

Record Sealing and Expungement in Ohio

A guide for adult convictions - **UPDATED: October 2023**



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
- A 3rd degree felony if applicant has (2) or more felonies of any degree
- A 3rd degree felony if applicant has exactly (2) 3rd degree felonies + (2) misdemeanors + any other convictions
- 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 (**Note: 4th degree misdemeanor sealing is allowed.**)
- Violating Protection Order convictions

Offenses of Violence (per R.C. 2901.01)

- 2905.02 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
- 2917.321 Swatting
- 2909.24 Terrorism
- 2905.32 Trafficking in Persons
- 2903.03 Voluntary Manslaughter

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.**

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 expunge 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.

STEP 3: WHEN CAN A PERSON APPLY?

Are there pending criminal charges? The court will not seal or expunge any record if the applicant is facing pending charges. Applicants should wait until any pending cases have resolved. Depending on where in Ohio their records are, that could include completing requirements like probation.

Is the applicant unlikely to re-offend? Applicants must be able to show that they have been “rehabilitated to the satisfaction of the court.” Applicants must also show that their interest in sealing a record is greater than any legitimate government needs to maintain those records.

STEP 4: HOW DOES A PERSON APPLY?

For each offense, complete an application in each court where there is a case to be sealed or expunged. **The filing fee may be between \$50-100 per court, not per case number.**

Every court has its own application forms and processes, so contact the Clerk of Courts to find out what documents to file and how to file them.

A person can ask the court to waive this fee by completing a poverty affidavit (sometimes called an “affidavit of indigence”). If a hearing is scheduled, the applicant must attend.

STEP 5: WHY SHOULD A PERSON APPLY?

“Sealing” and “expungement” are words that certain jurisdictions sometimes use interchangeably, but they are not the same thing. A granted expungement deletes, destroys, and erases a record—sealing does not do this. Some employers and professional licensing boards may still be able to see sealed conviction records (e.g. nursing, childcare, and security-related employment). Further investigation may be needed to evaluate individual circumstances.

NOTE: CHANGES TO NON-CONVICTION SEALING/EXPUNGEMENT

As of October 2023, Ohio law was expanded to allow for non-convictions (not guilty, dismissals, no bills) to be sealed AND expunged. Previously, only sealing was available. There are no exceptions to what non-conviction can be sealed, but there are exceptions to what non-conviction can be expunged. Please consult R.C. 2953.33 or an attorney.

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If you have questions about record sealing/expungement, eligibility and other ways to overcome the barriers of a criminal conviction, register to participate in OJPC's Second Chance Legal Clinic at www.ohiojpc.org.

Disclaimer: This guide is a general source of information about criminal record sealing. It is not a substitute for individualized legal advice. For answers to specific questions, it is best to consult an attorney.

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