

# ELIGIBILITY AND INSTRUCTIONS FOR SEALING & EXPUNGEMENT OF ADULT CRIMINAL RECORDS

The Clerk of Courts, Common Pleas Court, and Adult Probation Department personnel are not permitted to answer legal questions. Please contact an attorney if you need clarification.

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## WHEN CAN YOU FILE TO SEAL A CRIME? (R.C. § 2953.32)

**Felony:** If you were convicted of a fourth or fifth degree felony, you must wait one (1) year after your final discharge from probation and/or jail. If you were convicted of not more than two third degree felonies, you must wait three (3) years after your final discharge from probation and/or jail. If you were convicted of felony theft in office, you must wait seven (7) years after your final discharge from probation and/or jail.

**Misdemeanor/Minor Misdemeanor:** If you were convicted of a misdemeanor, you must wait one (1) year after your final discharge from probation and/or jail. If you were convicted of a minor misdemeanor, you must wait six (6) months after your final discharge from probation and/or jail.

**Not Guilty Verdict, Dismissal, Diversion, or Intervention in Lieu of Conviction:** You may qualify to have your record sealed after a *not guilty finding* or *dismissal of proceeding* (as in Hancock County's Pre-Trial Diversion program or Intervention in Lieu of Conviction). You may file your application at any time after the finding of not guilty or the dismissal of the complaint or indictment.

**No Bill:** If the prosecutor took your case to the grand jury, and the grand jury decides that there is not enough evidence to indict you, then your case was what is called a "no bill." You must wait two (2) years after the "no bill" is recorded.

## WHEN CAN YOU FILE TO EXPUNGE A CRIME? (R.C. § 2953.32)

**Minor Misdemeanor:** After the expiration of 6 months for a minor misdemeanor after the offender's final discharge.

**Misdemeanor:** After the expiration of one (1) year after the offender's final discharge.

**Felonies:** If the offense is a **felony**, at the expiration of ten (10) years after the time specified to permit an application for sealing of that felony offense.

**Victims of Human Trafficking:** May file to expunge at any time for violations of Revised Code sections 2907.24, 2907.241, or 2907.25 other than a record of conviction for violations of Revised Code sections 2903.01, 2903.02, or 2907.02.

## DOES YOUR CRIME QUALIFY?

The law is very clear that the following convictions can **never** be sealed or expunged, even if it is your only conviction.

- Any **first or second** degree felony;
- If you were convicted of more than two **third** degree felonies;

- Any offense with a **mandatory prison term**;
- Any offense under R.C. Chapter 4506 (OVI)
- R.C. Chapters 4507, 4510, 4511, or 4559 (Traffic) except in accordance with R.C. § 2953.61
- Any **offense of violence** which means:

**2903.01** Aggravated murder

**2903.02** Murder

**2903.03** Voluntary manslaughter

**2903.04** Involuntary manslaughter

**2903.11** Felonious assault

**2903.12** Aggravated assault

**2903.13** Assault (\*exception: this *can* be expunged if it is a first degree misdemeanor)

**2903.15** Permitting child abuse

**2903.21** Aggravated menacing

**2903.211** Menacing by stalking

**2903.22** Menacing

**2905.01** Kidnapping

**2905.02** Abduction

**2905.11** Extortion

**2907.02** Rape

**2907.03** Sexual battery

**2907.05** Gross sexual imposition

**2907.12** (former) Felonious sexual penetration

**2909.02** Aggravated arson

**2909.24** Terrorism

**2911.01** Aggravated robbery

**2911.02** Robbery

**2911.11** Aggravated burglary

**2917.01** Inciting to violence (\*exception: this *can* be expunged if it is a first degree misdemeanor)

**2917.02** Aggravated riot

**2917.03** Riot (\*exception: this *can* be expunged if it is a first degree misdemeanor)

**2917.31** Inducing panic (\*see exceptions: his *can* be expunged if it is a first degree misdemeanor)

**2919.25** Domestic violence

**2921.03** Intimidation

**2921.04** Intimidation of attorney, victim or witness in criminal case

**2921.34** Escape

**2923.161** Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function

**2911.12** Burglary (\*Division (A)(1), (2), or (3) of section)

**2919.22** Endangering children (\*Division (B)(1), (2), (3), or (4))

- Also any sexual offense not already listed, including:

➤ Unlawful sexual contact with a minor (unless defendant had a sex offender reclassification hearing)

➤ Illegal use of a minor in nudity-oriented material or performance

➤ Sexual imposition

➤ Importuning

➤ Pandering obscenity involving a minor

➤ Pandering sexually oriented matter involving a minor

- Also any felony or misdemeanor of which the victim was less than thirteen years of age, (except when the conviction is under 2919.21 – Nonsupport or Contributing to Nonsupport of Dependents)

## **ARE YOU AN ELIGIBLE INDIVIDUAL?**

### **If you are sealing a conviction:**

If there are criminal proceedings currently pending against you, you are **INELIGIBLE** to seal your conviction at this time.

The law also clarifies who is individually eligible. You are **ELIGIBLE** if any of the following apply:

- If all of your offenses are fourth or fifth degree felonies, or misdemeanors:
- If you have no more than two (2) third degree felonies

**If you are sealing a not guilty verdict, dismissal, or no bill:**

You are eligible to file as soon as the applicable time limit has passed as outlined above.

**IF YOU THINK YOU ARE ELIGIBLE:**

If you believe you are eligible to file for Sealing of Criminal Records, you will need to do the following:

1. You must complete the applicable four-page Application for Sealing of Criminal Records which can be found at the bottom of this document and in the following areas:
  - a. The Hancock County Law Library located on the Fourth Floor of the Hancock County Courthouse at 300 South Main Street, Findlay, Ohio.
  - b. The Hancock County Adult Probation Department located at 514 South Main Street, Suite A, Findlay, Ohio 45840.
    - i. Conviction: If you were convicted of your crime; please select the **Application for Sealing or Expungement of Conviction**. (See below).
    - ii. Diversion/Intervention in Lieu of Conviction/Dismissal/No Bill: If you were a non-convicted case, please select the **Application for Sealing of Criminal Records**. (See below).
2. This Motion must be filed with the Hancock County Clerk of Courts Office located in the Hancock County Courthouse at 300 South Main Street, Findlay, Ohio 45840.
3. Your attorney will do this for you or you can do it yourself (called a *pro se* motion), if you do not have an attorney. Please be sure you are eligible under the law before you file this motion.
4. The filing fee is fifty dollars (\$50.00).
5. The Court will set your case for hearing and refer it to the Hancock County Adult Probation Department for an investigation.
6. The Adult Probation Department will contact you and ask you to provide information. This information must be returned promptly.
7. If your crime was related to child support, the Adult Probation Department will investigate to inquire about your compliance with any child support order.
8. A complete report will be submitted to the Court before your hearing date and time.

**THE COURT MUST DETERMINE THE FOLLOWING:**

1. If you are eligible based on the above information;
2. You have been rehabilitated to the satisfaction of the Court; and
3. Your interests in sealing your record must outweigh any legitimate needs of the government to maintain those records.



**SEALING/EXPUNGEMENT OF CONVICTION**

**IN THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO**

**STATE OF OHIO**

**Case Number** \_\_\_\_\_

**Plaintiff**

**v.**

**Judge** \_\_\_\_\_

\_\_\_\_\_  
**Defendant**

**APPLICATION FOR SEALING OR  
EXPUNGEMENT OF RECORD OF  
CONVICTION, (R.C. 2953.32)**

\_\_\_\_\_  
Applicant, \_\_\_\_\_, respectfully applies to this Court for the Sealing/Expungement (circle one) of his/her record in this case. Applicant states that there are no criminal proceedings pending against me.

\_\_\_\_\_  
Applicant/Defendant

**MEMORANDUM  
R.C. 2953.32**

On \_\_\_\_\_, applicant was convicted of \_\_\_\_\_, a violation of R.C. \_\_\_\_\_, a felony OR misdemeanor (circle one) of the \_\_\_\_\_ degree. Applicant's community control supervision was terminated on \_\_\_\_\_  
\_\_\_\_\_. Final discharge occurred over one (1) year ago for a conviction of a misdemeanor, fourth degree felony, or fifth degree felony. Final discharge occurred over three (3) years ago for a felony of the third degree. Applicant meets all the criteria for sealing or expungement as requested.

Applicant needs the record sealed or expunged for the following purpose(s): \_\_\_\_\_  
\_\_\_\_\_.

Applicant's interests in sealing the records outweighs any interest in maintaining the records.

Current information on the applicant is as follows:

Full Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
Applicant/Defendant

**PROOF OF SERVICE**

I certify that an accurate copy of the foregoing document was served upon the State of Ohio via U.S. Mail to Hancock County Prosecuting Attorney, 514 South Main St., Suite B, Findlay, Ohio 45840.

\_\_\_\_\_  
Applicant/Defendant

**SEALING OF CRIMINAL RECORDS**  
**DISMISSAL, NO BILLS, DIVERSION, OR INTERVENTION IN LIEU OF CONVICTION**

**IN THE COMMON PLEAS COURT OF HANCOCK COUNTY, OHIO**

**STATE OF OHIO**

**Case Number** \_\_\_\_\_

**Plaintiff**

**v.**

**Judge** \_\_\_\_\_

\_\_\_\_\_

**Defendant**

**APPLICATION FOR SEALING  
OF CRIMINAL RECORDS**  
**(R.C. 2953.52)**

\_\_\_\_\_ /

Applicant, \_\_\_\_\_, respectfully applies to this Court for the sealing of his/her record in this case. Applicant states that there are no criminal proceedings pending against me.

\_\_\_\_\_  
Applicant/Defendant

**MEMORANDUM**  
**R.C. 2953.52**

On \_\_\_\_\_, applicant was charged with \_\_\_\_\_, a violation of R.C. \_\_\_\_\_, a felony OR misdemeanor (Circle One) of the \_\_\_\_\_ degree. If applicable, the applicant's community control supervision was terminated on \_\_\_\_\_

Applicant is eligible to have record sealed as outlined in R.C. 2953.52. Applicant meets all the criteria for sealing.

Applicant needs the record sealed for \_\_\_\_\_

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Applicant's interests in sealing the records outweighs any interest in maintaining the records.

Current information on the applicant is as follows:

Full Name: \_\_\_\_\_

Current Address: \_\_\_\_\_

Phone Number(s): \_\_\_\_\_

Date of Birth: \_\_\_\_\_

\_\_\_\_\_  
Applicant/Defendant

**PROOF OF SERVICE**

I certify that an accurate copy of the foregoing document was served upon the State of Ohio via U.S. Mail to Hancock County Prosecuting Attorney, 514 South Main St., Suite B, Findlay, Ohio 45840.

\_\_\_\_\_  
Applicant/Defendant



**HANCOCK COUNTY ADULT PROBATION DEPARTMENT**  
Application for Sealing/Expungement of Record  
Ohio Revised Code Section 2953.32

Name: \_\_\_\_\_ Phone(s) \_\_\_\_\_

Present address: \_\_\_\_\_

SSN: \_\_\_\_\_ DOB: \_\_\_\_\_

List all addresses at which you have lived since your conviction: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Marital Status: \_\_\_\_\_ Do you have any children? \_\_\_\_\_

State the names and ages of your children: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Significant Other's name and age: \_\_\_\_\_

Are you presently employed? \_\_\_\_\_ If yes, where? \_\_\_\_\_

Length of employment: \_\_\_\_\_

What is your job? \_\_\_\_\_

List any other employment you have had since your conviction and the reasons for termination of employment.

<u>Employer</u>	<u>Dates Employed</u>	<u>Job</u>	<u>Reasons for Leaving</u>
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If you are not presently employed, what is your source of income and the amount of income?

CRIMINAL CHARGE AND DATE OF CONVICTION AND/OR DISMISSAL REQUESTING TO BE SEALED OR EXPUNGED: (List approximate date and charge, if exact date and charge is unknown)

Date: \_\_\_\_\_ Charge: \_\_\_\_\_

Were you sentenced in the Hancock County Common Pleas Court? \_\_\_\_\_

Have you had any arrests or convictions either before or after the one you are requesting be sealed or expunged? \_\_\_\_\_  
If yes, please explain.

Please provide your reason for seeking this Sealing or Expungement of a Record and additional comments:

I do hereby certify that the answers, as set forth herein, are true and accurate to the best of my knowledge.

\_\_\_\_\_  
**Applicant/Defendant**