

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 592

Representative Ramos

Cosponsors: Representatives Sykes, West

A BILL

To amend section 2953.31 of the Revised Code to 1
permit sealing of records pertaining to multiple 2
criminal offenses that resulted from drug- 3
seeking behavior if the offender has 4
successfully completed a drug treatment program 5
and to name the act the Ohio Second Chance Act. 6

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

Section 1. That section 2953.31 of the Revised Code be 7
amended to read as follows: 8

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of 9
the Revised Code: 10

(A) "Eligible offender" means anyone who has been 11
convicted of an offense in this state or any other jurisdiction 12
and who has not more than one felony conviction, not more than 13
two misdemeanor convictions, or not more than one felony 14
conviction and one misdemeanor conviction in this state or any 15
other jurisdiction. When two or more convictions result from or 16
are connected with the same act or result from offenses 17
committed at the same time, they shall be counted as one 18

conviction. When two or three convictions result from the same 19
indictment, information, or complaint, from the same plea of 20
guilty, or from the same official proceeding, and result from 21
related criminal acts that were committed within a three-month 22
period but do not result from the same act or from offenses 23
committed at the same time, they shall be counted as one 24
conviction, provided that a court may decide as provided in 25
division (C)(1)(a) of section 2953.32 of the Revised Code that 26
it is not in the public interest for the two or three 27
convictions to be counted as one conviction. If a judge 28
determines that two or more offenses result from drug-seeking 29
behavior but do not result from the same act or offenses 30
committed at the same time, they shall be counted as one 31
conviction, provided that the person has completed a drug 32
treatment program, if previously ordered, and has not tested 33
positive for drugs in the past year. 34

For purposes of, and except as otherwise provided in, this 35
division, a conviction for a minor misdemeanor, for a violation 36
of any section in Chapter 4507., 4510., 4511., 4513., or 4549. 37
of the Revised Code, or for a violation of a municipal ordinance 38
that is substantially similar to any section in those chapters 39
is not a conviction. However, a conviction for a violation of 40
section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, 41
or 4549.62 or sections 4549.41 to 4549.46 of the Revised Code, 42
for a violation of section 4510.11 or 4510.14 of the Revised 43
Code that is based upon the offender's operation of a vehicle 44
during a suspension imposed under section 4511.191 or 4511.196 45
of the Revised Code, for a violation of a substantially 46
equivalent municipal ordinance, for a felony violation of Title 47
XLV of the Revised Code, or for a violation of a substantially 48
equivalent former law of this state or former municipal 49

ordinance shall be considered a conviction. 50

(B) "Prosecutor" means the county prosecuting attorney, 51
city director of law, village solicitor, or similar chief legal 52
officer, who has the authority to prosecute a criminal case in 53
the court in which the case is filed. 54

(C) "Bail forfeiture" means the forfeiture of bail by a 55
defendant who is arrested for the commission of a misdemeanor, 56
other than a defendant in a traffic case as defined in Traffic 57
Rule 2, if the forfeiture is pursuant to an agreement with the 58
court and prosecutor in the case. 59

(D) "Official records" has the same meaning as in division 60
(D) of section 2953.51 of the Revised Code. 61

(E) "Official proceeding" has the same meaning as in 62
section 2921.01 of the Revised Code. 63

(F) "Community control sanction" has the same meaning as 64
in section 2929.01 of the Revised Code. 65

(G) "Post-release control" and "post-release control 66
sanction" have the same meanings as in section 2967.01 of the 67
Revised Code. 68

(H) "DNA database," "DNA record," and "law enforcement 69
agency" have the same meanings as in section 109.573 of the 70
Revised Code. 71

(I) "Fingerprints filed for record" means any fingerprints 72
obtained by the superintendent of the bureau of criminal 73
identification and investigation pursuant to sections 109.57 and 74
109.571 of the Revised Code. 75

(J) "Drug-seeking behavior" means conduct motivated by 76
chemical dependency and the person's intent to obtain either of 77

<u>the following:</u>	78
<u>(1) A drug of abuse;</u>	79
<u>(2) The means to obtain a drug of abuse.</u>	80
Section 2. That existing section 2953.31 of the Revised Code is hereby repealed.	81 82
Section 3. This act shall be known as the Ohio Second Chance Act.	83 84