

THE SUMMIT COUNTY SEALING PROCESS

(Sealing of records of convictions, dismissals, not guilty findings,
and bail forfeitures)

The following information has been provided to assist you with the sealing application process. Every effort is made to keep this information current and up-to-date; however, keep in mind that changes in legislation may affect the outcome of your sealing request. The laws that are in effect at the time of your sealing application will apply and may supersede any information provided in this document. Although professional public service is offered to assist you in filing an application for sealing of records, employees of the Clerk's Office and employees of the Probation Department cannot give you legal advice. Our goal is to help you through the process in an impartial way by delivering excellent public service while complying with state legal requirements.

1. WHAT IS "SEALING OF RECORDS"?

Sealing of records is a way to have your criminal record removed and your court file sealed. This means that a sealed prior conviction is no longer in the public record. Records are sealed so that if you have not previously been in trouble with the law and have paid your debt for certain crimes, you can go on with your life as if the conviction had never happened.

When you apply for some jobs, apartments and licenses, they will look at your criminal record. If you have a conviction on your record, you may not be chosen for the job, given the apartment, etc.

Once your record is sealed, nothing will show up when your record is checked. If the court grants a sealing of record, when you are asked if you have ever been convicted of a felony or misdemeanor and that felony or misdemeanor has been sealed, you can honestly state that you have not. You can act as if the arrest and conviction never occurred.

***HOWEVER, even if your record is sealed, the record is not destroyed. Your record can still be used by a limited number of persons and/or agencies for a limited number of reasons, according to Ohio law. Law enforcement agencies, prosecutors, some prospective employers and some other agencies can still look at your sealed record. Also, if you commit another crime, your sealed record can still be used against you when you are sentenced.**

2. WHO CAN FILE FOR A SEALING OF RECORD?

According to the Ohio Revised Code, to qualify for sealing of your record, you must be a "first offender" who has not committed a crime that is not eligible to be sealed. A first offender has had **only one** conviction (felony or misdemeanor) in this or any other jurisdiction, and has no previous or subsequent record of conviction. Most traffic or driver's license and minor misdemeanor convictions are not considered previous convictions. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they can sometimes be counted as one conviction.

You must not have been subject to a mandatory prison term for the conviction you are trying to get sealed. Even if you were sentenced to prison time, as long as you were eligible to receive probation for your conviction, you may apply for sealing of your record.

You cannot have any criminal or traffic proceedings pending.

You cannot have had another conviction sealed.

You may apply for sealing of as many dismissals, No Bills, and bail forfeitures as you would like, because these dispositions are not considered "convictions".

Keep in mind, it is up to the Common Pleas Judge to either grant or deny any such application. Even if you are eligible to have your record sealed, the court must rule that you have been satisfactorily rehabilitated. In some cases, the prosecutor may file an objection to the granting of your application. The objection will contain the reasons why the prosecutor believes a denial is warranted.

3. ARE THERE ANY CONVICTIONS THAT ARE NOT ELIGIBLE TO BE SEALED?

Any offense that requires a mandatory prison sentence is not eligible to be sealed.

An offense that is a felony of the first or second degree is not eligible to be sealed.

The majority of violent felonies and violent first-degree misdemeanors are not eligible to be sealed.

The majority of sex offense convictions are not eligible to be sealed.

The majority of convictions in which the victim is a child under 18 are not eligible to be sealed.

Certain offenses in Chapters 4507, 4511 or 4549 of the Ohio Revised Code cannot be sealed. (i.e. DUI's)

Bail forfeitures in a traffic case as defined in Traffic Rule 2 cannot be sealed.

You are not eligible for sealing of a conviction if you have any pending charges. You also are not eligible if you have already had a conviction sealed.

4. HOW LONG DO I HAVE TO WAIT BEFORE I CAN APPLY TO HAVE MY RECORD SEALED?

If you are a first offender and your crime was a felony, you must wait at least three years from the time you are released from probation, parole or prison supervision.

If you are a first offender and your crime was a misdemeanor, you must wait at least one year from your conviction, or the time you are released from probation supervision or jail.

There is no waiting period for dismissals and not guilty findings.

There is a two-year waiting period for a No Bill disposition.

5. WHAT IS THE FILING FEE FOR A SEALING OF RECORD?

For Summit County Court of Common Pleas cases, there is a one hundred dollar filing fee for each case involving a conviction or bail forfeiture. In some circumstances, there may be multiple \$100.00 filing fees. There is **no charge** for filing an application to seal a dismissal, a not guilty finding, or a No Bill. Cash, checks, money orders, are accepted. Credit cards are accepted with ID.

***There are no guarantees that a sealing of record will be granted. Your filing fee is not refundable.**

6. WHAT HAPPENS AFTER THE SEALING APPLICATION IS FILED?

After you have filed your sealing application with the Summit County Clerk of Courts Office, you will be contacted by the Summit County Adult Probation Department. It is necessary to complete an interview with the Probation Department before your application will be considered.

The Adult Probation Department must complete a thorough background report for all applicants seeking a sealing of record. It is in your best interest to respond promptly to communication from the Adult Probation Department. Failure to do so can result in delay or even denial of your sealing request.

The Adult Probation Department is required to notify the Court of any outstanding financial obligations regarding your case. It may be in your best interest to pay those obligations in full before a report is forwarded to the Court. You will be notified at the time of your sealing interview if you owe any monies to the Clerk of Courts.

6. WHAT HAPPENS AFTER THE SEALING APPLICATION IS FILED? (cont.)

After your application has been processed by the Adult Probation Department and a report has been completed, your file will be sent to the assignment office to be set for a court date. The Court will communicate with you and/or your attorney either by:

a) informing you directly that your sealing request has been approved or denied

or

b) sending a notice to appear in court for a sealing hearing.

Please note that once a sealing has been granted and your records have been sealed, if you wish to view your original case records, you may request to do so in person on a form provided by the Clerk's Office. You will be required to present positive identification such as a driver's license at that time. It is extremely helpful if you have your sealing case number and the name of the sealing Judge in order to assist the Clerk's Office in obtaining this information for you. For this reason, it is recommended that you keep your granted entry and sealing case number indefinitely. As a courtesy, the Clerk's Office presents a copy of the original case to the defendant or the defendant's attorney at the time the sealing application is filed. **You should keep all records of your original case indefinitely, as you may need this information at a later date.**

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

MOTION TO SEAL CRIMINAL RECORD

STATE OF OHIO

COMMON PLEAS CASE # _____

VS.

MUNICIPAL CASE # _____

MUNICIPAL JURISDICTION _____

Now comes the Defendant in the above case and requests that the Court seal the (circle one)
CONVICTION, NO BILL, or DISMISSAL of the charge of _____

The defendant represents the following:

1. His/her sentence was final on _____.
2. He/she is a first offender as defined in ORC 2953.31 (A).
3. He/she has no criminal or traffic charges pending at this time.
4. The conviction does not fall within the exceptions, pursuant to ORC 2953.36.
5. He/she has no previous or subsequent convictions in this or any other jurisdiction.

Defendant further requests that a date for a hearing be set upon such Motion, and that an investigation be conducted pursuant to statute to determine that he/she has attained rehabilitation to the satisfaction of the Court.

Defendant has paid the filing fee required by the Clerk of Courts office. If not paid, a notarized Affidavit of Indigency is to be required to be filed along with the Motion.

S.S.N. _____

Signature of Applicant

D.O.B. _____

Street Address

PHONE () _____

City, State, Zip Code

THE FILING OF THIS MOTION DOES NOT AUTOMATICALLY GUARANTEE THAT YOUR RECORD
WILL BE SEALED BY THE COURT.

THE FILING FEE PAID AT THE TIME OF FILING IS NON-REFUNDABLE EVEN IF THE SEALING IS
DENIED.

EXCEPTIONS TO EXPUNGEMENT/SEALING PROCESS

Pursuant to ORC 2953.36 – Section 2953.31 to 2953.35 of the ORC do not apply to any of the following:

- (A) Convictions when the offender is subject to a mandatory prison term;
- (B) Convictions under section 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters;
- (C) Convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not a violation of section 2917.03 of the Revised Code and is not a violation of section 2903.13, 2917.01 or 2917.31 of the Revised Code that is a misdemeanor of the first degree.
- (D) Convictions on or after the effective date of this amendment under 2907.07 of the Revised Code or a conviction on or after the effective date of this amendment for a violation of a municipal ordinance that is substantially similar to that section;
- (E) Convictions on or after the effective date of this amendment under section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 2907.311, 2907.32, or 2907.33 of the Revised Code when the victim of the offense was under eighteen years of age;
- (F) Convictions of an offense in circumstances in which the victim of the offense was under eighteen years of age when the offense is a misdemeanor of the first degree or a felony;
- (G) Convictions of a felony of the first or second degree;
- (H) Bail forfeitures in a traffic case as defined in Traffic Rule 2.

Effective Date: 01-01-2004; 2007 SB18 10-10-2007