

**INFORMATION PACKET**  
**Application to Seal Criminal Record**  
**(R.C. 2953.31, et seq.)**

**LEGAL BASIS:**

Section 2953.31 of the Ohio Revised Code permits the sealing of criminal records for certain “eligible offenders” after a period of time has elapsed from his or her final discharge.

**ELIGIBLE APPLICANT:**

Only those individuals who are considered “eligible offenders” under Section 2953.31 of the Ohio Revised Code are permitted to have their record sealed. An “eligible offender” is anyone who has been convicted of one or more offenses, but not more than five (5) felonies, in Ohio or any other jurisdiction, if all of the offenses in Ohio are felonies of the fourth or fifth degree or misdemeanors and none of those offenses are an offense of violence or a felony sex offense, and all of the offenses in another jurisdiction, if committed in Ohio, would be felonies of the fourth or fifth degree or misdemeanors, and none of those offenses would have been an offense of violence or a felony sex offense.

An “eligible offender” also includes anyone who has been convicted of an offense in this state or any other jurisdiction that is a felony of the third degree and who has not (1) not more than one felony conviction, (2) not more than two misdemeanor convictions, or (3) not more than one felony conviction and one misdemeanor conviction in Ohio or any other jurisdiction. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, the Court shall determine whether it is in the public interest to treat these two or three convictions as one conviction.

An “eligible offender” for purposes of record sealing does not include (1) offenders convicted of felonies of the first or second degree; (2) offenders who were subject to a mandatory prison term; (3) offenders convicted of an offense of violence when the offense was a misdemeanor of the first degree or a felony; (4) convictions on or after October 10, 2007 under section 2907.07 of the Ohio Revised Code; (5) convictions on or after October 10, 2007 under sections 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 of the Ohio Revised Code when the victim of the offense was under eighteen (18) years of age; (5) convictions of an offense in circumstances in which the victim of the offense was less than sixteen (16) years of age when the offense is a misdemeanor of the first degree or a felony, except convictions under section 2919.21 of the Ohio Revised Code; and (6) offenders convicted under the following sections of the Ohio Revised Code: 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 2907.12, or Chapter 4507, 4510, 4511, or 4549.

Convictions for most minor misdemeanor are not convictions for the purposes of sealing one’s record.

Convictions for any section in Chapters 4507, 4510, 4511, 4513, or 4549 of the Revised Code, or a substantially similar municipal ordinance, are not convictions for purposes of sealing one’s record. However, a conviction for a violation of section 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of the Ohio Revised Code, for a violation of section 4510.11 or 4510.14 of the Revised Code that is based upon the offender’s operation of a vehicle during a suspension imposed under section 4511.191 or 4511.196 of the Ohio Revised Code, for a violation of a substantially equivalent municipal ordinance, for a felony violation of Title XLV of the Ohio Revised Code, or for a violation of a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction.

Please note, the applicant must have paid or had waived any and all court costs, fines, fees, and/or restitution before the applicant is considered eligible to have his or her record sealed.

**Neither the Clerk of Court nor Court Services can tell you if you are eligible to have your convictions sealed. If you are unsure, please contact an attorney.**

**COST OF APPLICATION:**

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.

**TIMING OF APPLICATION:**

*If convicted of a misdemeanor:* An eligible offender may apply to have his or her record(s) sealed after the expiration of one year after the applicant's final discharge.

*If convicted of one felony:* An eligible offender may apply to have his or her record(s) sealed after the expiration of three (3) years after the offender's final discharge.

*If convicted of two lower-level felonies:* An eligible offender may apply to have his or her record(s) sealed after the expiration of four (4) years after the applicant's final discharge.

*If convicted of three to five lower-level felonies:* An eligible offender may apply to have his or her record(s) sealed after the expiration of five (5) years after the applicant's final discharge.

**MORE THAN ONE RECORD:**

An applicant may request the sealing of the records of more than one case in a single application under this section.

**HOW TO APPLY:**

To apply for your record(s) to be sealed 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 a Criminal Record" section of this packet to the Clerk of Court and pay the nonrefundable \$50 application fee. The Clerk will time-stamp and keep your application, and then direct you to the Court Services Division.

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 yellow 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 your record.

**FOR MORE INFORMATION ON WHAT THE COURT WILL CONSIDER WHEN REVIEWING YOUR REQUEST, AND WHO WILL BE ABLE TO SEE YOUR RECORD AFTER IT HAS BEEN SEALED, PLEASE SEE THE "ADDITIONAL INFORMATION" SECTION IN THE BACK OF THIS PACKET.**

**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**  
 : **A CRIMINAL RECORD**  
**Defendant.** : **PURSUANT TO R.C. 2953.32**  
\_\_\_\_\_

Comes now the defendant, \_\_\_\_\_, *pro se*, and moves the Court for an order sealing the record of the defendant's conviction(s), including the sealing of all criminal records pursuant to Section 2953.32 of the Ohio Revised Code. The defendant requests a hearing on this application.

The defendant seeks expungement of the following convictions:

Case Number(s): \_\_\_\_\_.

Charge(s): \_\_\_\_\_.

Date of Conviction(s): \_\_\_\_\_.

Date of Community Control / Probation Termination: \_\_\_\_\_.

The defendant qualifies as an eligible offender under section 2953.31(A) of the Ohio Revised Code for the following reason (check the one that applies to your situation):

- The defendant has been convicted of not more than five fourth or fifth-degree, non-violent, non-sexual felonies and/or misdemeanors in this or any other state;
- The defendant has been convicted of not more than one third-degree felony conviction;
- The defendant has been convicted of not more than two misdemeanor convictions;
- The defendant has not more than one third-degree felony conviction and one misdemeanor conviction.

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

Finally, the defendant provides the following additional information to the Court as to why his or her record should be sealed: \_\_\_\_\_

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Respectfully submitted,

**SIGNATURE OF DEFENDANT:** \_\_\_\_\_

**PRINTED NAME OF DEFENDANT:** \_\_\_\_\_

**ADDRESS OF DEFENDANT:** \_\_\_\_\_  
\_\_\_\_\_

**PHONE NUMBER 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  
 500 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.*

*Jan Egner,  
 Director of Court Services*

*LEFT BLANK INTENTIONALLY*

Date of Application:

<b>APPLICANT:</b> <i>Print or Type required information in the WHITE sections only</i>				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

## **ADDITIONAL INFORMATION**

### **COURT DETERMINATIONS BEFORE RECORD MAY BE SEALED:**

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 and shall notify the prosecutor for the case of the hearing.<sup>1</sup> The Court shall also direct its Court Services staff to make inquiries and written reports as the Court requires concerning the application.

The Court shall then do each of the following:

- (1) Determine whether the applicant is an “eligible offender” under section 2953.31 of the Ohio Revised Code;
- (2) Determine whether criminal proceedings are pending against the applicant;
- (3) If the applicant is an eligible offender who applies to have a felony conviction sealed, 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 the record as specified by the prosecutor in their objection;
- (5) Weigh the interests of the applicant in having the records pertaining to the applicant’s conviction sealed against the legitimate needs, if any, of the government to maintain those records.

### **WHO CAN STILL SEE A SEALED RECORD?**

Pursuant to section 2953.32(D), inspection of a sealed record may be made only by the following persons or for the following purposes:

- (1) By a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which a person is to be charged would be affected by virtue of the person's previously having been convicted of a crime;
- (2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority;
- (3) Upon application by the person who is the subject of the records, by the persons named in the application;
- (4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;
- (5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

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<sup>1</sup> 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.

- (6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer;
- (7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section 2953.321 of the Revised Code;
- (8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code;
- (9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;
- (10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B)(1) of that section;
- (11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code;
- (12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code;
- (13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points against a person under section 4510.036 of the Revised Code or for taking action with regard to points assessed.

For more information, please see section 2953.32(D) through (I) of the Ohio Revised Code.

*The above list is not all inclusive.* Other entities or individuals may be entitled to inspection of a seal record.