

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 608

Representative Williams

A BILL

To amend sections 2953.33, 2953.34, and 2953.61 and 1
to enact section 2953.331 of the Revised Code to 2
reduce the requirements for sealing or 3
expungement of records in a case where the 4
defendant was acquitted or found not guilty. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2953.33, 2953.34, and 2953.61 be 6
amended and section 2953.331 of the Revised Code be enacted to 7
read as follows: 8

Sec. 2953.33. (A) (1) Any person, ~~who is found not guilty~~ 9
~~of an offense by a jury or a court or~~ who is the defendant named 10
in a dismissed complaint, indictment, or information, may apply 11
to the court for an order to seal or, except as provided in 12
division (C) of this section, expunge the person's official 13
records in the case. Except as provided in section 2953.61 of 14
the Revised Code, the application may be filed at any time after 15
the ~~finding of not guilty or the~~ dismissal of the complaint, 16
indictment, or information is entered upon the minutes of the 17
court or the journal, whichever entry occurs first. 18

(2) Any person, against whom a no bill is entered by a 19

grand jury, may apply to the court for an order to seal or, 20
except as provided in division (C) of this section, expunge the 21
person's official records in the case. Except as provided in 22
section 2953.61 of the Revised Code, the application may be 23
filed at any time after the expiration of two years after the 24
date on which the foreperson or deputy foreperson of the grand 25
jury reports to the court that the grand jury has reported a no 26
bill. 27

(3) Any person who is granted by the governor under 28
division (B) of section 2967.02 of the Revised Code an absolute 29
and entire pardon, a partial pardon, or a pardon upon conditions 30
precedent or subsequent may apply to the court for an order to 31
seal the person's official records in the case in which the 32
person was convicted of the offense for which any of those types 33
of pardons are granted. The application may be filed at any time 34
after an absolute and entire pardon or a partial pardon is 35
granted or at any time after all of the conditions precedent or 36
subsequent to the pardon are met. 37

(B) (1) Upon the filing of an application pursuant to 38
division (A) of this section, the court shall set a date for a 39
hearing and shall notify the prosecutor in the case of the 40
hearing on the application. The court shall hold the hearing not 41
less than forty-five days and not more than ninety days from the 42
date of the filing of the application. The prosecutor may object 43
to the granting of the application by filing a written objection 44
with the court not later than thirty days prior to the date set 45
for the hearing. The prosecutor shall specify in the objection 46
the reasons the prosecutor believes justify a denial of the 47
application. 48

(2) The court shall do each of the following, except as 49

provided in division (B) (3) of this section: 50

(a) (i) Determine whether ~~the person was found not guilty~~ 51
~~in the case, or~~ the complaint, indictment, or information in the 52
case was dismissed, or a no bill was returned in the case and a 53
period of two years or a longer period as required by section 54
2953.61 of the Revised Code has expired from the date of the 55
report to the court of that no bill by the foreperson or deputy 56
foreperson of the grand jury; 57

(ii) If the complaint, indictment, or information in the 58
case was dismissed, determine whether it was dismissed with 59
prejudice or without prejudice and, if it was dismissed without 60
prejudice, determine whether the relevant statute of limitations 61
has expired; 62

(b) Determine whether criminal proceedings are pending 63
against the person; 64

(c) If the prosecutor has filed an objection in accordance 65
with division (B) (1) of this section, consider the reasons 66
against granting the application specified by the prosecutor in 67
the objection; 68

(d) If the person was granted a pardon upon conditions 69
precedent or subsequent for the offense for which the person was 70
convicted, determine whether all of those conditions have been 71
met; 72

(e) Weigh the interests of the person in having the 73
official records pertaining to the case sealed or expunged, as 74
applicable, against the legitimate needs, if any, of the 75
government to maintain those records. 76

(3) If the court determines after complying with division 77
(B) (2) (a) of this section that ~~the person was found not guilty~~ 78

~~in the case, that~~ the complaint, indictment, or information in 79
the case was dismissed with prejudice, that the complaint, 80
indictment, or information in the case was dismissed without 81
prejudice and that the relevant statute of limitations has 82
expired, or that the individual was granted by the governor an 83
absolute and entire pardon, a partial pardon, or a pardon upon 84
conditions precedent or subsequent that have been met, the court 85
shall issue an order to the superintendent of the bureau of 86
criminal identification and investigation directing that the 87
superintendent expunge or seal or cause to be sealed, as 88
applicable, the official records in the case consisting of DNA 89
specimens that are in the possession of the bureau and all DNA 90
records and DNA profiles. The determinations and considerations 91
described in divisions (B) (2) (b), (c), and (e) of this section 92
do not apply with respect to a determination of the court 93
described in this division. 94

(4) The determinations described in this division are 95
separate from the determination described in division (B) (3) of 96
this section. If the court determines, after complying with 97
division (B) (2) of this section, that ~~the person was found not~~ 98
~~guilty in the case, that~~ the complaint, indictment, or 99
information in the case was dismissed, the individual was 100
granted by the governor an absolute and entire pardon, a partial 101
pardon, or a pardon upon conditions precedent or subsequent that 102
have been met, or that a no bill was returned in the case and 103
that the appropriate period of time has expired from the date of 104
the report to the court of the no bill by the foreperson or 105
deputy foreperson of the grand jury; that no criminal 106
proceedings are pending against the person; and the interests of 107
the person in having the records pertaining to the case sealed 108
or expunged, as applicable, are not outweighed by any legitimate 109

governmental needs to maintain such records, or if division (E) 110
(2) (b) of section 4301.69 of the Revised Code applies, in 111
addition to the order required under division (B) (3) of this 112
section, the court shall issue an order directing that all 113
official records pertaining to the case be sealed or expunged, 114
as applicable, and that, except as provided in section 2953.34 115
of the Revised Code, the proceedings in the case be deemed not 116
to have occurred. 117

(5) Any DNA specimens, DNA records, and DNA profiles 118
ordered to be sealed or expunged under this section shall not be 119
sealed or expunged if the person with respect to whom the order 120
applies is otherwise eligible to have DNA records or a DNA 121
profile in the national DNA index system. 122

(C) (1) A person who is the defendant named in a dismissed 123
complaint, indictment, or information or against whom a no bill 124
is entered by a grand jury is not entitled to have records of 125
the case expunged under this section if the case involves any of 126
the following offenses: 127

(a) A violation of any section contained in Chapter 4506., 128
4507., 4510., 4511., or 4549. of the Revised Code, or a 129
violation of a municipal ordinance that is substantially similar 130
to any section contained in any of those chapters; 131

(b) A felony offense of violence that is not a sexually 132
oriented offense; 133

(c) A sexually oriented offense when the offender is 134
subject to the requirements of Chapter 2950. of the Revised Code 135
or Chapter 2950. of the Revised Code as it existed prior to 136
January 1, 2008; 137

(d) An offense involving a victim who is less than 138

thirteen years of age, except for an offense under section 139
2919.21 of the Revised Code; 140

(e) A felony of the first or second degree; 141

(f) A violation of section 2919.25 or 2919.27 of the 142
Revised Code or a violation of a municipal ordinance that is 143
substantially similar to either section; 144

(g) A violation that is a felony of the third degree if 145
the person has more than one prior conviction of any felony or, 146
if the person has exactly one prior conviction of a felony of 147
the third degree, the person has more prior convictions in total 148
than a third degree felony conviction and two misdemeanor 149
convictions. 150

(2) As used in division (C) of this section, "sexually 151
oriented offense" has the same meaning as in section 2950.01 of 152
the Revised Code. 153

Sec. 2953.331. (A) Except as provided in section 2953.61 154
of the Revised Code, any person who is found not guilty of an 155
offense by a jury or a court may apply to the court for an order 156
to seal or expunge the person's official records in the case. A 157
request for sealing or expungement under this section may be 158
made at any time after the finding of not guilty is made by the 159
jury or court. 160

(B) Upon a request for sealing or expungement of official 161
records that complies with division (A) of this section, the 162
court shall determine whether the person was found not guilty in 163
the case. If the court determines that the person was found not 164
guilty, the court shall do all of the following: 165

(1) Issue an order to the superintendent of the bureau of 166
criminal identification and investigation directing that the 167

superintendent expunge or seal or cause to be sealed, as 168
applicable, the official records in the case consisting of DNA 169
specimens that are in the possession of the bureau and all DNA 170
records and DNA profiles; 171

(2) Issue an order directing that all official records 172
pertaining to the case be sealed or expunged, as applicable, and 173
that, except as provided in section 2953.34 of the Revised Code, 174
the proceedings in the case be deemed not to have occurred. 175

(C) Any DNA specimens, DNA records, and DNA profiles 176
ordered to be sealed or expunged under this section shall not be 177
sealed or expunged if the person with respect to whom the order 178
applies is otherwise eligible to have DNA records or a DNA 179
profile in the national DNA index system. 180

Sec. 2953.34. (A) Inspection of the sealed records 181
included in a sealing order may be made only by the following 182
persons or for the following purposes: 183

(1) By a law enforcement officer or prosecutor, or the 184
assistants of either, to determine whether the nature and 185
character of the offense with which a person is to be charged 186
would be affected by virtue of the person's previously having 187
been convicted of a crime; 188

(2) By the parole or probation officer of the person who 189
is the subject of the records, for the exclusive use of the 190
officer in supervising the person while on parole or under a 191
community control sanction or a post-release control sanction, 192
and in making inquiries and written reports as requested by the 193
court or adult parole authority; 194

(3) Upon application by the person who is the subject of 195
the records or a legal representative of that person, by the 196

persons named in the application; 197

(4) By a law enforcement officer who was involved in the 198
case, for use in the officer's defense of a civil action arising 199
out of the officer's involvement in that case; 200

(5) By a prosecuting attorney or the prosecuting 201
attorney's assistants, to determine a defendant's eligibility to 202
enter a pre-trial diversion program established pursuant to 203
section 2935.36 of the Revised Code; 204

(6) By any law enforcement agency or any authorized 205
employee of a law enforcement agency or by the department of 206
rehabilitation and correction or department of youth services as 207
part of a background investigation of a person who applies for 208
employment with the agency or with the department; 209

(7) By any law enforcement agency or any authorized 210
employee of a law enforcement agency, for the purposes set forth 211
in, and in the manner provided in, division (I) of section 212
2953.34 of the Revised Code; 213

(8) By the bureau of criminal identification and 214
investigation or any authorized employee of the bureau for the 215
purpose of providing information to a board or person pursuant 216
to division (F) or (G) of section 109.57 of the Revised Code; 217

(9) By the bureau of criminal identification and 218
investigation or any authorized employee of the bureau for the 219
purpose of performing a criminal history records check on a 220
person to whom a certificate as prescribed in section 109.77 of 221
the Revised Code is to be awarded; 222

(10) By the bureau of criminal identification and 223
investigation or any authorized employee of the bureau for the 224
purpose of conducting a criminal records check of an individual 225

pursuant to division (B) of section 109.572 of the Revised Code 226
that was requested pursuant to any of the sections identified in 227
division (B)(1) of that section; 228

(11) By the bureau of criminal identification and 229
investigation, an authorized employee of the bureau, a sheriff, 230
or an authorized employee of a sheriff in connection with a 231
criminal records check described in section 311.41 of the 232
Revised Code; 233

(12) By the attorney general or an authorized employee of 234
the attorney general or a court for purposes of determining a 235
person's classification pursuant to Chapter 2950. of the Revised 236
Code; 237

(13) By a court, the registrar of motor vehicles, a 238
prosecuting attorney or the prosecuting attorney's assistants, 239
or a law enforcement officer for the purpose of assessing points 240
against a person under section 4510.036 of the Revised Code or 241
for taking action with regard to points assessed. 242

When the nature and character of the offense with which a 243
person is to be charged would be affected by the information, it 244
may be used for the purpose of charging the person with an 245
offense. 246

(B) In any criminal proceeding, proof of any otherwise 247
admissible prior conviction may be introduced and proved, 248
notwithstanding the fact that for any such prior conviction an 249
order of sealing or expungement previously was issued pursuant 250
to sections 2953.31 to 2953.34 of the Revised Code. 251

(C) The person or governmental agency, office, or 252
department that maintains sealed records pertaining to 253
convictions or bail forfeitures that have been sealed pursuant 254

to section 2953.32 of the Revised Code may maintain a manual or 255
computerized index to the sealed records. The index shall 256
contain only the name of, and alphanumeric identifiers that 257
relate to, the persons who are the subject of the sealed 258
records, the word "sealed," and the name of the person, agency, 259
office, or department that has custody of the sealed records, 260
and shall not contain the name of the crime committed. The index 261
shall be made available by the person who has custody of the 262
sealed records only for the purposes set forth in divisions (A), 263
(B), and (D) of this section. 264

(D) Notwithstanding any provision of this section or 265
section 2953.32 of the Revised Code that requires otherwise, a 266
board of education of a city, local, exempted village, or joint 267
vocational school district that maintains records of an 268
individual who has been permanently excluded under sections 269
3301.121 and 3313.662 of the Revised Code is permitted to 270
maintain records regarding a conviction that was used as the 271
basis for the individual's permanent exclusion, regardless of a 272
court order to seal or expunge the record. An order issued under 273
section 2953.32 of the Revised Code to seal or expunge the 274
record of a conviction does not revoke the adjudication order of 275
the director of education and workforce to permanently exclude 276
the individual who is the subject of the sealing or expungement 277
order. An order issued under section 2953.32 of the Revised Code 278
to seal or expunge the record of a conviction of an individual 279
may be presented to a district superintendent as evidence to 280
support the contention that the superintendent should recommend 281
that the permanent exclusion of the individual who is the 282
subject of the sealing or expungement order be revoked. Except 283
as otherwise authorized by this division and sections 3301.121 284
and 3313.662 of the Revised Code, any school employee in 285

possession of or having access to the sealed or expunged 286
conviction records of an individual that were the basis of a 287
permanent exclusion of the individual is subject to division (J) 288
of this section. 289

(E) Notwithstanding any provision of this section or 290
section 2953.32 of the Revised Code that requires otherwise, if 291
the auditor of state or a prosecutor maintains records, reports, 292
or audits of an individual who has been forever disqualified 293
from holding public office, employment, or a position of trust 294
in this state under sections 2921.41 and 2921.43 of the Revised 295
Code, or has otherwise been convicted of an offense based upon 296
the records, reports, or audits of the auditor of state, the 297
auditor of state or prosecutor is permitted to maintain those 298
records to the extent they were used as the basis for the 299
individual's disqualification or conviction, and shall not be 300
compelled by court order to seal or expunge those records. 301

(F) For purposes of sections 2953.31 and 2953.34 of the 302
Revised Code, DNA records collected in the DNA database and 303
fingerprints filed for record by the superintendent of the 304
bureau of criminal identification and investigation shall not be 305
sealed or expunged unless the superintendent receives a 306
certified copy of a final court order establishing that the 307
offender's conviction has been overturned. For purposes of this 308
section, a court order is not "final" if time remains for an 309
appeal or application for discretionary review with respect to 310
the order. 311

(G) (1) The court shall send notice of any order to seal or 312
expunge official records issued pursuant to section 2953.32 of 313
the Revised Code to the bureau of criminal identification and 314
investigation and to any public office or agency that the court 315

knows or has reason to believe may have any record of the case, 316
whether or not it is an official record, that is the subject of 317
the order. 318

(2) The sealing of a record under section 2953.32 of the 319
Revised Code does not affect the assessment of points under 320
section 4510.036 of the Revised Code and does not erase points 321
assessed against a person as a result of the sealed record. 322

(H) (1) The court shall send notice of any order to seal or 323
expunge official records issued pursuant to division (B) (3) of 324
section 2953.33 or section 2953.331 of the Revised Code to the 325
bureau of criminal identification and investigation and shall 326
send notice of any order issued pursuant to division (B) (4) of 327
~~that~~ section 2953.33 of the Revised Code or pursuant to section 328
2953.331 of the Revised Code to any public office or agency that 329
the court knows or has reason to believe may have any record of 330
the case, whether or not it is an official record, that is the 331
subject of the order. 332

(2) A person whose official records have been sealed or 333
expunged pursuant to an order issued pursuant to section 2953.33 334
or 2953.331 of the Revised Code may present a copy of that order 335
and a written request to comply with it, to a public office or 336
agency that has a record of the case that is the subject of the 337
order. 338

(3) An order to seal or expunge official records issued 339
pursuant to section 2953.33 or section 2953.331 of the Revised 340
Code applies to every public office or agency that has a record 341
of the case that is the subject of the order, regardless of 342
whether it receives notice of the hearing on the application for 343
the order to seal or expunge the official records or receives a 344
copy of the order to seal the official records pursuant to 345

division (H) (1) or (2) of this section. 346

(4) Upon receiving a copy of an order to seal or expunge 347
official records pursuant to division (H) (1) or (2) of this 348
section or upon otherwise becoming aware of an applicable order 349
to seal or expunge official records issued pursuant to section 350
2953.33 or 2953.331 of the Revised Code, a public office or 351
agency shall comply with the order and, if applicable, with 352
division (K) of this section, except that if the order is a 353
sealing order, the office or agency may maintain a record of the 354
case that is the subject of the order if the record is 355
maintained for the purpose of compiling statistical data only 356
and does not contain any reference to the person who is the 357
subject of the case and the order. 358

(5) A public office or agency to which division (H) (4) of 359
this section applies also may maintain an index of sealed 360
official records that are the subject of a sealing order, in a 361
form similar to that for sealed records of conviction as set 362
forth in division (C) of this section, access to which may not 363
be afforded to any person other than the person who has custody 364
of the sealed official records. The sealed official records to 365
which such an index pertains shall not be available to any 366
person, except that the official records of a case that have 367
been sealed may be made available to the following persons for 368
the following purposes: 369

(a) To the person who is the subject of the records upon 370
written application, and to any other person named in the 371
application, for any purpose; 372

(b) To a law enforcement officer who was involved in the 373
case, for use in the officer's defense of a civil action arising 374
out of the officer's involvement in that case; 375

(c) To a prosecuting attorney or the prosecuting 376
attorney's assistants to determine a defendant's eligibility to 377
enter a pre-trial diversion program established pursuant to 378
section 2935.36 of the Revised Code; 379

(d) To a prosecuting attorney or the prosecuting 380
attorney's assistants to determine a defendant's eligibility to 381
enter a pre-trial diversion program under division (E)(2)(b) of 382
section 4301.69 of the Revised Code. 383

(I)(1) Upon the issuance of an order by a court pursuant 384
to division (D)(2) of section 2953.32 of the Revised Code 385
directing that all official records of a case pertaining to a 386
conviction or bail forfeiture be sealed or expunged or an order 387
by a court pursuant to division (E) of section 2151.358, 388
division (C)(2) of section 2953.35, or division (E) of section 389
2953.36 of the Revised Code directing that all official records 390
of a case pertaining to a conviction or delinquent child 391
adjudication be expunged: 392

(a) Every law enforcement officer who possesses 393
investigatory work product immediately shall deliver that work 394
product to the law enforcement officer's employing law 395
enforcement agency. 396

(b) Except as provided in divisions (I)(1)(c) and (d) of 397
this section, every law enforcement agency that possesses 398
investigatory work product shall close that work product to all 399
persons who are not directly employed by the law enforcement 400
agency and shall treat that work product, in relation to all 401
persons other than those who are directly employed by the law 402
enforcement agency, as if it did not exist and never had 403
existed. 404

(c) A law enforcement agency that possesses investigatory work product may permit another law enforcement agency to use that work product in the investigation of another offense if the facts incident to the offense being investigated by the other law enforcement agency and the facts incident to an offense that is the subject of the case are reasonably similar. The agency that permits the use of investigatory work product may provide the other agency with the name of the person who is the subject of the case if it believes that the name of the person is necessary to the conduct of the investigation by the other agency.

(d) The auditor of state may provide to or discuss with other parties investigatory work product maintained pursuant to Chapter 117. of the Revised Code by the auditor of state.

(2) (a) Except as provided in divisions (I) (1) (c) and (d) of this section, no law enforcement officer or other person employed by a law enforcement agency shall knowingly release, disseminate, or otherwise make the investigatory work product or any information contained in that work product available to, or discuss any information contained in it with, any person not employed by the employing law enforcement agency.

(b) No law enforcement agency, or person employed by a law enforcement agency, that receives investigatory work product pursuant to divisions (I) (1) (c) and (d) of this section shall use that work product for any purpose other than the investigation of the offense for which it was obtained from the other law enforcement agency, or disclose the name of the person who is the subject of the work product except when necessary for the conduct of the investigation of the offense, or the prosecution of the person for committing the offense, for which

it was obtained from the other law enforcement agency. 435

(3) Whoever violates division (I) (2) (a) or (b) of this 436
section is guilty of divulging confidential investigatory work 437
product, a misdemeanor of the fourth degree. 438

(J) (1) Except as authorized by divisions (A) to (C) of 439
this section or by Chapter 2950. of the Revised Code and subject 440
to ~~division~~ divisions (J) (2) and (3) of this section, any 441
officer or employee of the state, or a political subdivision of 442
the state, who releases or otherwise disseminates or makes 443
available for any purpose involving employment, bonding, or 444
licensing in connection with any business, trade, or profession 445
to any person, or to any department, agency, or other 446
instrumentality of the state, or any political subdivision of 447
the state, any information or other data concerning any law 448
enforcement or justice system matter the records with respect to 449
which the officer or employee had knowledge of were sealed by an 450
existing order issued pursuant to section 2953.32 of the Revised 451
Code, division (E) of section 2151.358, section 2953.35, or 452
section 2953.36 of the Revised Code, or were expunged by an 453
order issued pursuant to section 2953.42 of the Revised Code as 454
it existed prior to June 29, 1988, is guilty of divulging 455
confidential information, a misdemeanor of the fourth degree. 456

(2) Division (J) (1) of this section does not apply to an 457
officer or employee of the state, or a political subdivision of 458
the state, who releases or otherwise disseminates or makes 459
available for any purpose specified in that division any 460
information or other data concerning a law enforcement or 461
justice system matter the records of which the officer had 462
knowledge were sealed or expunged by an order of a type 463
described in that division, if all of the following apply: 464

(a) The officer or employee released, disseminated, or 465
made available the information or data from the sealed or 466
expunged records together with information or data concerning 467
another law enforcement or justice system matter. 468

(b) The records of the other law enforcement or justice 469
system matter were not sealed or expunged by any order of a type 470
described in division (J) (1) of this section. 471

(c) The law enforcement or justice system matter covered 472
by the information or data from the sealed or expunged records 473
and the other law enforcement or justice system matter covered 474
by the information or data from the records that were not sealed 475
or expunged resulted from or were connected to the same act. 476

(d) The officer or employee made a good faith effort to 477
not release, disseminate, or make available any information or 478
other data concerning any law enforcement or justice system 479
matter from the sealed or expunged records, and the officer or 480
employee did not release, disseminate, or make available the 481
information or other data from the sealed or expunged records 482
with malicious purpose, in bad faith, or in a wanton or reckless 483
manner. 484

(3) Division (J) (1) of this section does not apply to an 485
officer or employee of the state, or a political subdivision of 486
the state, who releases or otherwise disseminates or makes 487
available for any purpose specified in that division any 488
information or other data concerning a law enforcement or 489
justice system matter the records of which the officer had 490
knowledge were sealed or expunged by an order of a type 491
described in that division, if the records are released or 492
disseminated or access is provided pursuant to an application by 493
the person who is the subject of the information or data or by a 494

legal representative of that person. 495

(4) Any person who, in violation of this section, uses, 496
disseminates, or otherwise makes available any index prepared 497
pursuant to division (C) of this section is guilty of a 498
misdemeanor of the fourth degree. 499

(K) (1) Except as otherwise provided in Chapter 2950. of 500
the Revised Code, upon the issuance of an order by a court under 501
division (B) of section 2953.33 or section 2953.331 of the 502
Revised Code directing that all official records pertaining to a 503
case be sealed or expunged and that the proceedings in the case 504
be deemed not to have occurred: 505

(a) Every law enforcement officer possessing records or 506
reports pertaining to the case that are the officer's specific 507
investigatory work product and that are excepted from the 508
definition of official records shall immediately deliver the 509
records and reports to the officer's employing law enforcement 510
agency. Except as provided in division (K) (1) (c) or (d) of this 511
section, no such officer shall knowingly release, disseminate, 512
or otherwise make the records and reports or any information 513
contained in them available to, or discuss any information 514
contained in them with, any person not employed by the officer's 515
employing law enforcement agency. 516

(b) Every law enforcement agency that possesses records or 517
reports pertaining to the case that are its specific 518
investigatory work product and that are excepted from the 519
definition of official records, or that are the specific 520
investigatory work product of a law enforcement officer it 521
employs and that were delivered to it under division (K) (1) (a) 522
of this section shall, except as provided in division (K) (1) (c) 523
or (d) of this section, close the records and reports to all 524

persons who are not directly employed by the law enforcement 525
agency and shall, except as provided in division (K) (1) (c) or 526
(d) of this section, treat the records and reports, in relation 527
to all persons other than those who are directly employed by the 528
law enforcement agency, as if they did not exist and had never 529
existed. Except as provided in division (K) (1) (c) or (d) of this 530
section, no person who is employed by the law enforcement agency 531
shall knowingly release, disseminate, or otherwise make the 532
records and reports in the possession of the employing law 533
enforcement agency or any information contained in them 534
available to, or discuss any information contained in them with, 535
any person not employed by the employing law enforcement agency. 536

(c) A law enforcement agency that possesses records or 537
reports pertaining to the case that are its specific 538
investigatory work product and that are excepted from the 539
definition of official records, or that are the specific 540
investigatory work product of a law enforcement officer it 541
employs and that were delivered to it under division (K) (1) (a) 542
of this section may permit another law enforcement agency to use 543
the records or reports in the investigation of another offense, 544
if the facts incident to the offense being investigated by the 545
other law enforcement agency and the facts incident to an 546
offense that is the subject of the case are reasonably similar. 547
The agency that provides the records and reports may provide the 548
other agency with the name of the person who is the subject of 549
the case, if it believes that the name of the person is 550
necessary to the conduct of the investigation by the other 551
agency. 552

No law enforcement agency, or person employed by a law 553
enforcement agency, that receives from another law enforcement 554
agency records or reports pertaining to a case the records of 555

which have been ordered sealed or expunged pursuant to division 556
(B) of section 2953.33 of the Revised Code or pursuant to 557
section 2953.331 of the Revised Code shall use the records and 558
reports for any purpose other than the investigation of the 559
offense for which they were obtained from the other law 560
enforcement agency, or disclose the name of the person who is 561
the subject of the records or reports except when necessary for 562
the conduct of the investigation of the offense, or the 563
prosecution of the person for committing the offense, for which 564
they were obtained from the other law enforcement agency. 565

(d) The auditor of state may provide to or discuss with 566
other parties records, reports, or audits maintained by the 567
auditor of state pursuant to Chapter 117. of the Revised Code 568
pertaining to the case that are the auditor of state's specific 569
investigatory work product and that are excepted from the 570
definition of "official records" contained in division (C) of 571
section 2953.31 of the Revised Code, or that are the specific 572
investigatory work product of a law enforcement officer the 573
auditor of state employs and that were delivered to the auditor 574
of state under division (K) (1) (a) of this section. 575

(2) Whoever violates division (K) (1) of this section is 576
guilty of divulging confidential information, a misdemeanor of 577
the fourth degree. 578

(L) (1) In any application for employment, license, or any 579
other right or privilege, any appearance as a witness, or any 580
other inquiry, a person may not be questioned with respect to 581
any record that has been sealed or expunged pursuant to section 582
2953.33 or 2953.331 of the Revised Code. If an inquiry is made 583
in violation of this division, the person whose official record 584
was sealed may respond as if the arrest underlying the case to 585

which the sealed official records pertain and all other 586
proceedings in that case did not occur, and the person whose 587
official record was sealed shall not be subject to any adverse 588
action because of the arrest, the proceedings, or the person's 589
response. 590

(2) (a) Except as provided in division (L) (2) (b) of this 591
section, an officer or employee of the state or any of its 592
political subdivisions who knowingly releases, disseminates, or 593
makes available for any purpose involving employment, bonding, 594
licensing, or education to any person or to any department, 595
agency, or other instrumentality of the state, or of any of its 596
political subdivisions, any information or other data concerning 597
any arrest, complaint, indictment, information, trial, 598
adjudication, or correctional supervision, knowing the records 599
of which have been sealed or expunged pursuant to section 600
2953.33 or 2953.331 of the Revised Code, is guilty of divulging 601
confidential information, a misdemeanor of the fourth degree. 602

(b) Division (L) (2) (a) of this section does not apply to 603
any release, dissemination, or access to information or data if 604
the records are released or disseminated or access is provided 605
pursuant to an application by the person who is the subject of 606
the information or data or by a legal representative of that 607
person. 608

(M) It is not a violation of division (I), (J), (K), or 609
(L) of this section for the bureau of criminal identification 610
and investigation or any authorized employee of the bureau 611
participating in the investigation of criminal activity to 612
release, disseminate, or otherwise make available to, or discuss 613
with, a person directly employed by a law enforcement agency DNA 614
records collected in the DNA database or fingerprints filed for 615

record by the superintendent of the bureau of criminal 616
identification and investigation. 617

(N) (1) An order issued under section 2953.35 of the 618
Revised Code to expunge the record of a person's conviction or, 619
except as provided in division (D) of this section, an order 620
issued under that section to seal the record of a person's 621
conviction restores the person who is the subject of the order 622
to all rights and privileges not otherwise restored by 623
termination of the sentence or community control sanction or by 624
final release on parole or post-release control. 625

(2) (a) In any application for employment, license, or 626
other right or privilege, any appearance as a witness, or any 627
other inquiry, except as provided in division (B) of this 628
section and in section 3319.292 of the Revised Code and subject 629
to division (N) (2) (c) of this section, a person may be 630
questioned only with respect to convictions not sealed, bail 631
forfeitures not expunged under section 2953.42 of the Revised 632
Code as it existed prior to June 29, 1988, and bail forfeitures 633
not sealed, unless the question bears a direct and substantial 634
relationship to the position for which the person is being 635
considered. 636

(b) In any application for a certificate of qualification 637
for employment under section 2953.25 of the Revised Code, a 638
person may be questioned only with respect to convictions not 639
sealed and bail forfeitures not sealed. 640

(c) A person may not be questioned in any application, 641
appearance, or inquiry of a type described in division (N) (2) (a) 642
of this section with respect to any conviction expunged under 643
section 2953.35 of the Revised Code. 644

(O) Nothing in section 2953.32 or 2953.34 of the Revised Code precludes an offender from taking an appeal or seeking any relief from the offender's conviction or from relying on it in lieu of any subsequent prosecution for the same offense.

Sec. 2953.61. (A) Except as provided in division (B)(1) of this section, a person charged with two or more offenses as a result of or in connection with the same act may not apply to the court pursuant to section 2953.32, 2953.33, 2953.331, or 2953.521 of the Revised Code for the sealing or expungement of the person's record in relation to any of the charges, and a prosecutor may not apply to the court pursuant to section 2953.39 of the Revised Code for the sealing or expungement of the record of a person in relation to any of the charges if the person was charged with two or more offenses as a result of or in connection with the same act, when at least one of the charges has a final disposition that is different from the final disposition of the other charges until such time as the person, or prosecutor, would be able to apply to the court and have all of the records pertaining to all of those charges sealed or expunged pursuant to section 2953.32, 2953.33, 2953.331, 2953.39, or 2953.521 of the Revised Code.

(B)(1) When a person is charged with two or more offenses as a result of or in connection with the same act and the final disposition of one, and only one, of the charges is a conviction under any section of Chapter 4507., 4510., 4511., or 4549., other than section 4511.19 or 4511.194 of the Revised Code, or under a municipal ordinance that is substantially similar to any section other than section 4511.19 or 4511.194 of the Revised Code contained in any of those chapters, and if the records pertaining to all the other charges would be eligible for sealing or expungement under section 2953.33, 2953.331, 2953.39,

or 2953.521 of the Revised Code in the absence of that 676
conviction, the court may order that the records pertaining to 677
all the charges be sealed or expunged. In such a case, the court 678
shall not order that only a portion of the records be sealed or 679
expunged. 680

(2) Division (B)(1) of this section does not apply if the 681
person convicted of the offenses currently holds a commercial 682
driver's license or commercial driver's license temporary 683
instruction permit. 684

Section 2. That existing sections 2953.33, 2953.34, and 685
2953.61 of the Revised Code are hereby repealed. 686