of this section, the prosecutor objects to the 343
sealing of a record identified in the list, in accordance with 344
division (B) of this section, that record shall not be sealed 345
under this section. 346

(E) At least once each calendar year, beginning the year 347
that is three years after the effective date of this section, 348
the bureau shall submit a report to the general assembly 349
identifying every case for which a record included on a list for 350
sealing under division (A) of this section was not sealed 351
because of an objection by the prosecutor under division (B) of 352
this section. The report shall identify the records not sealed 353
under this section by the county with jurisdiction over the 354
matter and by the objection raised for each record that was not 355
sealed. 356

(F) The attorney general may adopt rules, in accordance 357
with Chapter 119. of the Revised Code, governing the procedures 358
to be followed by the superintendent of the bureau of criminal 359
identification and investigation in carrying out the 360
superintendent's duties under this section. 361

(G) For purposes of identifying records that are eligible 362
for state-initiated sealing under this section, the bureau of 363
criminal identification and investigation shall consider an 364
offender's final discharge to be the point at which all 365
nonmonetary sanctions imposed on the offender have been 366
completed. 367

(H) Nothing in this section shall be construed to do 368
either of the following: 369

(1) Prohibit an individual from applying for sealing or 370
expungement of records under section 2953.32 of the Revised 371

<u>Code;</u>	372
<u>(2) Create an individual cause of action for the bureau of</u>	373
<u>criminal identification and investigation failing to identify</u>	374
<u>records that are eligible for sealing under division (C) of this</u>	375
<u>section.</u>	376
<u>Sec. 2953.323. To the extent practicable, the bureau of</u>	377
<u>criminal identification and investigation, prosecutors, and</u>	378
<u>courts shall use or adapt existing technology and interagency</u>	379
<u>information sharing services to comply with the requirements of</u>	380
<u>section 2953.322 of the Revised Code, including the Ohio law</u>	381
<u>enforcement gateway established under section 109.57 of the</u>	382
<u>Revised Code and the Ohio courts network.</u>	383
Sec. 2953.34. (A) Inspection of the sealed records	384
included in a sealing order may be made only by the following	385
persons or for the following purposes:	386
(1) By a law enforcement officer or prosecutor, or the	387
assistants of either, to determine whether the nature and	388
character of the offense with which a person is to be charged	389
would be affected by virtue of the person's previously having	390
been convicted of a crime;	391
(2) By the parole or probation officer of the person who	392
is the subject of the records, for the exclusive use of the	393
officer in supervising the person while on parole or under a	394
community control sanction or a post-release control sanction,	395
and in making inquiries and written reports as requested by the	396
court or adult parole authority;	397
(3) Upon application by the person who is the subject of	398
the records or a legal representative of that person, by the	399
persons named in the application;	400

(4) By a law enforcement officer who was involved in the 401
case, for use in the officer's defense of a civil action arising 402
out of the officer's involvement in that case; 403

(5) By a prosecuting attorney or the prosecuting 404
attorney's assistants, to determine a defendant's eligibility to 405
enter a pre-trial diversion program established pursuant to 406
section 2935.36 of the Revised Code; 407

(6) By any law enforcement agency or any authorized 408
employee of a law enforcement agency or by the department of 409
rehabilitation and correction or department of youth services as 410
part of a background investigation of a person who applies for 411
employment with the agency or with the department; 412

(7) By any law enforcement agency or any authorized 413
employee of a law enforcement agency, for the purposes set forth 414
in, and in the manner provided in, division (I) of section 415
2953.34 of the Revised Code; 416

(8) By the bureau of criminal identification and 417
investigation or any authorized employee of the bureau for the 418
purpose of providing information to a board or person pursuant 419
to division (F) or (G) of section 109.57 of the Revised Code; 420

(9) By the bureau of criminal identification and 421
investigation or any authorized employee of the bureau for the 422
purpose of performing a criminal history records check on a 423
person to whom a certificate as prescribed in section 109.77 of 424
the Revised Code is to be awarded; 425

(10) By the bureau of criminal identification and 426
investigation or any authorized employee of the bureau for the 427
purpose of conducting a criminal records check of an individual 428
pursuant to division (B) of section 109.572 of the Revised Code 429

that was requested pursuant to any of the sections identified in 430
division (B) (1) of that section; 431

(11) By the bureau of criminal identification and 432
investigation, an authorized employee of the bureau, a sheriff, 433
or an authorized employee of a sheriff in connection with a 434
criminal records check described in section 311.41 of the 435
Revised Code; 436

(12) By the attorney general or an authorized employee of 437
the attorney general or a court for purposes of determining a 438
person's classification pursuant to Chapter 2950. of the Revised 439
Code; 440

(13) By a court, the registrar of motor vehicles, a 441
prosecuting attorney or the prosecuting attorney's assistants, 442
or a law enforcement officer for the purpose of assessing points 443
against a person under section 4510.036 of the Revised Code or 444
for taking action with regard to points assessed. 445

When the nature and character of the offense with which a 446
person is to be charged would be affected by the information, it 447
may be used for the purpose of charging the person with an 448
offense. 449

(B) In any criminal proceeding, proof of any otherwise 450
admissible prior conviction may be introduced and proved, 451
notwithstanding the fact that for any such prior conviction an 452
order of sealing or expungement previously was issued pursuant 453
to sections 2953.31 to 2953.34 of the Revised Code. 454

(C) The person or governmental agency, office, or 455
department that maintains sealed records pertaining to 456
convictions or bail forfeitures that have been sealed pursuant 457
to section 2953.32 or 2953.322 of the Revised Code may maintain 458

a manual or computerized index to the sealed records. The index 459
shall contain only the name of, and alphanumeric identifiers 460
that relate to, the persons who are the subject of the sealed 461
records, the word "sealed," and the name of the person, agency, 462
office, or department that has custody of the sealed records, 463
and shall not contain the name of the crime committed. The index 464
shall be made available by the person who has custody of the 465
sealed records only for the purposes set forth in divisions (A), 466
(B), and (D) of this section. 467

(D) Notwithstanding any provision of this section ~~or~~, 468
section 2953.32, or section 2953.322 of the Revised Code that 469
requires otherwise, a board of education of a city, local, 470
exempted village, or joint vocational school district that 471
maintains records of an individual who has been permanently 472
excluded under sections 3301.121 and 3313.662 of the Revised 473
Code is permitted to maintain records regarding a conviction 474
that was used as the basis for the individual's permanent 475
exclusion, regardless of a court order to seal or expunge the 476
record. An order issued under section 2953.32 or 2953.322 of the 477
Revised Code to seal or expunge the record of a conviction does 478
not revoke the adjudication order of the director of education 479
and workforce to permanently exclude the individual who is the 480
subject of the sealing or expungement order. An order issued 481
under section 2953.32 or 2953.322 of the Revised Code to seal or 482
expunge the record of a conviction of an individual may be 483
presented to a district superintendent as evidence to support 484
the contention that the superintendent should recommend that the 485
permanent exclusion of the individual who is the subject of the 486
sealing or expungement order be revoked. Except as otherwise 487
authorized by this division and sections 3301.121 and 3313.662 488
of the Revised Code, any school employee in possession of or 489

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, 520
whether or not it is an official record, that is the subject of 521
the order. 522

(2) The sealing of a record under section 2953.32 or 523
2953.322 of the Revised Code does not affect the assessment of 524
points under section 4510.036 of the Revised Code and does not 525
erase points assessed against a person as a result of the sealed 526
record. 527

(H) (1) The court shall send notice of any order to seal or 528
expunge official records issued pursuant to division (B) (3) of 529
section 2953.33 of the Revised Code to the bureau of criminal 530
identification and investigation and shall send notice of any 531
order issued pursuant to division (B) (4) of that section to any 532
public office or agency that the court knows or has reason to 533
believe may have any record of the case, whether or not it is an 534
official record, that is the subject of the order. 535

(2) A person whose official records have been sealed or 536
expunged pursuant to an order issued pursuant to section 2953.33 537
of the Revised Code may present a copy of that order and a 538
written request to comply with it, to a public office or agency 539
that has a record of the case that is the subject of the order. 540

(3) An order to seal or expunge official records issued 541
pursuant to section 2953.33 of the Revised Code applies to every 542
public office or agency that has a record of the case that is 543
the subject of the order, regardless of whether it receives 544
notice of the hearing on the application for the order to seal 545
or expunge the official records or receives a copy of the order 546
to seal the official records pursuant to division (H) (1) or (2) 547
of this section. 548

(4) Upon receiving a copy of an order to seal or expunge 549
official records pursuant to division (H) (1) or (2) of this 550
section or upon otherwise becoming aware of an applicable order 551
to seal or expunge official records issued pursuant to section 552
2953.33 of the Revised Code, a public office or agency shall 553
comply with the order and, if applicable, with division (K) of 554
this section, except that if the order is a sealing order, the 555
office or agency may maintain a record of the case that is the 556
subject of the order if the record is maintained for the purpose 557
of compiling statistical data only and does not contain any 558
reference to the person who is the subject of the case and the 559
order. 560

(5) A public office or agency to which division (H) (4) of 561
this section applies also may maintain an index of sealed 562
official records that are the subject of a sealing order, in a 563
form similar to that for sealed records of conviction as set 564
forth in division (C) of this section, access to which may not 565
be afforded to any person other than the person who has custody 566
of the sealed official records. The sealed official records to 567
which such an index pertains shall not be available to any 568
person, except that the official records of a case that have 569
been sealed may be made available to the following persons for 570
the following purposes: 571

(a) To the person who is the subject of the records upon 572
written application, and to any other person named in the 573
application, for any purpose; 574

(b) To a law enforcement officer who was involved in the 575
case, for use in the officer's defense of a civil action arising 576
out of the officer's involvement in that case; 577

(c) To a prosecuting attorney or the prosecuting 578

attorney's assistants to determine a defendant's eligibility to 579
enter a pre-trial diversion program established pursuant to 580
section 2935.36 of the Revised Code; 581

(d) To a prosecuting attorney or the prosecuting 582
attorney's assistants to determine a defendant's eligibility to 583
enter a pre-trial diversion program under division (E) (2) (b) of 584
section 4301.69 of the Revised Code. 585

(I) (1) Upon the issuance of an order by a court pursuant 586
to division (D) (2) of section 2953.32 or division (C) of section 587
2953.322 of the Revised Code directing that all official records 588
of a case pertaining to a conviction or bail forfeiture be 589
sealed or expunged or an order by a court pursuant to division 590
(E) of section 2151.358, division (C) (2) of section 2953.35, or 591
division (E) of section 2953.36 of the Revised Code directing 592
that all official records of a case pertaining to a conviction 593
or delinquent child adjudication be expunged: 594

(a) Every law enforcement officer who possesses 595
investigatory work product immediately shall deliver that work 596
product to the law enforcement officer's employing law 597
enforcement agency. 598

(b) Except as provided in divisions (I) (1) (c) and (d) of 599
this section, every law enforcement agency that possesses 600
investigatory work product shall close that work product to all 601
persons who are not directly employed by the law enforcement 602
agency and shall treat that work product, in relation to all 603
persons other than those who are directly employed by the law 604
enforcement agency, as if it did not exist and never had 605
existed. 606

(c) A law enforcement agency that possesses investigatory 607

work product may permit another law enforcement agency to use 608
that work product in the investigation of another offense if the 609
facts incident to the offense being investigated by the other 610
law enforcement agency and the facts incident to an offense that 611
is the subject of the case are reasonably similar. The agency 612
that permits the use of investigatory work product may provide 613
the other agency with the name of the person who is the subject 614
of the case if it believes that the name of the person is 615
necessary to the conduct of the investigation by the other 616
agency. 617

(d) The auditor of state may provide to or discuss with 618
other parties investigatory work product maintained pursuant to 619
Chapter 117. of the Revised Code by the auditor of state. 620

(2) (a) Except as provided in divisions (I) (1) (c) and (d) 621
of this section, no law enforcement officer or other person 622
employed by a law enforcement agency shall knowingly release, 623
disseminate, or otherwise make the investigatory work product or 624
any information contained in that work product available to, or 625
discuss any information contained in it with, any person not 626
employed by the employing law enforcement agency. 627

(b) No law enforcement agency, or person employed by a law 628
enforcement agency, that receives investigatory work product 629
pursuant to divisions (I) (1) (c) and (d) of this section shall 630
use that work product for any purpose other than the 631
investigation of the offense for which it was obtained from the 632
other law enforcement agency, or disclose the name of the person 633
who is the subject of the work product except when necessary for 634
the conduct of the investigation of the offense, or the 635
prosecution of the person for committing the offense, for which 636
it was obtained from the other law enforcement agency. 637

(3) Whoever violates division (I) (2) (a) or (b) of this 638
section is guilty of divulging confidential investigatory work 639
product, a misdemeanor of the fourth degree. 640

(J) (1) Except as authorized by divisions (A) to (C) of 641
this section or by Chapter 2950. of the Revised Code and subject 642
to ~~division~~divisions (J) (2) and (3) of this section, any officer 643
or employee of the state, or a political subdivision of the 644
state, who releases or otherwise disseminates or makes available 645
for any purpose involving employment, bonding, or licensing in 646
connection with any business, trade, or profession to any 647
person, or to any department, agency, or other instrumentality 648
of the state, or any political subdivision of the state, any 649
information or other data concerning any law enforcement or 650
justice system matter the records with respect to which the 651
officer or employee had knowledge of were sealed by an existing 652
order issued pursuant to section 2953.32 of the Revised Code, 653
division (E) of section 2151.358, section 2953.35, or section 654
2953.36 of the Revised Code, or were expunged by an order issued 655
pursuant to section 2953.42 of the Revised Code as it existed 656
prior to June 29, 1988, is guilty of divulging confidential 657
information, a misdemeanor of the fourth degree. 658

(2) Division (J) (1) of this section does not apply to an 659
officer or employee of the state, or a political subdivision of 660
the state, who releases or otherwise disseminates or makes 661
available for any purpose specified in that division any 662
information or other data concerning a law enforcement or 663
justice system matter the records of which the officer had 664
knowledge were sealed or expunged by an order of a type 665
described in that division, if all of the following apply: 666

(a) The officer or employee released, disseminated, or 667

made available the information or data from the sealed or 668
expunged records together with information or data concerning 669
another law enforcement or justice system matter. 670

(b) The records of the other law enforcement or justice 671
system matter were not sealed or expunged by any order of a type 672
described in division (J) (1) of this section. 673

(c) The law enforcement or justice system matter covered 674
by the information or data from the sealed or expunged records 675
and the other law enforcement or justice system matter covered 676
by the information or data from the records that were not sealed 677
or expunged resulted from or were connected to the same act. 678

(d) The officer or employee made a good faith effort to 679
not release, disseminate, or make available any information or 680
other data concerning any law enforcement or justice system 681
matter from the sealed or expunged records, and the officer or 682
employee did not release, disseminate, or make available the 683
information or other data from the sealed or expunged records 684
with malicious purpose, in bad faith, or in a wanton or reckless 685
manner. 686

(3) Division (J) (1) of this section does not apply to an 687
officer or employee of the state, or a political subdivision of 688
the state, who releases or otherwise disseminates or makes 689
available for any purpose specified in that division any 690
information or other data concerning a law enforcement or 691
justice system matter the records of which the officer had 692
knowledge were sealed or expunged by an order of a type 693
described in that division, if the records are released or 694
disseminated or access is provided pursuant to an application by 695
the person who is the subject of the information or data or by a 696
legal representative of that person. 697

(4) Any person who, in violation of this section, uses, 698
disseminates, or otherwise makes available any index prepared 699
pursuant to division (C) of this section is guilty of a 700
misdemeanor of the fourth degree. 701

(K) (1) Except as otherwise provided in Chapter 2950. of 702
the Revised Code, upon the issuance of an order by a court under 703
division (B) of section 2953.33 of the Revised Code directing 704
that all official records pertaining to a case be sealed or 705
expunged and that the proceedings in the case be deemed not to 706
have occurred: 707

(a) Every law enforcement officer possessing records or 708
reports pertaining to the case that are the officer's specific 709
investigatory work product and that are excepted from the 710
definition of official records shall immediately deliver the 711
records and reports to the officer's employing law enforcement 712
agency. Except as provided in division (K) (1) (c) or (d) of this 713
section, no such officer shall knowingly release, disseminate, 714
or otherwise make the records and reports or any information 715
contained in them available to, or discuss any information 716
contained in them with, any person not employed by the officer's 717
employing law enforcement agency. 718

(b) Every law enforcement agency that possesses records or 719
reports pertaining to the case that are its specific 720
investigatory work product and that are excepted from the 721
definition of official records, or that are the specific 722
investigatory work product of a law enforcement officer it 723
employs and that were delivered to it under division (K) (1) (a) 724
of this section shall, except as provided in division (K) (1) (c) 725
or (d) of this section, close the records and reports to all 726
persons who are not directly employed by the law enforcement 727

agency and shall, except as provided in division (K) (1) (c) or 728
(d) of this section, treat the records and reports, in relation 729
to all persons other than those who are directly employed by the 730
law enforcement agency, as if they did not exist and had never 731
existed. Except as provided in division (K) (1) (c) or (d) of this 732
section, no person who is employed by the law enforcement agency 733
shall knowingly release, disseminate, or otherwise make the 734
records and reports in the possession of the employing law 735
enforcement agency or any information contained in them 736
available to, or discuss any information contained in them with, 737
any person not employed by the employing law enforcement agency. 738

(c) A law enforcement agency that possesses records or 739
reports pertaining to the case that are its specific 740
investigatory work product and that are excepted from the 741
definition of official records, or that are the specific 742
investigatory work product of a law enforcement officer it 743
employs and that were delivered to it under division (K) (1) (a) 744
of this section may permit another law enforcement agency to use 745
the records or reports in the investigation of another offense, 746
if the facts incident to the offense being investigated by the 747
other law enforcement agency and the facts incident to an 748
offense that is the subject of the case are reasonably similar. 749
The agency that provides the records and reports may provide the 750
other agency with the name of the person who is the subject of 751
the case, if it believes that the name of the person is 752
necessary to the conduct of the investigation by the other 753
agency. 754

No law enforcement agency, or person employed by a law 755
enforcement agency, that receives from another law enforcement 756
agency records or reports pertaining to a case the records of 757
which have been ordered sealed or expunged pursuant to division 758

(B) of section 2953.33 of the Revised Code shall use the records 759
and reports for any purpose other than the investigation of the 760
offense for which they were obtained from the other law 761
enforcement agency, or disclose the name of the person who is 762
the subject of the records or reports except when necessary for 763
the conduct of the investigation of the offense, or the 764
prosecution of the person for committing the offense, for which 765
they were obtained from the other law enforcement agency. 766

(d) The auditor of state may provide to or discuss with 767
other parties records, reports, or audits maintained by the 768
auditor of state pursuant to Chapter 117. of the Revised Code 769
pertaining to the case that are the auditor of state's specific 770
investigatory work product and that are excepted from the 771
definition of "official records" contained in ~~division (C) of~~ 772
section 2953.31 of the Revised Code, or that are the specific 773
investigatory work product of a law enforcement officer the 774
auditor of state employs and that were delivered to the auditor 775
of state under division (K) (1) (a) of this section. 776

(2) Whoever violates division (K) (1) of this section is 777
guilty of divulging confidential information, a misdemeanor of 778
the fourth degree. 779

(L) (1) In any application for employment, license, or any 780
other right or privilege, any appearance as a witness, or any 781
other inquiry, a person may not be questioned with respect to 782
any record that has been sealed or expunged pursuant to section 783
2953.33 of the Revised Code. If an inquiry is made in violation 784
of this division, the person whose official record was sealed 785
may respond as if the arrest underlying the case to which the 786
sealed official records pertain and all other proceedings in 787
that case did not occur, and the person whose official record 788

was sealed shall not be subject to any adverse action because of 789
the arrest, the proceedings, or the person's response. 790

(2) (a) Except as provided in division (L) (2) (b) of this 791
section, an officer or employee of the state or any of its 792
political subdivisions who knowingly releases, disseminates, or 793
makes available for any purpose involving employment, bonding, 794
licensing, or education to any person or to any department, 795
agency, or other instrumentality of the state, or of any of its 796
political subdivisions, any information or other data concerning 797
any arrest, complaint, indictment, information, trial, 798
adjudication, or correctional supervision, knowing the records 799
of which have been sealed or expunged pursuant to section 800
2953.33 of the Revised Code, is guilty of divulging confidential 801
information, a misdemeanor of the fourth degree. 802

(b) Division (L) (2) (a) of this section does not apply to 803
any release, dissemination, or access to information or data if 804
the records are released or disseminated or access is provided 805
pursuant to an application by the person who is the subject of 806
the information or data or by a legal representative of that 807
person. 808

(M) It is not a violation of division (I), (J), (K), or 809
(L) of this section for the bureau of criminal identification 810
and investigation or any authorized employee of the bureau 811
participating in the investigation of criminal activity to 812
release, disseminate, or otherwise make available to, or discuss 813
with, a person directly employed by a law enforcement agency DNA 814
records collected in the DNA database or fingerprints filed for 815
record by the superintendent of the bureau of criminal 816
identification and investigation. 817

(N) (1) An order issued under section 2953.35 of the 818

Revised Code to expunge the record of a person's conviction or, 819
except as provided in division (D) of this section, an order 820
issued under that section to seal the record of a person's 821
conviction restores the person who is the subject of the order 822
to all rights and privileges not otherwise restored by 823
termination of the sentence or community control sanction or by 824
final release on parole or post-release control. 825

(2) (a) In any application for employment, license, or 826
other right or privilege, any appearance as a witness, or any 827
other inquiry, except as provided in division (B) of this 828
section and in section 3319.292 of the Revised Code and subject 829
to division (N) (2) (c) of this section, a person may be 830
questioned only with respect to convictions not sealed, bail 831
forfeitures not expunged under section 2953.42 of the Revised 832
Code as it existed prior to June 29, 1988, and bail forfeitures 833
not sealed, unless the question bears a direct and substantial 834
relationship to the position for which the person is being 835
considered. 836

(b) In any application for a certificate of qualification 837
for employment under section 2953.25 of the Revised Code, a 838
person may be questioned only with respect to convictions not 839
sealed and bail forfeitures not sealed. 840

(c) A person may not be questioned in any application, 841
appearance, or inquiry of a type described in division (N) (2) (a) 842
of this section with respect to any conviction expunged under 843
section 2953.35 of the Revised Code. 844

(O) Nothing in section 2953.32 ~~or~~, 2953.322, or 2953.34 845
of the Revised Code precludes an offender from taking an appeal 846
or seeking any relief from the offender's conviction or from 847
relying on it in lieu of any subsequent prosecution for the same 848

offense.	849
Section 2. That existing sections 2953.32 and 2953.34 of the Revised Code are hereby repealed.	850 851
Section 3. The General Assembly, in enacting this act, encourages the Supreme Court to do both of the following:	852 853
(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.	854 855 856
(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.	857 858 859 860 861
Section 4. This act shall be known as the Grow Act.	862