

INFORMATION PACKET
Application to Seal / Expunge Criminal Record
(R.C. 2953.32, et seq.)

Neither the Clerk of Court's Office, Judicial Staff, nor Court Services staff can tell you if you are eligible to have your conviction(s) sealed or expunged or offer you any legal advice.

SEALING YOUR RECORD VERSUS EXPUNGING YOUR RECORD:

Effective April 6, 2023, Ohio permits for both the sealing and expungement of certain criminal records. "Sealing" a court record means that the criminal record is removed from all public records and the public no longer has access to the records of the criminal case, including employers generally. "Expungement" usually means that the criminal record is completely destroyed, erased, or obliterated from all records. For a list of who can still access a sealed or expunged record, please see section 2953.34 of the Ohio Revised Code or contact an attorney.

GUIDELINES FOR SEALING CRIMINAL RECORD:¹

Only certain convictions are eligible to be sealed once a prescribed period of time has passed since your final discharge. To be eligible, your convictions must fall into one of the following categories:

Minor Misdemeanors Only:

You may be eligible to seal your record of conviction at the expiration of six (6) months after the offender's final discharge if convicted of a minor misdemeanor.

Lower-Level Felonies and Misdemeanors:

You may be eligible to seal your record of conviction at the expiration of one (1) year after your final discharge if convicted of one or more felonies of the 4th or 5th degree or one or more misdemeanors, so long as none of the offenses are a felony offense of violence.

Third Degree Felonies or Lower:

You may be eligible to seal your record of conviction at the expiration of three (3) years after your final discharge if convicted of one or two felonies of the 3rd degree.

Sex Offenses:

You may be eligible to seal your record of conviction at the expiration of five (5) years after your requirements under R.C. 2950.07 have ended or are terminated under R.C. 2950.15 or R.C. 2950.151.

Soliciting Improper Compensation:

You may be eligible to seal your record of conviction at the expiration of seven (7) years after your final discharge if convicted of soliciting improper compensation in violation of R.C. 2921.43.

GUIDELINES FOR EXPUNGING CRIMINAL RECORD:²

An application for expungement under R.C. 2953.32(B)(1)(b) may be made at whichever of the following times is applicable regarding the applicant's conviction(s):

Minor Misdemeanors Only:

You may be eligible to have your record expunged at the expiration of six (6) months if the offense is a minor misdemeanor.

¹ R.C. 2953.32(B)(1)(a).

² R.C. 2953.32(B)(1)(b).

Misdemeanors:

You may be eligible to have your record expunged at the expiration of one (1) years after your final discharge if the offense is a misdemeanor.

Felonies:

You may be eligible to have your record expunged at the expiration of ten (10) years after the time at which you are eligible to have your record sealed under R.C. 2953.32(B)(1)(a).

THE FOLLOWING TYPES OF CONVICTIONS ARE NEITHER SEALABLE NOR EXPUNGABLE:³

1. Convictions of felonies of the 1st for 2nd degree, or of more than two felonies of the 3rd degree;
2. Convictions of a felony offense of violence that is not a sexually oriented offense;
3. Convictions of a sexually oriented offense while the offender is subject to the requirements of Chapter 2950 of the Ohio Revised Code;
4. Convictions of an offense in circumstances in which the victim of the offense was less than 13 years of age, except convictions under R.C. 2919.21;
5. Convictions of domestic violence under R.C. 2919.25;
6. Convictions of violating a protection order under R.C. 2919.27;
7. Convictions under Revised Code Chapter 4506., 4507., 4510., 4511., or 4549. or substantially similar municipal ordinances.

COURT COSTS/FINES/RESTITUTION:

To be eligible to have your record sealed or expunged, you must have paid or had waived any and all court costs, fines, fees, and/or restitution before you are considered eligible to have your record sealed. To find out whether you owe any costs, fines, fees, or restitution, you must request a Statement of Costs form from the Warren County Clerk of Court's Office. These forms can take up to 48 hours to process, so please make the request in a timely manner.

COST OF APPLICATION:

Unless the applicant submits an affidavit of indigency and the fee is waived by the Court, an applicant shall pay to the Warren County Clerk of Court the nonrefundable sum of \$50, regardless of the number of records the applicant requests to be sealed or expunged.

HOW TO APPLY:

To apply for your record(s) to be sealed or expunged under Section 2953.31, et seq. of the Revised Code, fill out to the best of your ability the application below and bring the original to the Warren County Court of Common Pleas at 500 Justice Drive, Lebanon, OH 45036. Be sure to make a copy for your records.

Take the "Application to Seal/Expunge a Criminal Record" section of this packet to the Clerk of Court's Office and pay a nonrefundable \$50 application fee or submit an affidavit of indigency. Request a "Statement of Costs" from the Clerk of Court's Office to determine whether you owe any costs, fines, fees, or restitution (it may take up to 48 hours to process a Statement of Costs sheet, which you will receive in the mail). You will then be directed to the Court Services Division.

³ R.C. 2953.32(A).

Take the “Request for Information” section of this packet to the Court Services Department. The employee at the front desk will confirm you filled out the application correctly and will direct you to the appropriate Assignment Commissioner for your case.

Go to the Assignment Commissioner for your case and get a hearing date. She or he will provide you a notice containing your hearing date.

Appear in court at the time of your hearing for a determination on your application. Dress appropriately and arrive on time. If your application is granted, a member of the judge’s staff will assist you in completing the final steps of sealing or expunging your record.

WHAT HAPPENS AT THE HEARING:

In compliance with section 2953.32 of the Ohio Revised Code, upon application of the offender, the Court shall set a date for a hearing within 45 to 90 days from the date you filed your application. The Court shall notify the prosecutor for the case of the hearing and the prosecutor’s office will notify the victim (if any) of the application.⁴ The Court shall also direct the county’s Court Services division to make inquiries and written reports concerning the application.

The Court shall then do each of the following:

- (1) Determine whether the applicant is pursuing sealing or expunging of an offense that is prohibited under R.C. 2953.32(A) or whether the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, and determine whether the application was made at the time specified in R.C. 2953.32(B);
- (2) Determine whether criminal proceedings are pending against the applicant;
- (3) Determine whether the applicant has been rehabilitated to the satisfaction of the court;
- (4) Consider the reasons (if any) presented by the prosecution against granting the application to seal/expunge the record as specified by the prosecutor in their objection;
- (5) Consider the reasons (if any) presented by the victim against granting the application to seal/expunge the record as specified by the victim in his/her objection;
- (6) 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; and
- (7) Consider the oral or written statement of any victim, victim’s representative, and victim’s attorney, if applicable.

⁴ The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing.

**IN THE COURT OF COMMON PLEAS
STATE OF OHIO, COUNTY OF WARREN
CRIMINAL DIVISION**

STATE OF OHIO, : **CASE NO.** _____
Plaintiff, : **JUDGE** _____
v. :
_____ : **APPLICATION TO SEAL/EXPUNGE**
 : **A CRIMINAL RECORD**
Defendant. : **PURSUANT TO R.C. 2953.32**

Comes now the defendant, _____, *pro se*, and moves the Court for an order SEALING or EXPUNGING (select one) the record of the defendant's conviction(s), including the sealing/expunging of all criminal records pursuant to Section 2953.31 et. seq. of the Ohio Revised Code. The defendant requests a hearing on this application. The defendant seeks the sealing/expunging of the following convictions:

Case Number(s): _____.

Charge(s): _____.

Date of Conviction(s): _____.

Date of Community Control / Probation Termination: _____.

The defendant states that no criminal or traffic charges are currently pending against him or her.

The defendant states that he or she has paid or had waived all court costs, fines, fees, and/or restitution and does not currently owe any monetary amount in the above-captioned case(s).

The defendant states that his or her conviction(s) should be sealed/expunged because the defendant has been rehabilitated.

The defendant provides the following additional information to the Court as to why his or her record should be sealed: _____

Respectfully submitted,

SIGNATURE OF DEFENDANT: _____

PRINTED NAME OF DEFENDANT: _____

ADDRESS OF DEFENDANT: _____

PHONE NUMBER OF DEFENDANT: _____

EMAIL ADDRESS OF DEFENDANT: _____

Dist: Assigned Judge's Assignment Commissioner
Warren County Prosecutor
Warren County Court Services Division
Applicant

**WARREN COUNTY COMMON PLEAS COURT
COURT SERVICES DIVISION
520 JUSTICE DRIVE
LEBANON, OH 45036
513-695-1244
513-695-1757 (fax)**



REQUEST FOR INFORMATION

Dear Sir or Madam, the person identified below is under investigation by this office. The information requested is needed to complete this investigation. Your cooperation will greatly be appreciated. Please return this form within three (3) days. Thank you.

*Amy Bidinger,
Director of Court Services*

LEFT BLANK INTENTIONALLY

Date of Application:

APPLICANT: *Print or Type required information in the WHITE sections only*

| | | | | | | |
|-----------------------------|--------------------------------|------------------------|-------------------------|---------------------------------|--------------------------|--|
| | | | | CASE NUMBER(S) | JUDGE | |
| FULL NAME OF APPLICANT LAST | | | FIRST | MIDDLE | ALIASES/MAIDEN NAME | |
| DATE OF BIRTH | DRIVER LICENSE/STATE ID NUMBER | SOCIAL SECURITY NUMBER | | TELEPHONE NUMBER (w/ area code) | | |
| STREET NUMBER | | STREET NAME | | | APARTMENT OR UNIT NUMBER | |
| CITY | | COUNTY | STATE | | ZIP CODE | |
| CITIZENSHIP | | FBI NUMBER | | BCI NUMBER | | |
| SEX | RACE | HAIR COLOR | EYE COLOR | HEIGHT | WEIGHT | |
| DATE OF CONVICTION | | | DATE OF FINAL DISCHARGE | | | |

I authorize release to the Warren County Court of Common Pleas, Court Services Division all confidential records and information concerning me. I give my consent for release of information relating to my physical, psychological, psychiatric, vocational, educational, military, or any other requested information to the Warren County Court of Common Pleas, Court Services Division. A copy of this authorization made by a duplicating process shall be considered the same as the original signed by me.

SIGNATURE OF APPLICANT

DATE

INFORMATION DESIRED from your office (please elaborate and give additional comments)

- Prior Arrest Record – dates, charges, dispositions, offenses involving weapons or violence, and arrest reports
- Education Data – grade completed, mental or intelligence examination results, attendance, reason left
- Employment Data – confirmation of employments, dates, position(s) held, wages, reason for termination
- Substance Abuse / Medical History – chemical or alcohol addiction, ailments, disabilities, current drug prescriptions, etc.
- Military Service – dates of service, branch, discharge type, rank attained, court martial (type, nature of offense, date, sentence)
- Other (please specify)

Please stamp NO RECORD FOUND here or attach information to the back of this form.

SIGNATURE OF OFFICIAL

TITLE

DATE

PREVIOUS ADDRESSES (Provide the County and State for each location you have listed in since you were 18, starting with the most recent address)

| COUNTY | STATE | DATES (FROM - TO) | COUNTY | STATE | DATES (FROM - TO) |
|--------|-------|-------------------|--------|-------|-------------------|
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ | _____ |

CRIMINAL HISTORY (list all arrests and/or convictions including juvenile prior record)

| DATE | OFFENSE | FELONY/MISDEMEANOR? | CITY/COUNTY/STATE | SENTENCE |
|-------|---------|---------------------|-------------------|----------|
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

I authorize the Warren County Court of Common Pleas, Court Services Division, to conduct a record check to determine my eligibility for the sealing of my criminal record in Case Number(s) _____.

SIGNATURE OF APPLICANT

DATE