

**As Introduced**

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

**H. B. No. 460**

**Representatives Hillyer, Seitz**

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**A BILL**

To amend section 2953.32 and to enact section 1  
2953.321 of the Revised Code to enact the 2  
Getting Rehabilitated Ohioans Working Act to 3  
allow for the automatic sealing of certain 4  
criminal records. 5

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

**Section 1.** That section 2953.32 be amended and section 6  
2953.321 of the Revised Code be 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 made at whichever of the following times is applicable regarding the offense:	49 50 51
(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;	52 53 54 55 56
(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;	57 58 59 60 61 62
(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;	63 64 65 66
(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;	67 68 69 70 71 72 73 74
(v) At the expiration of six months after the offender's final discharge if convicted of a minor misdemeanor.	75 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;	167 168 169
(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;	170 171 172 173
(g) Consider the oral or written statement of any victim, victim's representative, and victim's attorney, if applicable;	174 175
(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:	176 177 178 179 180 181
(i) The age of the offender;	182
(ii) The facts and circumstances of the offense;	183
(iii) The cessation or continuation of criminal behavior;	184
(iv) The education and employment of the offender;	185
(v) Any other circumstances that may relate to the offender's rehabilitation.	186 187
(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	188 189 190 191 192

prosecutor in the case, that the application was made at the 193  
time specified in division (B) (1) (a) or (b) or division (B) (2) 194  
(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. 2953.321. (A) Beginning three years after the 295  
effective date of this section, an individual who is eligible to 296  
have records of a case sealed or expunged under sections 2953.32 297  
to 2953.521 and section 2953.61 of the Revised Code is eligible 298  
to have those criminal records sealed automatically under this 299  
section. 300

(B) Each court shall establish procedures to automatically 301  
seal criminal records in accordance with division (A) of this 302  
section. 303

(C) At least once every calendar month, beginning three 304  
years after the effective date of this section, the bureau of 305  
criminal identification and investigation shall identify records 306  
that are eligible for sealing under division (A) of this section 307  
and shall provide to each prosecuting attorney and each court a 308  
list of those cases over which the prosecutor or court has 309  
jurisdiction. 310

(D) A prosecutor or the bureau of criminal identification 311  
and investigation may object to the sealing of a record 312

identified in division (C) of this section for any of the 313  
following reasons: 314

(1) After reviewing the records of the case, the bureau or 315  
prosecutor determines that the records are not eligible for 316  
sealing or expungement under section 2953.32 of the Revised Code 317  
or for automatic expungement under division (A) of this section. 318

(2) The bureau or prosecutor determines that the subject 319  
of the criminal records has not paid court-ordered restitution 320  
to the victim. 321

(3) The bureau or prosecutor has a reasonable belief, 322  
grounded in supporting facts, that the subject of the criminal 323  
record is continuing to engage in criminal activity, whether or 324  
not the individual has been charged with an offense, and whether 325  
or not the activity in question takes place within or outside of 326  
the state. 327

(E) If, forty-five days after a record has been identified 328  
on a list provided to the court and prosecutor under division 329  
(C) of this section, the court has not received an objection to 330  
the sealing of the record from both the bureau and the 331  
prosecutor, the court with jurisdiction over the record shall 332  
order the record to be sealed and shall ensure the record is 333  
sealed as it would be if the court were to order a record sealed 334  
under section 2953.32 of the Revised Code. 335

(F) If, within forty-five days after a record has been 336  
identified on a list provided to the court and prosecutor under 337  
division (C) of this section, the prosecutor and bureau object 338  
to the automatic sealing of a record identified in the list, in 339  
accordance with division (D) of this section, that record shall 340  
not be automatically sealed under this section. 341

(G) At least once each calendar year, beginning the year 342  
that is three years after the effective date of this section, 343  
the bureau shall submit a report to the general assembly 344  
identifying every case for which a record included on a list for 345  
automatic sealing under division (C) of this section was not 346  
sealed because of an objection by the prosecutor or bureau under 347  
division (D) of this section. 348

(H) The attorney general may adopt rules, in accordance 349  
with Chapter 119. of the Revised Code, governing the procedures 350  
to be followed by the superintendent of the bureau of criminal 351  
identification and investigation in carrying out the 352  
superintendent's duties under this section. 353

(I) Nothing in this section shall be construed to do 354  
either of the following: 355

(1) Prohibit an individual from applying for sealing or 356  
expungement of records under section 2953.32 of the Revised 357  
Code. 358

(2) Create an individual cause of action for the bureau of 359  
criminal identification and investigation failing to identify 360  
records that are eligible for sealing under division (C) of this 361  
section. 362

**Section 2.** That existing section 2953.32 of the Revised 363  
Code is hereby repealed. 364

**Section 3.** This act shall be known as the Getting 365  
Rehabilitated Ohioans Working Act. 366