

Record Sealing and Expungement General Overview

- Record sealing and expungement are different legal remedies.
 - **Sealing** → the record is hidden from public view but still exists and may be accessed by the court or certain authorized agencies (some law enforcement, military, etc.) but generally will not be accessible by standard background checks.
 - **Expungement** → the record is permanently destroyed or erased from databases.

Please note: not all records are eligible for sealing and/or expungement. The case must fall within certain statutory timelines and guidelines to be eligible. Please see the flow chart on page 3 for a brief explanation of eligible offenses.

- If your case is eligible based on our assessment, this is the typical process:
 - Upon receipt of the application, an attorney will review the case.
 - The office will set up a meeting with one of our attorneys to go over your application, and, if eligible based on our review, discuss the motion.
 - The attorney will prepare and file the motion. *
 - The State will get a chance to respond to the motion with its position on the matter.
 - The Court will set a hearing date before the judge for all parties to present their position on the motions. **
 - The Judge may decide at this hearing whether the Court will grant or deny the record sealing or expungement, but the Judge can also take it under advisement and decide to issue a decision later after consideration of any information presented at the hearing.

* There is a filing fee you must pay before the motion can be filed with the court, this can be discussed at the initial meeting with the attorney.

** Our office does not control when the hearing is set, please understand it could take a month or longer.

If you are interested in exploring the option of applying to seal your record, please fill out the record sealing application form found on our website, as well as the

This document is **not legal advice** but is for general information purposes. This does not substitute the advice of a qualified attorney

financial disclosure form. They can be emailed, mailed, or dropped off with our office.

Geauga County Public Defender's Office
211 Main Street
Chardon, OH 44024

publicdefender@co.geauga.oh.us

Submission of the application to our office **is not the actual record sealing motion** filed with the court. This application is submitted to our office for review so we may determine eligibility and prepare the appropriate filing if applicable.

Feel free to call with any questions about this process: **440-279-1890**

This document is **not legal advice** but is for general information purposes. This does not substitute the advice of a qualified attorney

Can I seal or expunge my criminal record?

A guide to adult conviction sealing and expungement in Ohio



STEP 1: WHAT OFFENSES CANNOT BE SEALED OR EXPUNGED?

Ohio Revised Code (R.C.) 2953.32 to 2953.34 do not apply to any of the following:

- 1st or 2nd degree felonies
- 3 or more 3rd degree felonies
- Traffic convictions
- Felony offenses of violence that are not sexually oriented offenses
- Sexually oriented offenses when the applicant is subject to the requirements of Chapter 2950 of R.C. (sex offender registry)
- Offenses in which the victim of the offense was less than 13 years old (Note: This does not apply to nonsupport of dependents.)
- Domestic Violence convictions
- Violating Protection Order convictions

Sexually Oriented Offenses (per R.C. 2950.01)

2905.02(B)	Abduction	2907.321	Pandering obscenity involving a minor or impaired person
2903.01	Aggravated murder*	2907.322	Pandering sexually oriented matter involving a minor or impaired person
2907.21	Compelling prostitution	2907.22	Promoting prostitution
2905.05(B)	Criminal child enticement	2907.09	Public indecency*
2919.22(B)(5)	Endangering children	2907.02	Rape
2903.11	Felonious assault*	2907.03	Sexual battery
2907.05	Gross sexual imposition	2907.06	Sexual imposition
2907.323	Illegal use of minor in nudity-oriented material or performance	2905.32	Trafficking in persons*
2907.07	Importuning	2905.03(B)	Unlawful restraint
2903.04(A)	Involuntary manslaughter*	2907.04	Unlawful sexual conduct with minor*
2905.01	Kidnapping*	2903.03(B)	Voluntary manslaughter
2903.211(A)(3)	Menacing by stalking	2907.08	Voyeurism
2903.02	Murder*		
2907.32	Pandering obscenity		

***Check R.C. 2950.01 for extended definition.**

Offenses of Violence (per R.C. 2901.01)

2905.01	Abduction
2909.02	Aggravated arson
2903.12	Aggravated assault
2911.11	Aggravated burglary
2903.21	Aggravated menacing
2903.01	Aggravated murder
2917.02	Aggravated riot
2911.01	Aggravated robbery
2909.03	Arson
2903.13	Assault
2911.12 (A)(1), (2), or (3)	Burglary
2919.25	Domestic violence
2919.22(B)(1), (2), (3), or (4)	Endangering children
2921.34	Escape
2905.11	Extortion
2903.11	Felonious assault
2907.12	(former) Felonious sexual penetration
2907.05	Gross sexual imposition
2923.161	Improperly discharging firearm
2917.01	Inciting to violence
2917.31	Inducing panic
2921.03	Intimidation
2921.04	Intimidation of attorney, victim, or witness
2903.04	Involuntary Manslaughter
2905.01	Kidnapping
2903.22	Menacing
2903.211	Menacing by stalking
2903.02	Murder
2903.34(A)(1)	Patient Abuse or Neglect
2903.15	Permitting child abuse
2907.02	Rape
2917.03	Riot
2911.02	Robbery
2907.03	Sexual battery
2903.18	Strangulation or suffocation
2909.24	Terrorism
2905.32	Trafficking in Persons
2903.03	Voluntary Manslaughter

STEP 2: HAVE YOU SATISFIED THE WAITING PERIOD?

SEALING WAITING PERIODS:

- If applying to seal a **minor misdemeanor** → Wait six months after discharge.
- If applying to seal a **misdemeanor** → Wait one year after the misdemeanor* is discharged.
- If applying to seal a **fourth or fifth degree felony** → Wait one year after the fourth or fifth degree felony* is discharged.
- If applying to seal one or two **third degree felonies** → Wait three years after the third degree felony* is discharged.
- If applicant subject to Chapter 2950 (**sex offender registry**) → Wait five years after requirements have ended.

*So long as none of the offenses is a violation of R.C. 2921.43. If the record includes a violation of R.C. 2921.43, applicant must wait seven years.

EXPUNGEMENT WAITING PERIODS:

- If applying to expunge a **minor misdemeanor** → Wait six months after discharge.
- If applying to expunge a **misdemeanor** → Wait one year after the misdemeanor is discharged.
- If applying to expunge a **fourth or fifth degree felony** → Wait eleven years after fourth or fifth degree felony is discharged.
- If applying to seal one or two **third degree felonies** → Wait thirteen years after the third degree felony is discharged.

A case is "discharged" when a person has fully completed any jail or prison sentence, any terms of probation or parole, and all payments of fines or fees that were a penalty for the conviction. Court costs are not part of a sentence, and unpaid court costs should not block an application.