

INFORMATION FOR SEALING RECORDS

Fairfield County Municipal Court Clerk’s Office employees cannot give you legal advice concerning your application for sealing records. Please consult an attorney with any questions you may have. We will assist you in filing the application while complying with state legal requirements.

1. WHO CAN FILE?

- A. Currently, pursuant to applicable sections of the Ohio Revised Code, to qualify for sealing a record of conviction, you must be an “ELIGIBLE OFFENDER.” (ORC §2953.31) An eligible offender is anyone who has not been convicted of an offense in this court or any other jurisdiction and who has not more than one felony conviction, not more than two misdemeanor convictions if the convictions are not of the same offense, or not more than one felony conviction and one misdemeanor conviction. 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.

If you have two or three convictions resulting from the same charges, guilty plea, or official proceeding and resulting 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, you may apply to the court for an “eligible offender” status. The granting of “eligible offender” status is not automatic and is up the judge to determine whether or not it is in the public interest to allow your two or three convictions to be counted as one conviction for the purposes of sealing your records.

- B. The following are not considered convictions for the purpose of determining if you have an eligible offender status (ORC §2953.31):

- 1. BAIL FORFEITURE, DISMISSAL OR A MINOR MISDEMEANOR
- 2. TRAFFIC LAWS ORC 4511
- 3. TRAFFIC LAWS CONCERNING EQUIPMENT; LOADS ORC 4513
- 4. MOTOR VEHICLE CRIMES ORC 4549
- 5. ANY SUBSTANTIALLY SIMILAR MUNICIPAL ORDINANCE

- C. You are not an “ELIGIBLE OFFENDER” and are ineligible for sealing of a conviction if you have one or more convictions for any of the following (ORC §2953.31) or any substantially similar municipal ordinance:

- 1. OVI 4511.19
- 2. OVI SUSPENSION (driving under) 4510.11 OR 4510.14
- 3. STREET RACING 4511.251
- 4. HIT & SKIP 4549.02
- 5. HIT & SKIP OFF PUBLIC ROADS 4549.021
- 6. HIT & SKIP W/PROPERTY DAMAGE 4549.03
- 7. MASTER KEY SALE OR POSSESSION 4549.042
- 8. MOTOR VEHICLE CONCEALED IDENTITY 4549.62
- 9. VIOLATIONS OF THE ODOMETER 4549.41 through 4549.46
ROLLBACK AND DISCLOSURE ACT

- D. You are not eligible for sealing of any offense if you have any pending charges or past due fines and costs in any court. You are also not eligible for sealing of a conviction if you have already had a conviction (other than a minor misdemeanor) sealed. If you are charged with two or more offenses arising out of the same incident, you must be eligible on all of the charges in order to be eligible on any of the charges (ORC §2953.61). Bond/bail forfeitures of traffic offenses cannot be expunged (ORC §2953.36H).

2. CONVICTIONS WHICH CANNOT BE SEALED:

- A. Domestic violence, felony or misdemeanor of the eligible degree.
- B. An offense of violence when the offense is a misdemeanor of the eligible degree or a felony.
- C. An offense under circumstances in which the victim of the offense was under 18 years of age, when the offense is a misdemeanor of the eligible degree or a felony.
- D. Sexual imposition or unlawful sexual conduct with a minor.
- E. Convictions after 10-09-2007 of: public indecency; procuring; voyeurism; disseminating, displaying, or deception to obtain matter harmful to juveniles.
- F. Any of the violations listed on page 1, 1-C.
- G. Any traffic offense

3. WHEN CAN THE APPLICATION BE FILED AND WHAT ARE THE COSTS?

- A. There is no waiting period on a dismissal or not guilty finding (ORC §2953.52). There is no filing fee for an application to seal a dismissed or not guilty finding case.
- B. You must wait until one (1) year from the date of the discharge of your conviction. The discharge date includes the full payment of fines and costs, the completion of any jail sentence and/or the completion of the time of reporting or non-reporting probation. The filing fee is \$75.00 and is non-refundable.

4. WHAT HAPPENS AFTER THE APPLICATION IS FILED?

After the application has been processed, the Probation Department is notified and the case is sent to the Assignment Office to be scheduled for a court hearing in approximately thirty (30) days. The Probation Department completes a thorough background report for all applicants and submits it to the court. You will receive your hearing notice by mail and you will be required to attend the hearing. Additionally, the Prosecutor's Office may file an objection to the sealing of conviction.

After the hearing, if the sealing of the conviction has been granted, you and any agencies related to the case will receive a copy of the court entry. This entire process may take 6 to 8 weeks. Please note, a sealing order applies only to governmental agencies, not private data bases (ORC §2953.32C2 and 2953.35). In addition, governmental agencies do have the right to inspect for various purposes, including licensing and employment, records that have been sealed (ORC §2953.32D and G).

IN THE FAIRFIELD COUNTY MUNICIPAL COURT

STATE OF OHIO
CITY/VILLAGE OF _____

CASE NO(S): _____

Plaintiff

APPLICATION FOR SEALING OF
CONVICTION PURSUANT TO ORC §2953.32

vs.

OR

APPLICATION FOR SEALING OF DISMISSAL
PURSUANT TO ORC §2953.52A1

Defendant

Defendant makes application to this Court:

- For the sealing of his/her official record of conviction in this case.
- For the sealing of his/her official record of dismissal in this case.

Applicant provides the following information for use by the Probation Department and Prosecutor in determining whether the provisions of the sealing of the record statute are satisfied and sealing of the record should be granted:

Defendant Full Name: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Area Code/Telephone: _____

Social Security Number: _____ DOB: _____

Charges: _____

Date of Conviction: _____ OR Date of Dismissal: _____

Date of Termination of Probation: _____

- The case against the defendant was dismissed or found not guilty and there are no criminal proceedings now pending.

- The case against the defendant resulted in a conviction or bail forfeiture, and applicant makes the following additional representations:
1. More than one (1) year has passed since the final discharge in the above titled case.
 2. Applicant is an eligible offender pursuant to the definition found in R.C. 2953.31 (A) and there are no criminal proceedings pending against me.
 3. Applicant has been rehabilitated.
 4. Applicant's conviction/bail forfeiture is not a crime listed in R.C. 2953.36 for which the sealing of the record provisions of R.C. 2953.31 - 35 are inapplicable.
 5. The applicant understands that the \$75.00 filing fee is non-refundable.

I, _____, after having reviewed the applicable statutes referenced above in order to determine my eligibility for the sealing of the record of my case, in order to make truthful assertions for the purposes of this application;, hereby swear or affirm under the penalty of Falsification (R.C. 2921.13) that the statements contained herein are true and petitions the Court for an order sealing the record pursuant to ORC 2953.31 - 2953.36, or 2953.51 - 2953.55 and 2953.61.

Signature of Defendant

SERVICE AND NOTICE OF HEARING

A copy of the Application for Sealing of Conviction/Dismissal was served upon the City Prosecutor and the Probation Department, by placing a copy in the service box in the Clerk's Office on this _____day of _____, 20____.

This matter shall be set for hearing by the Court upon completion of a record check as required by statute. Notice of the date and time of hearing shall be forwarded to all parties.

Sherry L. Eckman, Clerk of Court

By Deputy Clerk