

INFORMATION PACKET
Application to Seal Record of Dismissal, Not Guilty Verdict, or No Bill
(R.C. 2953.52)

LEGAL BASIS:

Section 2953.52 of the Ohio Revised Code permits the sealing of records by an applicant (1) who is found not guilty of an offense by a jury or a court, (2) who is the defendant named in a dismissed complaint, indictment, or information, or (3) against whom a no bill is entered by a grand jury.

ELIGIBLE APPLICANT:

Any person, who is found not guilty of an offense by a jury or a Court or who is the defendant named in a dismissed complaint, indictment, or information, or against whom a no bill is entered by a grand jury, may apply to the Court for an order to seal the person's official records in the case.

In addition, any person under an intervention in lieu of conviction plan, and who successfully complete their intervention plan, may apply to the Court for their record to be sealed under section 2951.041(E) of the Ohio Revised Code.¹ Such an individual is called an "applicant" for the purpose of this application.

Please note, the applicant must have paid or had waived any and all court costs, fines, fees, and/or restitution before the applicant is considered eligible to have his or her record sealed.

TIMING OF APPLICATION:

Dismissal or Not Guilty Verdict: Any person, who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, or information, may apply to the Court to seal their record at any time after the finding of not guilty or the dismissal of the complaint, indictment, or information is entered upon the minutes of the court or the journal, whichever entry occurs first. HOWEVER, pursuant to section 2953.61 of the Ohio Revised Code, 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 of the Ohio Revised Code for the sealing of the person's record in relation to any of the charges 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 would be able to apply to the Court and have all of the record pertaining to all of those charges sealed.

No Bill: Any person, against whom a no bill is entered by a grand jury, may apply to the Court for an order to seal his or her official records in the case at any time after the expiration of two years after the date on which the foreperson or deputy foreperson of the grand jury reports to the Court that the grand jury has reported a no bill. HOWEVER, pursuant to section 2953.61 of the Ohio Revised Code, 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 of the Ohio Revised Code for the sealing of the person's record in relation to any of the charges 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 would be able to apply to the Court and have all of the record pertaining to all of those charges sealed.

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 Record” section of this packet to the Franklin Municipal Court. 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. : :
: : APPLICATION TO SEAL A
: : RECORD PURSUANT TO
: : R.C. 2953.52 OR R.C.
: : 2951.041

Comes now the defendant, _____, *pro se*, and moves the Court, pursuant to section 2953.52 or 2951.041 of the Ohio Revised Code, for an order sealing the record of the defendant's case, wherein the defendant was found not guilty, the complaint, indictment, or information was dismissed, or a no bill was entered by the grand jury.

The defendant seeks expungement of the following records:

Case
Number(s): _____
Charge(s): _____

My case was: dismissed / not guilty verdict / no billed
(circle one)

Date of Dismissal/Not Guilty Verdict/No Bill: _____

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).

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 record check to determine my eligibility for the sealing of my record in Case Number(s)

SIGNATURE OF APPLICANT

DATE

ADDITIONAL INFORMATION

COURT DETERMINATIONS BEFORE RECORD MAY BE SEALED:

In compliance with sections 2953.52 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 case of the hearing.

The Court shall then do each of the following:

1. Determine whether the applicant (1) was found not guilty in the case, (2) the complaint, indictment, or information in the case was dismissed, (3) a no bill was returned in the case and a period of two years or a longer period has expired from the date of the report to the Court of that no bill by the foreperson or deputy foreperson of the grand jury;
2. If the complaint, indictment, or information in the case was dismissed, determine whether it was dismissed with prejudice or without prejudice and, if it was dismissed without prejudice, determine whether the relevant statute of limitations has expired;
3. Determine whether criminal proceedings are pending against the person;
4. 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;
5. Weigh the interests of the applicant in having the records pertaining to the applicant's conviction sealed against legitimate needs, if any, of the government to maintain those records;
6. Make all other relevant determinations as provided in sections 2953.31, 2953.32, 2953.52, and 2951.041 of the Ohio Revised Code.

WHO CAN STILL SEE A SEALED RECORD?

Pursuant to section 2953.32(D) of the Ohio Revised Code, inspection of a sealed record may only by the following persons or 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 as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer;
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) through (I) of the Ohio Revised Code. The above list is not all inclusive. Other entities or individuals may be entitled to inspection of a seal record.

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

INTELLICORP 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

LEXIS NEXIS

Call for further instructions: (866) 491-0873

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

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.