

**SEALING OF RECORD OF CONVICTION CHECKLIST
AFTER OCTOBER 28, 2018**

1. Has the Client been convicted of one of the following offenses? If yes, then the Client is not eligible to have his/her record sealed. If no, then move on to step 2.

- ORC 2903.01 Aggravated Murder;
- ORC 2903.02 Murder;
- ORC 2903.03 Voluntary Manslaughter;
- ORC 2903.04 Involuntary Manslaughter;
- ORC 2903.11 Felonious Assault;
- ORC 2903.12 Aggravated Assault;
- ORC 2903.15 Permitting Child Abuse;
- ORC 2903.21 Aggravated Menacing;
- ORC 2903.211 Menacing by Stalking;
- ORC 2905.01 Kidnapping;
- ORC 2905.02 Abduction;
- ORC 2905.11 Extortion;
- ORC 2905.32 Trafficking in Persons;
- ORC 2907.02 Rape;
- ORC 2907.03 Sexual Battery;
- ORC 2907.05 Gross Sexual Imposition;
- ORC 2907.12 Felonious Sexual Penetration;
- ORC 2907.04 Unlawful Sexual Conduct with Minor;
- ORC 2907.05 Gross Sexual Imposition;
- ORC 2909.02 Aggravated Arson;
- ORC 2909.03 Arson;
- ORC 2909.24 Terrorism;
- ORC 2911.01 Aggravated Robbery;
- ORC 2911.02 Robbery;
- ORC 2911.11 Aggravated Burglary;
- ORC 2911.12(B)(1), (2), or (3) Burglary;
- ORC 2917.01 Inciting Violence;
- ORC 2917.02 Aggravated Riot;
- ORC 2917.03 Riot;
- ORC 2917.31 Inducing Panic;
- ORC 2919.22(B)(1), (2), (3), or (4) Endangering Children;
- ORC 2921.03 Intimidation;
- ORC 2921.04 Intimidation of Attorney, Victim, or Witness;
- ORC 2921.34 Escape;
- ORC 2923.161 Improper Discharge of Firearm at or Into a Habitation;
- ORC 2907.321 Pandering Obscenity Involving a Minor;
- ORC 2907.322 Pandering Sexually Oriented Matter Involving a Minor;
- ORC 2907.323 Illegal Use of Minor in Nudity Oriented Material or Performance;

- ORC 2907.33 Deception to Obtain Matter Harmful to Juveniles;
 - Convictions that carry a mandatory prison term, including specifications;
 - Convictions for a felony of the first or second degree;
2. Does the client have five or fewer felony convictions? If yes, then move to step 3.
 3. Are all the felony convictions for felonies of the fourth or fifth degree? If yes, then move to step 4. If no, then move to step 10.
 4. Are any of the convictions for the following? If no, then move on to step 5. If yes, then move to step 10.
 - ORC 2903.13 Assault;
 - ORC 2903.22 Menacing;
 - ORC 2919.25 Domestic Violence;
 - ORC 2907.07 Importuning;
 - ORC 2907.08 Voyeurism, only if it is a felony;
 - ORC 2907.09 Public Indecency, only if it is a felony;
 - ORC 2907.21 Compelling Prostitution;
 - ORC 2907.22 Promoting Prostitution;
 - ORC 2907.23 Procuring, only if it is a felony;
 - ORC 2907.24 Soliciting, only if it is a felony;
 - ORC 2907.241 Loitering to Engage in Solicitation only if it is a felony;
 - ORC 2907.25 Prostitution, only if it is a felony;
 - ORC 2907.31 Disseminating Matter Harmful to Juveniles, only if it is a felony;
 - ORC 2907.32 Pandering Obscenity;
 - ORC 2907.34 Compelling Acceptance of Objectionable Materials;
 5. If you are trying to seal one felony. Has three years elapsed since the client completed either the term of incarceration or supervision¹, whichever is later? If yes, then they are eligible to have their record sealed.
 6. If you are trying to seal two felonies. Has four years elapsed since the client completed either the term of incarceration or supervision², whichever is later? If yes, then they are eligible to have their record sealed.
 7. If you are trying to seal three, four, or five felonies. Has five years elapsed since the client completed either the term of incarceration or supervision³, whichever is later? If yes, then they are eligible to have their record sealed.

¹ Term of supervision includes both community control and post-release control.

² Term of supervision includes both community control and post-release control.

³ Term of supervision includes both community control and post-release control.

8. If you are trying to seal a misdemeanor. Is it a traffic offense? Convictions under O.R.C. 4507, 4510, 4511, and 4549 cannot be sealed. Has one year elapsed since the client completed either the term of incarceration or supervision, whichever is later? If yes, then they are eligible to have their record sealed.
9. Has the client paid all of fines and costs associated with the convictions they are trying to seal? If no, then the court may deny the motion to seal their record.

In determining whether to grant sealing the court must determine: (1) whether criminal proceedings are pending against the applicant; (2) whether the applicant has been rehabilitated to the satisfaction of the court; and (3) 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

Ohio Revised Code §2925.32(B)(3) states that the clerk may only charge \$50.00 for a motion to seal records after a conviction. This fee can be waived by filing a motion to waive fee.

STEP 10 STARTS HERE

10. Has the client been convicted of not more than one felony, two misdemeanors, or not more than one felony and one misdemeanor? Review steps 11, 12, and 13 to assist with this answer.
11. Convictions for a minor misdemeanor, or a violation of any section of ORC 4507, 4510, 4511, 4513 or 4549, do not count as a conviction, except that violations of ORC 4511.19, 4511.251, 4549.02, 4549.021, 4549.03, 4549.042, 4549.62, 4549.41 to 4549.46, 4510.11 or 4510.14 that are based upon the offender's operation of a motor vehicle during a suspension imposed by ORC 4511.191 or 4511.196, and any felony violation of title 45 count as a conviction.
12. Two or three convictions from same indictment, complaint or information and that result from related criminal acts that were committed within a three-month period but do not result from the same act or offenses committed at the same time, may be treated as one conviction if the court finds that it is in the public interest. If it finds they are one conviction then the person is an eligible offender.
13. If after reviewing steps 11, 12 and 13 the answer is yes to question 6 then move on to step 14. If no, then the client is not eligible to have their record sealed.
14. The following offenses can be sealed unless the exceptions listed below exist:
 - ORC 2903.13 Assault, except if a felony or if the victim is less than 16 years of age;
 - ORC 2903.22 Menacing, except if a misdemeanor of the first degree;
 - ORC 2919.25 Domestic Violence, except if a misdemeanor of first degree or higher;
 - ORC 2907.08 Voyeurism, except after October 10, 2007 and when victim is less than 18 years of age;

- ORC 2907.09 Public Indecency, except after October 10, 2007 and when victim is less than 18 years of age;
- ORC 2907.21 Compelling Prostitution, except after October 10, 2007 and when victim is less than 18 years of age;
- ORC 2907.22 Promoting Prostitution, except after October 10, 2007 and when victim is less than 18 years of age;
- ORC 2907.23 Procuring, except after October 10, 2007 and when victim is less than 18 years of age;
- ORC 2907.311 Displaying Matter Harmful to Juveniles, except after October 10, 2007 and when victim is less than 18 years of age;
- ORC 2907.32 Pandering Obscenity, except after October 10, 2007 and when victim is less than 18 years of age;

15. If you are trying to seal a felony. Have three years elapsed since the client completed either the term of incarceration or supervision⁴, whichever is later? If yes, they are eligible to have their record sealed.

16. If you are trying to seal a misdemeanor. Has one year elapsed since the client completed either the term of incarceration or supervision, whichever is later? If yes, then they are eligible to have their record sealed.

17. Has the client paid all of fines and costs associated with the convictions they are trying to seal? If no, then the court may deny the motion to seal their record.

In determining whether to grant sealing the court must determine: (1) whether criminal proceedings are pending against the applicant; (2) whether the applicant has been rehabilitated to the satisfaction of the court; and (3) 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

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