

INFORMATION PACKET
Application to Seal Criminal Record
(R.C. 2953.31)

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 in this state or any other jurisdiction, if all of the offenses in this state 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 this state, would be felonies of the fourth or fifth degree or misdemeanors and none of those offenses would be 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, to whom division (A)(1)(a) of this section does not apply, and who has not more than two felony convictions, has not more than four misdemeanor convictions, or, if the person has exactly two felony convictions, has not more than those two felony convictions and two misdemeanor convictions in this state or any other jurisdiction. The conviction that is requested to be sealed shall be a conviction that is eligible for sealing as provided in section [2953.36](#) of the Revised Code. 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, they shall be counted as one conviction, provided that a court may decide as provided in division (C)(1)(a) of section [2953.32](#) of the Revised Code that it is not in the public interest for the two or three convictions to be counted as one conviction.

An “eligible offender” for purposes of, and except as otherwise provided in, division (A)(1)(b) of this section, a conviction for a minor misdemeanor, for a violation of any section in Chapter [4507.](#), [4510.](#), [4511.](#), [4513.](#), or [4549.](#) of the Revised Code, or for a violation of a municipal ordinance that is substantially similar to any section in those chapters is not a conviction. 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 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 Revised

Code, for a violation of a substantially equivalent municipal ordinance, for a felony violation of Title XLV of the Revised Code, or for a violation of a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction.

Convictions for most minor misdemeanors are not convictions for the purposes of sealing one's record.

Please note, the applicant must have paid or had waived 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 personnel can tell you if you are eligible to have your conviction sealed. If you are unsure, please contact an attorney.

COST OF APPLICATION:

An applicant shall pay to the Franklin Municipal 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.

MORE THAN ONE RECORD:

An applicant may request the sealing of 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 Ohio Revised Code, fill out to the best of your ability the application below and bring the original to the Franklin Municipal Court at 1 Benjamin Franklin Way, Franklin, OH 45005. Be sure to make a copy for your records.

Take the "Application to Seal a Criminal Record" section of this packet to the Franklin Municipal Court and pay the nonrefundable \$50 application fee. A clerk will time-stamp and keep your application. You will be notified via mail of 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 FRANKLIN MUNICIPAL COURT
FRANKLIN, OHIO
WARREN COUNTY

STATE OF OHIO,	:	CASE NO. _____
	:	
Plaintiff,	:	JUDGE _____
	:	
v.	:	
	:	
Defendant.	:	
_____	:	<u>APPLICATION TO SEAL</u> <u>A CRIMINAL RECORD</u> <u>PURSUANT TO R.C. 2953.32</u>

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 two (2) felony convictions,
- The defendant has been convicted of not more than four (4) misdemeanor convictions,
- The defendant has been convicted of exactly two (2) felony convictions, and has not more than those two felony convictions and two (2) misdemeanor convictions.

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(s). 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:

Respectfully submitted,

SIGNATURE OF DEFENDANT: _____

PRINTED NAME OF DEFENDANT: _____

ADDRESS OF DEFENDANT: _____

PHONE NUMBER OF DEFENDANT: _____

PREVIOUS ADDRESSES (Provide the County and States for each location you have lived in since you were 18 years old, starting with the most recent address)

Address/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 Franklin Municipal Court Probation Department to conduct a records 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 sections [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 cases of the hearing. The Court shall also direct its probation department 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 sections [2953.31](#) of the Ohio Revised Code;
2. Determine whether criminal proceedings are pending against the applicant;
3. 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;
4. 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\(D\)](#) of the Ohio Revised Code, inspection of the sealed records included in the order may be made only by the following persons 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;

6. By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department;
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\(D\)](#) of the Ohio Revised Code.

The Clerk's Office will mail a certified copy of the Judgment Entry which granted your sealing of your criminal conviction to the following agencies:

- BC&I (Bureau of Criminal Identification & Investigation)
- The Warren County Sheriff's Office
- The police department and/or municipal court that may have information about your record.

It is important to note that once we have sealed your record, we are required by law to destroy the file. **Please keep at least one copy of the Judgment Entry granting the sealing of your criminal conviction in a safe and secure place. We will be unable to provide you with additional copies.**

IMPORTANT NOTICE

SHOULD THE COURT ORDER YOUR RECORD SEALED, WE STRONGLY SUGGEST FAXING THE FOLLOWING COMPANIES A COPY OF THE COURT ORDER SEALING YOUR RECORD SO IT IS REMOVED FROM THEIR DATABASE. THE FOLLOWING COMPANIES CONDUCT BACKGROUND CHECKS FOR MANY EMPLOYERS AND IT IS IMPORTANT YOU CONTACT THEM DIRECTLY.

COURT VENTURES

Attn: Kim Jaramillo
FAX: (714) 459-8272
1211 N. Las Brisas
St. Anaheim, CA 92806

CORELOGIC SAFERENT

Consumer Relations
FAX: (888) 560-6729
7300 Westmere Rd., Suite 3
Rockville, MD 20850
www.residentscreening.com

CBC COMPANIES

Attn: Cheryl McMahan
FAX: (614) 538-6102
1651 NW Professional Plaza
Columbus, OH 43220-3866

GENUINE DATA SERVICES

Attn: Christina
FAX: (803) 932-3357

INNOVATIVE ENTERPRISES

FAX: (757) 847-9141
PO Box 12226
Newport News, VA 23612
compliance@knowthefacts.com

NTELLICORP RECORDS, INC.

Attn: Compliance Department
FAX: (216) 450-5279
3000 Auburn Dr., Suite 410
Beachwood, OH 44122

ASURINT

Attn: Compliance Department
FAX: (800) 906-2034
1501 Euclid Ave., Suite 900
Cleveland, OH 44115

REALPAGE, INC.

Attn: Leasing Desk/Consumer Relations
FAX: (800) 866-8736
4000 International Parkway
Carrollton, TX 75007

CREDIT BUREAUS:

Experian: 1-888-397-3742
Equifax: 1-800-685-1111
Transunion: 1-800-916-8800

LEXIS NEXIS

Call for further instructions: (866) 491-0873

NOTE: THIS IS NOT A COMPLETE LIST OF COMPANIES THAT PERFORM BACKGROUND CHECKS.

THE COMPANIES LISTED ARE ONLY THE FEW WE ARE AWARE OF AT THIS TIME.