

As Introduced

133rd General Assembly

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S. B. No. 160

Senators O'Brien, Rulli

**Cosponsors: Senators Antonio, Craig, Eklund, Fedor, Huffman, M., Sykes,
Thomas, Williams, Yuko, Lehner**

A BILL

To amend sections 2923.125, 2953.32, 2953.321, 1
2953.33, 2953.35, and 2953.52 and to enact 2
section 2953.39 of the Revised Code to provide a 3
mechanism for the expungement of records of most 4
convictions that, depending on the category of 5
the offense, are at least 10 years old, 15 years 6
old, or 20 years old, and to eliminate the 7
waiting period for sealing a record related to a 8
no bill. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 2923.125, 2953.32, 2953.321, 10
2953.33, 2953.35, and 2953.52 be amended and section 2953.39 of 11
the Revised Code be enacted to read as follows: 12

Sec. 2923.125. It is the intent of the general assembly 13
that Ohio concealed handgun license law be compliant with the 14
national instant criminal background check system, that the 15
bureau of alcohol, tobacco, firearms, and explosives is able to 16
determine that Ohio law is compliant with the national instant 17
criminal background check system, and that no person shall be 18

eligible to receive a concealed handgun license permit under 19
section 2923.125 or 2923.1213 of the Revised Code unless the 20
person is eligible lawfully to receive or possess a firearm in 21
the United States. 22

(A) This section applies with respect to the application 23
for and issuance by this state of concealed handgun licenses 24
other than concealed handgun licenses on a temporary emergency 25
basis that are issued under section 2923.1213 of the Revised 26
Code. Upon the request of a person who wishes to obtain a 27
concealed handgun license with respect to which this section 28
applies or to renew a concealed handgun license with respect to 29
which this section applies, a sheriff, as provided in division 30
(I) of this section, shall provide to the person free of charge 31
an application form and the web site address at which a 32
printable version of the application form that can be downloaded 33
and the pamphlet described in division (B) of section 109.731 of 34
the Revised Code may be found. A sheriff shall accept a 35
completed application form and the fee, items, materials, and 36
information specified in divisions (B) (1) to (5) of this section 37
at the times and in the manners described in division (I) of 38
this section. 39

(B) An applicant for a concealed handgun license who is a 40
resident of this state shall submit a completed application form 41
and all of the material and information described in divisions 42
(B) (1) to (6) of this section to the sheriff of the county in 43
which the applicant resides or to the sheriff of any county 44
adjacent to the county in which the applicant resides. An 45
applicant for a license who resides in another state shall 46
submit a completed application form and all of the material and 47
information described in divisions (B) (1) to (7) of this section 48
to the sheriff of the county in which the applicant is employed 49

or to the sheriff of any county adjacent to the county in which 50
the applicant is employed: 51

(1) (a) A nonrefundable license fee as described in either 52
of the following: 53

(i) For an applicant who has been a resident of this state 54
for five or more years, a fee of sixty-seven dollars; 55

(ii) For an applicant who has been a resident of this 56
state for less than five years or who is not a resident of this 57
state, but who is employed in this state, a fee of sixty-seven 58
dollars plus the actual cost of having a background check 59
performed by the federal bureau of investigation. 60

(b) No sheriff shall require an applicant to pay for the 61
cost of a background check performed by the bureau of criminal 62
identification and investigation. 63

(c) A sheriff shall waive the payment of the license fee 64
described in division (B) (1) (a) of this section in connection 65
with an initial or renewal application for a license that is 66
submitted by an applicant who is an active or reserve member of 67
the armed forces of the United States or has retired from or was 68
honorably discharged from military service in the active or 69
reserve armed forces of the United States, a retired peace 70
officer, a retired person described in division (B) (1) (b) of 71
section 109.77 of the Revised Code, or a retired federal law 72
enforcement officer who, prior to retirement, was authorized 73
under federal law to carry a firearm in the course of duty, 74
unless the retired peace officer, person, or federal law 75
enforcement officer retired as the result of a mental 76
disability. 77

(d) The sheriff shall deposit all fees paid by an 78

applicant under division (B) (1) (a) of this section into the 79
sheriff's concealed handgun license issuance fund established 80
pursuant to section 311.42 of the Revised Code. The county shall 81
distribute the fees in accordance with section 311.42 of the 82
Revised Code. 83

(2) A color photograph of the applicant that was taken 84
within thirty days prior to the date of the application; 85

(3) One or more of the following competency 86
certifications, each of which shall reflect that, regarding a 87
certification described in division (B) (3) (a), (b), (c), (e), or 88
(f) of this section, within the three years immediately 89
preceding the application the applicant has performed that to 90
which the competency certification relates and that, regarding a 91
certification described in division (B) (3) (d) of this section, 92
the applicant currently is an active or reserve member of the 93
armed forces of the United States, the applicant has retired 94
from or was honorably discharged from military service in the 95
active or reserve armed forces of the United States, or within 96
the ten years immediately preceding the application the 97
retirement of the peace officer, person described in division 98
(B) (1) (b) of section 109.77 of the Revised Code, or federal law 99
enforcement officer to which the competency certification 100
relates occurred: 101

(a) An original or photocopy of a certificate of 102
completion of a firearms safety, training, or requalification or 103
firearms safety instructor course, class, or program that was 104
offered by or under the auspices of a national gun advocacy 105
organization and that complies with the requirements set forth 106
in division (G) of this section; 107

(b) An original or photocopy of a certificate of 108

completion of a firearms safety, training, or requalification or 109
firearms safety instructor course, class, or program that 110
satisfies all of the following criteria: 111

(i) It was open to members of the general public. 112

(ii) It utilized qualified instructors who were certified 113
by a national gun advocacy organization, the executive director 114
of the Ohio peace officer training commission pursuant to 115
section 109.75 or 109.78 of the Revised Code, or a governmental 116
official or entity of another state. 117

(iii) It was offered by or under the auspices of a law 118
enforcement agency of this or another state or the United 119
States, a public or private college, university, or other 120
similar postsecondary educational institution located in this or 121
another state, a firearms training school located in this or 122
another state, or another type of public or private entity or 123
organization located in this or another state. 124

(iv) It complies with the requirements set forth in 125
division (G) of this section. 126

(c) An original or photocopy of a certificate of 127
completion of a state, county, municipal, or department of 128
natural resources peace officer training school that is approved 129
by the executive director of the Ohio peace officer training 130
commission pursuant to section 109.75 of the Revised Code and 131
that complies with the requirements set forth in division (G) of 132
this section, or the applicant has satisfactorily completed and 133
been issued a certificate of completion of a basic firearms 134
training program, a firearms requalification training program, 135
or another basic training program described in section 109.78 or 136
109.801 of the Revised Code that complies with the requirements 137

set forth in division (G) of this section;	138
(d) A document that evidences both of the following:	139
(i) That the applicant is an active or reserve member of the armed forces of the United States, has retired from or was honorably discharged from military service in the active or reserve armed forces of the United States, is a retired trooper of the state highway patrol, or is a retired peace officer or federal law enforcement officer described in division (B) (1) of this section or a retired person described in division (B) (1) (b) of section 109.77 of the Revised Code and division (B) (1) of this section;	140 141 142 143 144 145 146 147 148
(ii) That, through participation in the military service or through the former employment described in division (B) (3) (d) (i) of this section, the applicant acquired experience with handling handguns or other firearms, and the experience so acquired was equivalent to training that the applicant could have acquired in a course, class, or program described in division (B) (3) (a), (b), or (c) of this section.	149 150 151 152 153 154 155
(e) A certificate or another similar document that evidences satisfactory completion of a firearms training, safety, or requalification or firearms safety instructor course, class, or program that is not otherwise described in division (B) (3) (a), (b), (c), or (d) of this section, that was conducted by an instructor who was certified by an official or entity of the government of this or another state or the United States or by a national gun advocacy organization, and that complies with the requirements set forth in division (G) of this section;	156 157 158 159 160 161 162 163 164
(f) An affidavit that attests to the applicant's satisfactory completion of a course, class, or program described	165 166

in division (B) (3) (a), (b), (c), or (e) of this section and that 167
is subscribed by the applicant's instructor or an authorized 168
representative of the entity that offered the course, class, or 169
program or under whose auspices the course, class, or program 170
was offered; 171

(g) A document that evidences that the applicant has 172
successfully completed the Ohio peace officer training program 173
described in section 109.79 of the Revised Code. 174

(4) A certification by the applicant that the applicant 175
has read the pamphlet prepared by the Ohio peace officer 176
training commission pursuant to section 109.731 of the Revised 177
Code that reviews firearms, dispute resolution, and use of 178
deadly force matters. 179

(5) A set of fingerprints of the applicant provided as 180
described in section 311.41 of the Revised Code through use of 181
an electronic fingerprint reading device or, if the sheriff to 182
whom the application is submitted does not possess and does not 183
have ready access to the use of such a reading device, on a 184
standard impression sheet prescribed pursuant to division (C) (2) 185
of section 109.572 of the Revised Code. 186

(6) If the applicant is not a citizen or national of the 187
United States, the name of the applicant's country of 188
citizenship and the applicant's alien registration number issued 189
by the United States citizenship and immigration services 190
agency. 191

(7) If the applicant resides in another state, adequate 192
proof of employment in Ohio. 193

(C) Upon receipt of the completed application form, 194
supporting documentation, and, if not waived, license fee of an 195

applicant under this section, a sheriff, in the manner specified 196
in section 311.41 of the Revised Code, shall conduct or cause to 197
be conducted the criminal records check and the incompetency 198
records check described in section 311.41 of the Revised Code. 199

(D) (1) Except as provided in division (D) (3) of this 200
section, within forty-five days after a sheriff's receipt of an 201
applicant's completed application form for a concealed handgun 202
license under this section, the supporting documentation, and, 203
if not waived, the license fee, the sheriff shall make available 204
through the law enforcement automated data system in accordance 205
with division (H) of this section the information described in 206
that division and, upon making the information available through 207
the system, shall issue to the applicant a concealed handgun 208
license that shall expire as described in division (D) (2) (a) of 209
this section if all of the following apply: 210

(a) The applicant is legally living in the United States. 211
For purposes of division (D) (1) (a) of this section, if a person 212
is absent from the United States in compliance with military or 213
naval orders as an active or reserve member of the armed forces 214
of the United States and if prior to leaving the United States 215
the person was legally living in the United States, the person, 216
solely by reason of that absence, shall not be considered to 217
have lost the person's status as living in the United States. 218

(b) The applicant is at least twenty-one years of age. 219

(c) The applicant is not a fugitive from justice. 220

(d) The applicant is not under indictment for or otherwise 221
charged with a felony; an offense under Chapter 2925., 3719., or 222
4729. of the Revised Code that involves the illegal possession, 223
use, sale, administration, or distribution of or trafficking in 224

a drug of abuse; a misdemeanor offense of violence; or a 225
violation of section 2903.14 or 2923.1211 of the Revised Code. 226

(e) Except as otherwise provided in division (D) (4) or (5) 227
of this section, the applicant has not been convicted of or 228
pleaded guilty to a felony or an offense under Chapter 2925., 229
3719., or 4729. of the Revised Code that involves the illegal 230
possession, use, sale, administration, or distribution of or 231
trafficking in a drug of abuse; has not been adjudicated a 232
delinquent child for committing an act that if committed by an 233
adult would be a felony or would be an offense under Chapter 234
2925., 3719., or 4729. of the Revised Code that involves the 235
illegal possession, use, sale, administration, or distribution 236
of or trafficking in a drug of abuse; has not been convicted of, 237
pleaded guilty to, or adjudicated a delinquent child for 238
committing a violation of section 2903.13 of the Revised Code 239
when the victim of the violation is a peace officer, regardless 240
of whether the applicant was sentenced under division (C) (4) of 241
that section; and has not been convicted of, pleaded guilty to, 242
or adjudicated a delinquent child for committing any other 243
offense that is not previously described in this division that 244
is a misdemeanor punishable by imprisonment for a term exceeding 245
one year. 246

(f) Except as otherwise provided in division (D) (4) or (5) 247
of this section, the applicant, within three years of the date 248
of the application, has not been convicted of or pleaded guilty 249
to a misdemeanor offense of violence other than a misdemeanor 250
violation of section 2921.33 of the Revised Code or a violation 251
of section 2903.13 of the Revised Code when the victim of the 252
violation is a peace officer, or a misdemeanor violation of 253
section 2923.1211 of the Revised Code; and has not been 254
adjudicated a delinquent child for committing an act that if 255

committed by an adult would be a misdemeanor offense of violence 256
other than a misdemeanor violation of section 2921.33 of the 257
Revised Code or a violation of section 2903.13 of the Revised 258
Code when the victim of the violation is a peace officer or for 259
committing an act that if committed by an adult would be a 260
misdemeanor violation of section 2923.1211 of the Revised Code. 261

(g) Except as otherwise provided in division (D)(1)(e) of 262
this section, the applicant, within five years of the date of 263
the application, has not been convicted of, pleaded guilty to, 264
or adjudicated a delinquent child for committing two or more 265
violations of section 2903.13 or 2903.14 of the Revised Code. 266

(h) Except as otherwise provided in division (D)(4) or (5) 267
of this section, the applicant, within ten years of the date of 268
the application, has not been convicted of, pleaded guilty to, 269
or adjudicated a delinquent child for committing a violation of 270
section 2921.33 of the Revised Code. 271

(i) The applicant has not been adjudicated as a mental 272
defective, has not been committed to any mental institution, is 273
not under adjudication of mental incompetence, has not been 274
found by a court to be a mentally ill person subject to court 275
order, and is not an involuntary patient other than one who is a 276
patient only for purposes of observation. As used in this 277
division, "mentally ill person subject to court order" and 278
"patient" have the same meanings as in section 5122.01 of the 279
Revised Code. 280

(j) The applicant is not currently subject to a civil 281
protection order, a temporary protection order, or a protection 282
order issued by a court of another state. 283

(k) The applicant certifies that the applicant desires a 284

legal means to carry a concealed handgun for defense of the 285
applicant or a member of the applicant's family while engaged in 286
lawful activity. 287

(l) The applicant submits a competency certification of 288
the type described in division (B) (3) of this section and 289
submits a certification of the type described in division (B) (4) 290
of this section regarding the applicant's reading of the 291
pamphlet prepared by the Ohio peace officer training commission 292
pursuant to section 109.731 of the Revised Code. 293

(m) The applicant currently is not subject to a suspension 294
imposed under division (A) (2) of section 2923.128 of the Revised 295
Code of a concealed handgun license that previously was issued 296
to the applicant under this section or section 2923.1213 of the 297
Revised Code or a similar suspension imposed by another state 298
regarding a concealed handgun license issued by that state. 299

(n) If the applicant resides in another state, the 300
applicant is employed in this state. 301

(o) The applicant certifies that the applicant is not an 302
unlawful user of or addicted to any controlled substance as 303
defined in 21 U.S.C. 802. 304

(p) If the applicant is not a United States citizen, the 305
applicant is an alien and has not been admitted to the United 306
States under a nonimmigrant visa, as defined in the "Immigration 307
and Nationality Act," 8 U.S.C. 1101(a) (26). 308

(q) The applicant has not been discharged from the armed 309
forces of the United States under dishonorable conditions. 310

(r) The applicant certifies that the applicant has not 311
renounced the applicant's United States citizenship, if 312
applicable. 313

(s) The applicant has not been convicted of, pleaded 314
guilty to, or adjudicated a delinquent child for committing a 315
violation of section 2919.25 of the Revised Code or a similar 316
violation in another state. 317

(2) (a) A concealed handgun license that a sheriff issues 318
under division (D) (1) of this section shall expire five years 319
after the date of issuance. 320

If a sheriff issues a license under this section, the 321
sheriff shall place on the license a unique combination of 322
letters and numbers identifying the license in accordance with 323
the procedure prescribed by the Ohio peace officer training 324
commission pursuant to section 109.731 of the Revised Code. 325

(b) If a sheriff denies an application under this section 326
because the applicant does not satisfy the criteria described in 327
division (D) (1) of this section, the sheriff shall specify the 328
grounds for the denial in a written notice to the applicant. The 329
applicant may appeal the denial pursuant to section 119.12 of 330
the Revised Code in the county served by the sheriff who denied 331
the application. If the denial was as a result of the criminal 332
records check conducted pursuant to section 311.41 of the 333
Revised Code and if, pursuant to section 2923.127 of the Revised 334
Code, the applicant challenges the criminal records check 335
results using the appropriate challenge and review procedure 336
specified in that section, the time for filing the appeal 337
pursuant to section 119.12 of the Revised Code and this division 338
is tolled during the pendency of the request or the challenge 339
and review. 340

(c) If the court in an appeal under section 119.12 of the 341
Revised Code and division (D) (2) (b) of this section enters a 342
judgment sustaining the sheriff's refusal to grant to the 343

applicant a concealed handgun license, the applicant may file a 344
new application beginning one year after the judgment is 345
entered. If the court enters a judgment in favor of the 346
applicant, that judgment shall not restrict the authority of a 347
sheriff to suspend or revoke the license pursuant to section 348
2923.128 or 2923.1213 of the Revised Code or to refuse to renew 349
the license for any proper cause that may occur after the date 350
the judgment is entered. In the appeal, the court shall have 351
full power to dispose of all costs. 352

(3) If the sheriff with whom an application for a 353
concealed handgun license was filed under this section becomes 354
aware that the applicant has been arrested for or otherwise 355
charged with an offense that would disqualify the applicant from 356
holding the license, the sheriff shall suspend the processing of 357
the application until the disposition of the case arising from 358
the arrest or charge. 359

(4) If an applicant has been convicted of or pleaded 360
guilty to an offense identified in division (D)(1)(e), (f), or 361
(h) of this section or has been adjudicated a delinquent child 362
for committing an act or violation identified in any of those 363
divisions, and if a court has ordered the sealing or expungement 364
of the records of that conviction, guilty plea, or adjudication 365
pursuant to sections 2151.355 to 2151.358, sections 2953.31 to 366
2953.36, or section 2953.37 or 2953.39 of the Revised Code or 367
the applicant has been relieved under operation of law or legal 368
process from the disability imposed pursuant to section 2923.13 369
of the Revised Code relative to that conviction, guilty plea, or 370
adjudication, the sheriff with whom the application was 371
submitted shall not consider the conviction, guilty plea, or 372
adjudication in making a determination under division (D)(1) or 373
(F) of this section or, in relation to an application for a 374

concealed handgun license on a temporary emergency basis 375
submitted under section 2923.1213 of the Revised Code, in making 376
a determination under division (B)(2) of that section. 377

(5) If an applicant has been convicted of or pleaded 378
guilty to a minor misdemeanor offense or has been adjudicated a 379
delinquent child for committing an act or violation that is a 380
minor misdemeanor offense, the sheriff with whom the application 381
was submitted shall not consider the conviction, guilty plea, or 382
adjudication in making a determination under division (D)(1) or 383
(F) of this section or, in relation to an application for a 384
concealed handgun license on a temporary basis submitted under 385
section 2923.1213 of the Revised Code, in making a determination 386
under division (B)(2) of that section. 387

(E) If a concealed handgun license issued under this 388
section is lost or is destroyed, the licensee may obtain from 389
the sheriff who issued that license a duplicate license upon the 390
payment of a fee of fifteen dollars and the submission of an 391
affidavit attesting to the loss or destruction of the license. 392
The sheriff, in accordance with the procedures prescribed in 393
section 109.731 of the Revised Code, shall place on the 394
replacement license a combination of identifying numbers 395
different from the combination on the license that is being 396
replaced. 397

(F)(1)(a) Except as provided in division (F)(1)(b) of this 398
section, a licensee who wishes to renew a concealed handgun 399
license issued under this section may do so at any time before 400
the expiration date of the license or at any time after the 401
expiration date of the license by filing with the sheriff of the 402
county in which the applicant resides or with the sheriff of an 403
adjacent county, or in the case of an applicant who resides in 404

another state with the sheriff of the county that issued the 405
applicant's previous concealed handgun license an application 406
for renewal of the license obtained pursuant to division (D) of 407
this section, a certification by the applicant that, subsequent 408
to the issuance of the license, the applicant has reread the 409
pamphlet prepared by the Ohio peace officer training commission 410
pursuant to section 109.731 of the Revised Code that reviews 411
firearms, dispute resolution, and use of deadly force matters, 412
and a nonrefundable license renewal fee in an amount determined 413
pursuant to division (F)(4) of this section unless the fee is 414
waived. 415

(b) A person on active duty in the armed forces of the 416
United States or in service with the peace corps, volunteers in 417
service to America, or the foreign service of the United States 418
is exempt from the license requirements of this section for the 419
period of the person's active duty or service and for six months 420
thereafter, provided the person was a licensee under this 421
section at the time the person commenced the person's active 422
duty or service or had obtained a license while on active duty 423
or service. The spouse or a dependent of any such person on 424
active duty or in service also is exempt from the license 425
requirements of this section for the period of the person's 426
active duty or service and for six months thereafter, provided 427
the spouse or dependent was a licensee under this section at the 428
time the person commenced the active duty or service or had 429
obtained a license while the person was on active duty or 430
service, and provided further that the person's active duty or 431
service resulted in the spouse or dependent relocating outside 432
of this state during the period of the active duty or service. 433
This division does not prevent such a person or the person's 434
spouse or dependent from making an application for the renewal 435

of a concealed handgun license during the period of the person's 436
active duty or service. 437

(2) A sheriff shall accept a completed renewal 438
application, the license renewal fee, and the information 439
specified in division (F)(1) of this section at the times and in 440
the manners described in division (I) of this section. Upon 441
receipt of a completed renewal application, of certification 442
that the applicant has reread the specified pamphlet prepared by 443
the Ohio peace officer training commission, and of a license 444
renewal fee unless the fee is waived, a sheriff, in the manner 445
specified in section 311.41 of the Revised Code shall conduct or 446
cause to be conducted the criminal records check and the 447
incompetency records check described in section 311.41 of the 448
Revised Code. The sheriff shall renew the license if the sheriff 449
determines that the applicant continues to satisfy the 450
requirements described in division (D)(1) of this section, 451
except that the applicant is not required to meet the 452
requirements of division (D)(1)(1) of this section. A renewed 453
license shall expire five years after the date of issuance. A 454
renewed license is subject to division (E) of this section and 455
sections 2923.126 and 2923.128 of the Revised Code. A sheriff 456
shall comply with divisions (D)(2) and (3) of this section when 457
the circumstances described in those divisions apply to a 458
requested license renewal. If a sheriff denies the renewal of a 459
concealed handgun license, the applicant may appeal the denial, 460
or challenge the criminal record check results that were the 461
basis of the denial if applicable, in the same manner as 462
specified in division (D)(2)(b) of this section and in section 463
2923.127 of the Revised Code, regarding the denial of a license 464
under this section. 465

(3) A renewal application submitted pursuant to division 466

(F) of this section shall only require the licensee to list on 467
the application form information and matters occurring since the 468
date of the licensee's last application for a license pursuant 469
to division (B) or (F) of this section. A sheriff conducting the 470
criminal records check and the incompetency records check 471
described in section 311.41 of the Revised Code shall conduct 472
the check only from the date of the licensee's last application 473
for a license pursuant to division (B) or (F) of this section 474
through the date of the renewal application submitted pursuant 475
to division (F) of this section. 476

(4) An applicant for a renewal concealed handgun license 477
under this section shall submit to the sheriff of the county in 478
which the applicant resides or to the sheriff of any county 479
adjacent to the county in which the applicant resides, or in the 480
case of an applicant who resides in another state to the sheriff 481
of the county that issued the applicant's previous concealed 482
handgun license, a nonrefundable license fee as described in 483
either of the following: 484

(a) For an applicant who has been a resident of this state 485
for five or more years, a fee of fifty dollars; 486

(b) For an applicant who has been a resident of this state 487
for less than five years or who is not a resident of this state 488
but who is employed in this state, a fee of fifty dollars plus 489
the actual cost of having a background check performed by the 490
federal bureau of investigation. 491

(5) The concealed handgun license of a licensee who is no 492
longer a resident of this state or no longer employed in this 493
state, as applicable, is valid until the date of expiration on 494
the license, and the licensee is prohibited from renewing the 495
concealed handgun license. 496

(G) (1) Each course, class, or program described in 497
division (B) (3) (a), (b), (c), or (e) of this section shall 498
provide to each person who takes the course, class, or program 499
the web site address at which the pamphlet prepared by the Ohio 500
peace officer training commission pursuant to section 109.731 of 501
the Revised Code that reviews firearms, dispute resolution, and 502
use of deadly force matters may be found. Each such course, 503
class, or program described in one of those divisions shall 504
include at least eight hours of training in the safe handling 505
and use of a firearm that shall include training, provided as 506
described in division (G) (3) of this section, on all of the 507
following: 508

(a) The ability to name, explain, and demonstrate the 509
rules for safe handling of a handgun and proper storage 510
practices for handguns and ammunition; 511

(b) The ability to demonstrate and explain how to handle 512
ammunition in a safe manner; 513

(c) The ability to demonstrate the knowledge, skills, and 514
attitude necessary to shoot a handgun in a safe manner; 515

(d) Gun handling training; 516

(e) A minimum of two hours of in-person training that 517
consists of range time and live-fire training. 518

(2) To satisfactorily complete the course, class, or 519
program described in division (B) (3) (a), (b), (c), or (e) of 520
this section, the applicant shall pass a competency examination 521
that shall include both of the following: 522

(a) A written section, provided as described in division 523
(G) (3) of this section, on the ability to name and explain the 524
rules for the safe handling of a handgun and proper storage 525

practices for handguns and ammunition; 526

(b) An in-person physical demonstration of competence in 527
the use of a handgun and in the rules for safe handling and 528
storage of a handgun and a physical demonstration of the 529
attitude necessary to shoot a handgun in a safe manner. 530

(3) (a) Except as otherwise provided in this division, the 531
training specified in division (G) (1) (a) of this section shall 532
be provided to the person receiving the training in person by an 533
instructor. If the training specified in division (G) (1) (a) of 534
this section is provided by a course, class, or program 535
described in division (B) (3) (a) of this section, or it is 536
provided by a course, class, or program described in division 537
(B) (3) (b), (c), or (e) of this section and the instructor is a 538
qualified instructor certified by a national gun advocacy 539
organization, the training so specified, other than the training 540
that requires the person receiving the training to demonstrate 541
handling abilities, may be provided online or as a combination 542
of in-person and online training, as long as the online training 543
includes an interactive component that regularly engages the 544
person. 545

(b) Except as otherwise provided in this division, the 546
written section of the competency examination specified in 547
division (G) (2) (a) of this section shall be administered to the 548
person taking the competency examination in person by an 549
instructor. If the training specified in division (G) (1) (a) of 550
this section is provided to the person receiving the training by 551
a course, class, or program described in division (B) (3) (a) of 552
this section, or it is provided by a course, class, or program 553
described in division (B) (3) (b), (c), or (e) of this section and 554
the instructor is a qualified instructor certified by a national 555

gun advocacy organization, the written section of the competency examination specified in division (G)(2)(a) of this section may be administered online, as long as the online training includes an interactive component that regularly engages the person.

(4) The competency certification described in division (B)(3)(a), (b), (c), or (e) of this section shall be dated and shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G)(1) of this section and that the applicant passed the competency examination described in division (G)(2) of this section.

(H) Upon deciding to issue a concealed handgun license, deciding to issue a replacement concealed handgun license, or deciding to renew a concealed handgun license pursuant to this section, and before actually issuing or renewing the license, the sheriff shall make available through the law enforcement automated data system all information contained on the license. If the license subsequently is suspended under division (A)(1) or (2) of section 2923.128 of the Revised Code, revoked pursuant to division (B)(1) of section 2923.128 of the Revised Code, or lost or destroyed, the sheriff also shall make available through the law enforcement automated data system a notation of that fact. The superintendent of the state highway patrol shall ensure that the law enforcement automated data system is so configured as to permit the transmission through the system of the information specified in this division.

(I)(1) A sheriff shall accept a completed application form or renewal application, and the fee, items, materials, and information specified in divisions (B)(1) to (5) or division (F) of this section, whichever is applicable, and shall provide an

application form or renewal application to any person during at 586
least fifteen hours a week and shall provide the web site 587
address at which a printable version of the application form 588
that can be downloaded and the pamphlet described in division 589
(B) of section 109.731 of the Revised Code may be found at any 590
time, upon request. The sheriff shall post notice of the hours 591
during which the sheriff is available to accept or provide the 592
information described in this division. 593

(2) A sheriff shall transmit a notice to the attorney 594
general, in a manner determined by the attorney general, every 595
time a license is issued that waived payment under division (B) 596
(1)(c) of this section for an applicant who is an active or 597
reserve member of the armed forces of the United States or has 598
retired from or was honorably discharged from military service 599
in the active or reserve armed forces of the United States. The 600
attorney general shall monitor and inform sheriffs issuing 601
licenses under this section when the amount of license fee 602
payments waived and transmitted to the attorney general reach 603
one million five hundred thousand dollars each year. Once a 604
sheriff is informed that the payments waived reached one million 605
five hundred thousand dollars in any year, a sheriff shall no 606
longer waive payment of a license fee for an applicant who is an 607
active or reserve member of the armed forces of the United 608
States or has retired from or was honorably discharged from 609
military service in the active or reserve armed forces of the 610
United States for the remainder of that year. 611

Sec. 2953.32. (A) (1) Except as provided in section 2953.61 612
of the Revised Code, an eligible offender may apply to the 613
sentencing court if convicted in this state, or to a court of 614
common pleas if convicted in another state or in a federal 615
court, for the sealing of the record of the case that pertains 616

to the conviction. Application may be made at one of the 617
following times: 618

(a) At the expiration of three years after the offender's 619
final discharge if convicted of one felony; 620

(b) When division (A) (1) (a) of section 2953.31 of the 621
Revised Code applies to the offender, at the expiration of four 622
years after the offender's final discharge if convicted of two 623
felonies, or at the expiration of five years after final 624
discharge if convicted of three, four, or five felonies; 625

(c) At the expiration of one year after the offender's 626
final discharge if convicted of a misdemeanor. 627

(2) Any person who has been arrested for any misdemeanor 628
offense and who has effected a bail forfeiture for the offense 629
charged may apply to the court in which the misdemeanor criminal 630
case was pending when bail was forfeited for the sealing of the 631
record of the case that pertains to the charge. Except as 632
provided in section 2953.61 of the Revised Code, the application 633
may be filed at any time after the expiration of one year from 634
the date on which the bail forfeiture was entered upon the 635
minutes of the court or the journal, whichever entry occurs 636
first. 637

(B) Upon the filing of an application under this section, 638
the court shall set a date for a hearing and shall notify the 639
prosecutor for the case of the hearing on the application. The 640
prosecutor may object to the granting of the application by 641
filing an objection with the court prior to the date set for the 642
hearing. The prosecutor shall specify in the objection the 643
reasons for believing a denial of the application is justified. 644
The court shall direct its regular probation officer, a state 645

probation officer, or the department of probation of the county 646
in which the applicant resides to make inquiries and written 647
reports as the court requires concerning the applicant. The 648
probation officer or county department of probation that the 649
court directs to make inquiries concerning the applicant shall 650
determine whether or not the applicant was fingerprinted at the 651
time of arrest or under section 109.60 of the Revised Code. If 652
the applicant was so fingerprinted, the probation officer or 653
county department of probation shall include with the written 654
report a record of the applicant's fingerprints. If the 655
applicant was convicted of or pleaded guilty to a violation of 656
division (A) (2) or (B) of section 2919.21 of the Revised Code, 657
the probation officer or county department of probation that the 658
court directed to make inquiries concerning the applicant shall 659
contact the child support enforcement agency enforcing the 660
applicant's obligations under the child support order to inquire 661
about the offender's compliance with the child support order. 662

(C) (1) The court shall do each of the following: 663

(a) Determine whether the applicant is an eligible 664
offender or whether the forfeiture of bail was agreed to by the 665
applicant and the prosecutor in the case. If the applicant 666
applies as an eligible offender pursuant to division (A) (1) of 667
this section and has two or three convictions that result from 668
the same indictment, information, or complaint, from the same 669
plea of guilty, or from the same official proceeding, and result 670
from related criminal acts that were committed within a three- 671
month period but do not result from the same act or from 672
offenses committed at the same time, in making its determination 673
under this division, the court initially shall determine whether 674
it is not in the public interest for the two or three 675
convictions to be counted as one conviction. If the court 676

determines that it is not in the public interest for the two or 677
three convictions to be counted as one conviction, the court 678
shall determine that the applicant is not an eligible offender; 679
if the court does not make that determination, the court shall 680
determine that the offender is an eligible offender. 681

(b) Determine whether criminal proceedings are pending 682
against the applicant; 683

(c) If the applicant is an eligible offender who applies 684
pursuant to division (A) (1) of this section, determine whether 685
the applicant has been rehabilitated to the satisfaction of the 686
court; 687

(d) If the prosecutor has filed an objection in accordance 688
with division (B) of this section, consider the reasons against 689
granting the application specified by the prosecutor in the 690
objection; 691

(e) Weigh the interests of the applicant in having the 692
records pertaining to the applicant's conviction or bail 693
forfeiture sealed against the legitimate needs, if any, of the 694
government to maintain those records. 695

(2) If the court determines, after complying with division 696
(C) (1) of this section, that the applicant is an eligible 697
offender or the subject of a bail forfeiture, that no criminal 698
proceeding is pending against the applicant, that the interests 699
of the applicant in having the records pertaining to the 700
applicant's conviction or bail forfeiture sealed are not 701
outweighed by any legitimate governmental needs to maintain 702
those records, and that the rehabilitation of an applicant who 703
is an eligible offender applying pursuant to division (A) (1) of 704
this section has been attained to the satisfaction of the court, 705

the court, except as provided in division (C) (4), (G), (H), or 706
(I) of this section, shall order all official records of the 707
case that pertain to the conviction or bail forfeiture sealed 708
and, except as provided in division (F) of this section, all 709
index references to the case that pertain to the conviction or 710
bail forfeiture deleted and, in the case of bail forfeitures, 711
shall dismiss the charges in the case. The proceedings in the 712
case that pertain to the conviction or bail forfeiture shall be 713
considered not to have occurred and the conviction or bail 714
forfeiture of the person who is the subject of the proceedings 715
shall be sealed, except that upon conviction of a subsequent 716
offense, the sealed record of prior conviction or bail 717
forfeiture may be considered by the court in determining the 718
sentence or other appropriate disposition, including the relief 719
provided for in sections 2953.31 to 2953.33 of the Revised Code. 720

(3) An applicant may request the sealing of the records of 721
more than one case in a single application under this section. 722
Upon the filing of an application under this section, the 723
applicant, unless indigent, shall pay a fee of fifty dollars, 724
regardless of the number of records the application requests to 725
have sealed. The court shall pay thirty dollars of the fee into 726
the state treasury. It shall pay twenty dollars of the fee into 727
the county general revenue fund if the sealed conviction or bail 728
forfeiture was pursuant to a state statute, or into the general 729
revenue fund of the municipal corporation involved if the sealed 730
conviction or bail forfeiture was pursuant to a municipal 731
ordinance. 732

(4) If the court orders the official records pertaining to 733
the case sealed, the court shall do one of the following: 734

(a) If the applicant was fingerprinted at the time of 735

arrest or under section 109.60 of the Revised Code and the 736
record of the applicant's fingerprints was provided to the court 737
under division (B) of this section, forward a copy of the 738
sealing order and the record of the applicant's fingerprints to 739
the bureau of criminal identification and investigation. 740

(b) If the applicant was not fingerprinted at the time of 741
arrest or under section 109.60 of the Revised Code, or the 742
record of the applicant's fingerprints was not provided to the 743
court under division (B) of this section, but fingerprinting was 744
required for the offense, order the applicant to appear before a 745
sheriff to have the applicant's fingerprints taken according to 746
the fingerprint system of identification on the forms furnished 747
by the superintendent of the bureau of criminal identification 748
and investigation. The sheriff shall forward the applicant's 749
fingerprints to the court. The court shall forward the 750
applicant's fingerprints and a copy of the sealing order to the 751
bureau of criminal identification and investigation. 752

Failure of the court to order fingerprints at the time of 753
sealing does not constitute a reversible error. 754

(D) Inspection of the sealed records included in the order 755
may be made only by the following persons or for the following 756
purposes: 757

(1) By a law enforcement officer or prosecutor, or the 758
assistants of either, to determine whether the nature and 759
character of the offense with which a person is to be charged 760
would be affected by virtue of the person's previously having 761
been convicted of a crime; 762

(2) By the parole or probation officer of the person who 763
is the subject of the records, for the exclusive use of the 764

officer in supervising the person while on parole or under a 765
community control sanction or a post-release control sanction, 766
and in making inquiries and written reports as requested by the 767
court or adult parole authority; 768

(3) Upon application by the person who is the subject of 769
the records, by the persons named in the application; 770

(4) By a law enforcement officer who was involved in the 771
case, for use in the officer's defense of a civil action arising 772
out of the officer's involvement in that case; 773

(5) By a prosecuting attorney or the prosecuting 774
attorney's assistants, to determine a defendant's eligibility to 775
enter a pre-trial diversion program established pursuant to 776
section 2935.36 of the Revised Code; 777

(6) By any law enforcement agency or any authorized 778
employee of a law enforcement agency or by the department of 779
rehabilitation and correction or department of youth services as 780
part of a background investigation of a person who applies for 781
employment with the agency or with the department; 782

(7) By any law enforcement agency or any authorized 783
employee of a law enforcement agency, for the purposes set forth 784
in, and in the manner provided in, section 2953.321 of the 785
Revised Code; 786

(8) By the bureau of criminal identification and 787
investigation or any authorized employee of the bureau for the 788
purpose of providing information to a board or person pursuant 789
to division (F) or (G) of section 109.57 of the Revised Code; 790

(9) By the bureau of criminal identification and 791
investigation or any authorized employee of the bureau for the 792
purpose of performing a criminal history records check on a 793

person to whom a certificate as prescribed in section 109.77 of 794
the Revised Code is to be awarded; 795

(10) By the bureau of criminal identification and 796
investigation or any authorized employee of the bureau for the 797
purpose of conducting a criminal records check of an individual 798
pursuant to division (B) of section 109.572 of the Revised Code 799
that was requested pursuant to any of the sections identified in 800
division (B) (1) of that section; 801

(11) By the bureau of criminal identification and 802
investigation, an authorized employee of the bureau, a sheriff, 803
or an authorized employee of a sheriff in connection with a 804
criminal records check described in section 311.41 of the 805
Revised Code; 806

(12) By the attorney general or an authorized employee of 807
the attorney general or a court for purposes of determining a 808
person's classification pursuant to Chapter 2950. of the Revised 809
Code; 810

(13) By a court, the registrar of motor vehicles, a 811
prosecuting attorney or the prosecuting attorney's assistants, 812
or a law enforcement officer for the purpose of assessing points 813
against a person under section 4510.036 of the Revised Code or 814
for taking action with regard to points assessed. 815

When the nature and character of the offense with which a 816
person is to be charged would be affected by the information, it 817
may be used for the purpose of charging the person with an 818
offense. 819

(E) In any criminal proceeding, proof of any otherwise 820
admissible prior conviction may be introduced and proved, 821
notwithstanding the fact that for any such prior conviction an 822

order of sealing previously was issued pursuant to sections 823
2953.31 to 2953.36 of the Revised Code. 824

(F) The person or governmental agency, office, or 825
department that maintains sealed records pertaining to 826
convictions or bail forfeitures that have been sealed pursuant 827
to this section may maintain a manual or computerized index to 828
the sealed records. The index shall contain only the name of, 829
and alphanumeric identifiers that relate to, the persons who are 830
the subject of the sealed records, the word "sealed," and the 831
name of the person, agency, office, or department that has 832
custody of the sealed records, and shall not contain the name of 833
the crime committed. The index shall be made available by the 834
person who has custody of the sealed records only for the 835
purposes set forth in divisions (C), (D), and (E) of this 836
section. 837

(G) Notwithstanding any provision of this section or 838
section 2953.33 of the Revised Code that requires otherwise, a 839
board of education of a city, local, exempted village, or joint 840
vocational school district that maintains records of an 841
individual who has been permanently excluded under sections 842
3301.121 and 3313.662 of the Revised Code is permitted to 843
maintain records regarding a conviction that was used as the 844
basis for the individual's permanent exclusion, regardless of a 845
court order to seal the record. An order issued under this 846
section to seal the record of a conviction does not revoke the 847
adjudication order of the superintendent of public instruction 848
to permanently exclude the individual who is the subject of the 849
sealing order. An order issued under this section to seal the 850
record of a conviction of an individual may be presented to a 851
district superintendent as evidence to support the contention 852
that the superintendent should recommend that the permanent 853

exclusion of the individual who is the subject of the sealing 854
order be revoked. Except as otherwise authorized by this 855
division and sections 3301.121 and 3313.662 of the Revised Code, 856
any school employee in possession of or having access to the 857
sealed conviction records of an individual that were the basis 858
of a permanent exclusion of the individual is subject to section 859
2953.35 of the Revised Code. 860

(H) For purposes of sections 2953.31 to 2953.36 of the 861
Revised Code, DNA records collected in the DNA database and 862
fingerprints filed for record by the superintendent of the 863
bureau of criminal identification and investigation shall not be 864
sealed unless the superintendent receives a certified copy of a 865
final court order establishing that the offender's conviction 866
has been overturned. For purposes of this section, a court order 867
is not "final" if time remains for an appeal or application for 868
discretionary review with respect to the order. 869

(I) (1) The sealing of a record under this section does not 870
affect the assessment of points under section 4510.036 of the 871
Revised Code and does not erase points assessed against a person 872
as a result of the sealed record. 873

(2) The sealing of a record of conviction with respect to 874
an offense under this section does not preclude a person's 875
subsequent use of section 2953.39 of the Revised Code to expunge 876
the record of conviction with respect to the same offense. 877

Sec. 2953.321. (A) As used in this section, "investigatory 878
work product" means any records or reports of a law enforcement 879
officer or agency that are excepted from the definition of 880
"official records" contained in section 2953.51 of the Revised 881
Code and that pertain to a conviction or bail forfeiture the 882
records of which have been ordered sealed pursuant to division 883

(C) (2) of section 2953.32 of the Revised Code or that pertain to 884
a conviction or delinquent child adjudication the records of 885
which have been ordered expunged pursuant to division (E) of 886
section 2151.358, division (D) (2) of section 2953.37, ~~or~~ 887
division (G) of section 2953.38, or division (G) of section 888
2953.39 of the Revised Code. 889

(B) Upon the issuance of an order by a court pursuant to 890
division (C) (2) of section 2953.32 of the Revised Code directing 891
that all official records of a case pertaining to a conviction 892
or bail forfeiture be sealed or an order by a court pursuant to 893
division (E) of section 2151.358, division (D) (2) of section 894
2953.37, ~~or~~ division (G) of section 2953.38, or division (G) of 895
section 2953.39 of the Revised Code directing that all official 896
records of a case pertaining to a conviction or delinquent child 897
adjudication be expunged: 898

(1) Every law enforcement officer who possesses 899
investigatory work product immediately shall deliver that work 900
product to the law enforcement officer's employing law 901
enforcement agency. 902

(2) Except as provided in division (B) (3) of this section, 903
every law enforcement agency that possesses investigatory work 904
product shall close that work product to all persons who are not 905
directly employed by the law enforcement agency and shall treat 906
that work product, in relation to all persons other than those 907
who are directly employed by the law enforcement agency, as if 908
it did not exist and never had existed. 909

(3) A law enforcement agency that possesses investigatory 910
work product may permit another law enforcement agency to use 911
that work product in the investigation of another offense if the 912
facts incident to the offense being investigated by the other 913

law enforcement agency and the facts incident to an offense that 914
is the subject of the case are reasonably similar. The agency 915
that permits the use of investigatory work product may provide 916
the other agency with the name of the person who is the subject 917
of the case if it believes that the name of the person is 918
necessary to the conduct of the investigation by the other 919
agency. 920

(C) (1) Except as provided in division (B) (3) of this 921
section, no law enforcement officer or other person employed by 922
a law enforcement agency shall knowingly release, disseminate, 923
or otherwise make the investigatory work product or any 924
information contained in that work product available to, or 925
discuss any information contained in it with, any person not 926
employed by the employing law enforcement agency. 927

(2) No law enforcement agency, or person employed by a law 928
enforcement agency, that receives investigatory work product 929
pursuant to division (B) (3) of this section shall use that work 930
product for any purpose other than the investigation of the 931
offense for which it was obtained from the other law enforcement 932
agency, or disclose the name of the person who is the subject of 933
the work product except when necessary for the conduct of the 934
investigation of the offense, or the prosecution of the person 935
for committing the offense, for which it was obtained from the 936
other law enforcement agency. 937

(3) It is not a violation of division (C) (1) or (2) of 938
this section for the bureau of criminal identification and 939
investigation or any authorized employee of the bureau 940
participating in the investigation of criminal activity to 941
release, disseminate, or otherwise make available to, or discuss 942
with, a person directly employed by a law enforcement agency DNA 943

records collected in the DNA database or fingerprints filed for 944
record by the superintendent of the bureau of criminal 945
identification and investigation. 946

(D) Whoever violates division (C)(1) or (2) of this 947
section is guilty of divulging confidential investigatory work 948
product, a misdemeanor of the fourth degree. 949

Sec. 2953.33. (A) An order issued under section 2953.37 or 950
2953.39 of the Revised Code to expunge the record of a person's 951
conviction or, except as provided in division (G) of section 952
2953.32 of the Revised Code, an order issued under ~~that~~ section 953
2953.32 of the Revised Code to seal the record of a person's 954
conviction restores the person who is the subject of the order 955
to all rights and privileges not otherwise restored by 956
termination of the sentence or community control sanction or by 957
final release on parole or post-release control. 958

(B) (1) In any application for employment, license, or 959
other right or privilege, any appearance as a witness, or any 960
other inquiry, except as provided in division (E) of section 961
2953.32 and in section 3319.292 of the Revised Code and subject 962
to division (B) (2) of this section, a person may be questioned 963
only with respect to convictions not sealed, bail forfeitures 964
not expunged under section 2953.42 of the Revised Code as it 965
existed prior to June 29, 1988, and bail forfeitures not sealed, 966
unless the question bears a direct and substantial relationship 967
to the position for which the person is being considered. 968

(2) A person may not be questioned in any application, 969
appearance, or inquiry of a type described in division (B) (1) of 970
this section with respect to any conviction expunged under 971
section 2953.37 or 2953.39 of the Revised Code. 972

Sec. 2953.35. (A) (1) As used in divisions (A) (2) and (3) 973
of this section, "law enforcement or justice system matter" 974
means an arrest, complaint, indictment, trial, hearing, 975
adjudication, conviction, or correctional supervision. 976

(2) Except as authorized by divisions (D), (E), and (F) of 977
section 2953.32 of the Revised Code or by Chapter 2950. of the 978
Revised Code and subject to division (A) (3) of this section, any 979
officer or employee of the state, or a political subdivision of 980
the state, who releases or otherwise disseminates or makes 981
available for any purpose involving employment, bonding, or 982
licensing in connection with any business, trade, or profession 983
to any person, or to any department, agency, or other 984
instrumentality of the state, or any political subdivision of 985
the state, any information or other data concerning any law 986
enforcement or justice system matter the records with respect to 987
which the officer or employee had knowledge of were sealed by an 988
existing order issued pursuant to sections 2953.31 to 2953.36 of 989
the Revised Code, were expunged by an order issued pursuant to 990
division (E) of section 2151.358, or section 2953.37, ~~or section~~ 991
2953.38, or 2953.39 of the Revised Code, or were expunged by an 992
order issued pursuant to section 2953.42 of the Revised Code as 993
it existed prior to June 29, 1988, is guilty of divulging 994
confidential information, a misdemeanor of the fourth degree. 995

(3) Division (A) (2) of this section does not apply to an 996
officer or employee of the state, or a political subdivision of 997
the state, who releases or otherwise disseminates or makes 998
available for any purpose specified in that division any 999
information or other data concerning a law enforcement or 1000
justice system matter the records of which the officer had 1001
knowledge were sealed or expunged by an order of a type 1002
described in that division, if all of the following apply: 1003

(a) The officer or employee released, disseminated, or
made available the information or data from the sealed or
expunged records together with information or data concerning
another law enforcement or justice system matter.

(b) The records of the other law enforcement or justice
matter were not sealed or expunged by any order of a type
described in division (A) (2) of this section.

(c) The law enforcement or justice matter covered by the
information or data from the sealed or expunged records and the
other law enforcement or justice matter covered by the
information or data from the records that were not sealed or
expunged resulted from or were connected to the same act.

(d) The officer or employee made a good faith effort to
not release, disseminate, or make available any information or
other data concerning any law enforcement or justice matter from
the sealed or expunged records, and the officer or employee did
not release, disseminate, or make available the information or
other data from the sealed or expunged records with malicious
purpose, in bad faith, or in a wanton or reckless manner.

(B) Any person who, in violation of section 2953.32 of the
Revised Code, uses, disseminates, or otherwise makes available
any index prepared pursuant to division (F) of section 2953.32
of the Revised Code is guilty of a misdemeanor of the fourth
degree.

(C) It is not a violation of this section for the bureau
of criminal identification and investigation or any authorized
employee of the bureau participating in the investigation of
criminal activity to release, disseminate, or otherwise make
available to, or discuss with, a person directly employed by a

law enforcement agency DNA records collected in the DNA database 1033
or fingerprints filed for record by the superintendent of the 1034
bureau of criminal identification and investigation. 1035

Sec. 2953.39. (A) As used in this section: 1036

(1) "Disqualifying offense" means, with respect to an 1037
expungement application filed under division (B) of this 1038
section, an offense to which both of the following apply: 1039

(a) The offense is one of the following: 1040

(i) A felony violation of any prohibition in the Revised 1041
Code, a violation of section 4511.19 of the Revised Code, or a 1042
sexually oriented offense or child-victim oriented offense; 1043

(ii) A violation of any prohibition in an ordinance of a 1044
municipal corporation that is substantially equivalent to any 1045
violation or offense listed in division (A) (1) (a) (i) of this 1046
section; 1047

(iii) A violation of any prohibition in a law of a state 1048
other than this state or of the United States that is 1049
substantially equivalent to any violation or offense listed in 1050
division (A) (1) (a) (i) of this section. 1051

(b) The offense is not the offense that is the subject of 1052
the expungement application. 1053

(2) "Excluded offense" means any of the following 1054
offenses: 1055

(a) A violation of section 2903.01, 2903.02, 2903.03, 1056
2903.15, 2903.34, 2905.01, 2905.02, 2905.32, 2909.02, 2909.24, 1057
2919.25, 2925.03, or 2907.04 of the Revised Code; 1058

(b) A violation of any prohibition in Chapter 4511. of the 1059

<u>Revised Code;</u>	1060
<u>(c) A sexually oriented offense or child-victim oriented offense;</u>	1061 1062
<u>(d) A violation of a municipal ordinance that is substantially equivalent to any violation listed in division (A) (2) (a), (b), or (c) of this section.</u>	1063 1064 1065
<u>(3) "Expunge" has the same meaning as in section 2953.37 of the Revised Code.</u>	1066 1067
<u>(4) "LEADS" means the law enforcement automated data system created by section 5503.10 of the Revised Code.</u>	1068 1069
<u>(5) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code.</u>	1070 1071
<u>(6) "Record of conviction" means any record related to a conviction of or plea of guilty to an offense.</u>	1072 1073
<u>(7) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.</u>	1074 1075 1076
<u>(B) Any person who has been convicted of or pleaded guilty to any misdemeanor or felony that is not an excluded offense may apply to the sentencing court for the expungement of the record of conviction of the offense. The person may file the application at any time at or after the expiration of the period of time specified in division (C) of this section that is applicable with respect to the offense that is the subject of the application. The application may request an order to expunge the record of conviction for more than one offense, but if it does, the court shall consider the request for each offense separately as if a separate application had been made for each</u>	1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087

offense and all references in divisions (B) to (L) of this 1088
section to "the offense" or "that offense" mean each of those 1089
offenses that is included as a subject of the application. There 1090
is no limit on the number of offenses for which a person may 1091
file an application under this division or for which a court may 1092
grant an application for a person and order the expungement of a 1093
record of conviction. The application shall do all of the 1094
following: 1095

(1) Identify the applicant, the offense that is the 1096
subject of the application, the date of the conviction of or 1097
plea of guilty to that offense, and the court in which the 1098
conviction or guilty plea occurred; 1099

(2) Describe the evidence and provide copies of any 1100
documentation showing that the person is entitled to relief 1101
under this section for the offense that is the subject of the 1102
application; 1103

(3) Include an assertion by the offender that, during the 1104
period commencing with the offender's final discharge for the 1105
offense that is the subject of the application and continuing 1106
until the offender's making of the application, the offender has 1107
not been convicted of or pleaded guilty to any disqualifying 1108
offense; 1109

(4) Include a request for expungement under this section 1110
of the record of conviction of the offense that is the subject 1111
of the application. 1112

(C) An application may be made under division (B) of this 1113
section at any time at or after the expiration of the following 1114
period of time: 1115

(1) If the offense for which expungement is sought is a 1116

misdemeanor or a felony of the third, fourth, or fifth degree, 1117
the expiration of ten years after the offender's final discharge 1118
for the offense; 1119

(2) If the offense for which expungement is sought is a 1120
felony of the second degree, the expiration of fifteen years 1121
after the offender's final discharge for the offense; 1122

(3) If the offense for which expungement is sought is a 1123
felony of the first degree, the expiration of twenty years after 1124
the offender's final discharge for the offense. 1125

(D) The court, without conducting a hearing, may deny an 1126
application made under division (B) of this section if it finds 1127
that the application fails to assert grounds on which relief may 1128
be granted and shall deny an application made under division (B) 1129
of this section that requests expungement of the record of 1130
conviction of an excluded offense. 1131

(E) If an application is made under division (B) of this 1132
section and the court does not deny the application under 1133
division (D) of this section, the court shall set a date for a 1134
hearing and shall notify the prosecutor for the case from which 1135
the record of conviction that is the subject of the application 1136
resulted, or that prosecutor's successor in office, of the 1137
hearing on the application. The prosecutor may object to the 1138
granting of the application by filing an objection with the 1139
court prior to the date set for the hearing. The prosecutor 1140
shall specify in the objection the reasons for believing a 1141
denial of the application is justified. The court may direct its 1142
regular probation officer, a state probation officer, or the 1143
department of probation of the county in which the applicant 1144
resides to make inquiries and written reports as the court 1145
requires concerning the applicant. The court shall hold the 1146

hearing on the date set as described in this division. 1147

(F) At the hearing held under division (E) of this 1148
section, the court shall do all of the following: 1149

(1) If the prosecutor has filed an objection, consider the 1150
reasons against granting the application specified by the 1151
prosecutor in the objection; 1152

(2) Determine whether the applicant has demonstrated by a 1153
preponderance of the evidence that, during the period commencing 1154
with the offender's final discharge for the offense that is the 1155
subject of the application and continuing until the offender's 1156
making of the application, the offender has not been convicted 1157
of or pleaded guilty to any disqualifying offense; 1158

(3) Consider all of the following factors: 1159

(a) The seriousness of the subject offense; 1160

(b) The relative degree of physical harm done to any 1161
person in the commission of the subject offense; 1162

(c) The length of time that has expired since the 1163
commission of the subject offense; 1164

(d) The age of the applicant at the time of the commission 1165
of the subject offense; 1166

(e) All criminal activity of the applicant that occurred 1167
prior to the commission of the subject offense or between the 1168
time of the commission of the subject offense and the making of 1169
the application, including criminal activity involving a law of 1170
the United States or of a state other than this state; 1171

(f) The applicant's current and past participation in the 1172
community in which the applicant resides; 1173

<u>(g) The applicant's current and past employment situation;</u>	1174
<u>(h) Whether the prosecutor represents to the court that</u>	1175
<u>criminal proceedings are likely to still be initiated against</u>	1176
<u>the applicant for a felony offense for which the period of</u>	1177
<u>limitations has not expired;</u>	1178
<u>(i) Any information or input provided by the victim of the</u>	1179
<u>subject offense regarding the victim's belief as to whether the</u>	1180
<u>application should be granted.</u>	1181
<u>(4) Upon consideration of the factors listed in divisions</u>	1182
<u>(F) (3) (a) to (h) of this section and, if the prosecutor has</u>	1183
<u>filed an objection, the reasons specified by the prosecutor as</u>	1184
<u>described in division (F) (1) of this section, determine whether</u>	1185
<u>the applicant represents a threat to society at the time of the</u>	1186
<u>hearing or will represent a threat to society subsequent to the</u>	1187
<u>hearing.</u>	1188
<u>(G) After a court holds the hearing under division (E) of</u>	1189
<u>this section with respect to an application made under division</u>	1190
<u>(B) of this section, the court shall grant the application and</u>	1191
<u>order that the record of conviction be expunged unless one or</u>	1192
<u>both of the following apply:</u>	1193
<u>(1) The court finds that the applicant has not</u>	1194
<u>demonstrated by a preponderance of the evidence that, during the</u>	1195
<u>period commencing with the offender's final discharge for the</u>	1196
<u>offense that is the subject of the application and continuing</u>	1197
<u>until the offender's making of the application, the offender has</u>	1198
<u>not been convicted of or pleaded guilty to any disqualifying</u>	1199
<u>offense.</u>	1200
<u>(2) After consideration of the factors and reasons</u>	1201
<u>specified in division (F) (4) of this section, the court finds</u>	1202

that the applicant represents a threat to society at the time of 1203
the hearing or will represent a threat to society subsequent to 1204
the hearing. 1205

(H) After a court holds a hearing under division (E) of 1206
this section with respect to an application made under division 1207
(B) of this section, the court shall deny the application and 1208
not order that the record of conviction be expunged only if the 1209
court makes either of the findings described in divisions (G) (1) 1210
and (2) of this section. 1211

(I) A court's denial of an application under division (D) 1212
of this section without a hearing or denial of an application 1213
under division (H) of this section after holding a hearing is a 1214
final appealable order, and the applicant may appeal the denial 1215
to the court of appeals with jurisdiction over the territory of 1216
the court that denied the application. 1217

(J) If the court issues an order of expungement under 1218
division (G) of this section, all of the following apply: 1219

(1) The court shall send notice of the issuance to the 1220
bureau of criminal identification and investigation and each 1221
other public office or agency that the court has reason to 1222
believe may have an official record pertaining to the case. 1223

(2) The proceedings in the case that is the subject of the 1224
order shall be considered not to have occurred and the 1225
conviction of the person who is the subject of the proceedings 1226
and that is the subject of the order shall be expunged. 1227

(3) The record of the conviction that is the subject of 1228
the order shall not be used for any purpose, including, but not 1229
limited to, a criminal records check under section 109.572 of 1230
the Revised Code. 1231

(4) The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter that is the subject of the order. 1232
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(5) Upon receipt under division (J)(1) of this section of the notice of the issuance of the order, the bureau of criminal identification and investigation shall ensure that all information pertaining to the conviction that is the subject of the order, including any record of an arrest, charge, plea, conviction, or sentence pertaining to it, is removed from LEADS. 1235
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(K) If an application is made under division (B) of this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury and shall pay twenty dollars of the fee into the county general revenue fund. 1241
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(L) The sealing of a record of conviction under section 2953.32 of the Revised Code with respect to an offense does not preclude a person's subsequent use of this section to expunge the record of conviction with respect to the same offense. 1246
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Sec. 2953.52. (A) (1) Any person~~r~~ 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~~r~~ may apply to the court for an order to seal the person's official records in the case. Except as provided in section 2953.61 of the Revised Code, the application may be filed 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. 1250
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(2) Any person~~r~~ against whom a no bill is entered by a grand jury~~r~~ may apply to the court for an order to seal his 1259
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official records in the case. Except as provided in section 1261
2953.61 of the Revised Code, the application may be filed at any 1262
time after the ~~expiration of two years after the date on which~~ 1263
~~the~~ foreperson or deputy foreperson of the grand jury reports to 1264
the court that the grand jury has reported a no bill. 1265

(B) (1) Upon the filing of an application pursuant to 1266
division (A) of this section, the court shall set a date for a 1267
hearing and shall notify the prosecutor in the case of the 1268
hearing on the application. The prosecutor may object to the 1269
granting of the application by filing an objection with the 1270
court prior to the date set for the hearing. The prosecutor 1271
shall specify in the objection the reasons the prosecutor 1272
believes justify a denial of the application. 1273

(2) The court shall do each of the following, except as 1274
provided in division (B) (3) of this section: 1275

(a) (i) Determine whether the person was found not guilty 1276
in the case, ~~or whether~~ the complaint, indictment, or 1277
information in the case was dismissed, or whether a no bill was 1278
returned in the case ~~and a period of two years or a longer~~ 1279
~~period as required by section 2953.61 of the Revised Code has~~ 1280
~~expired from the date of the report to the court of that no bill~~ 1281
~~by the foreperson or deputy foreperson of the grand jury;~~ 1282

(ii) If the complaint, indictment, or information in the 1283
case was dismissed, determine whether it was dismissed with 1284
prejudice or without prejudice and, if it was dismissed without 1285
prejudice, determine whether the relevant statute of limitations 1286
has expired; 1287

(b) Determine whether criminal proceedings are pending 1288
against the person; 1289

(c) If the prosecutor has filed an objection in accordance 1290
with division (B) (1) of this section, consider the reasons 1291
against granting the application specified by the prosecutor in 1292
the objection; 1293

(d) Weigh the interests of the person in having the 1294
official records pertaining to the case sealed against the 1295
legitimate needs, if any, of the government to maintain those 1296
records. 1297

(3) If the court determines after complying with division 1298
(B) (2) (a) of this section that the person was found not guilty 1299
in the case, that the complaint, indictment, or information in 1300
the case was dismissed with prejudice, or that the complaint, 1301
indictment, or information in the case was dismissed without 1302
prejudice and that the relevant statute of limitations has 1303
expired, the court shall issue an order to the superintendent of 1304
the bureau of criminal identification and investigation 1305
directing that the superintendent seal or cause to be sealed the 1306
official records in the case consisting of DNA specimens that 1307
are in the possession of the bureau and all DNA records and DNA 1308
profiles. The determinations and considerations described in 1309
divisions (B) (2) (b), (c), and (d) of this section do not apply 1310
with respect to a determination of the court described in this 1311
division. 1312

(4) The determinations described in this division are 1313
separate from the determination described in division (B) (3) of 1314
this section. If the court determines, after complying with 1315
division (B) (2) of this section, that the person was found not 1316
guilty in the case, that the complaint, indictment, or 1317
information in the case was dismissed, or that a no bill was 1318
returned in the case ~~and that the appropriate period of time has~~ 1319

~~expired from the date of the report to the court of the no bill-~~ 1320
~~by the foreperson or deputy foreperson of the grand jury; that~~ 1321
no criminal proceedings are pending against the person; and that 1322
the interests of the person in having the records pertaining to 1323
the case sealed are not outweighed by any legitimate 1324
governmental needs to maintain such records, or if division (E) 1325
(2) (b) of section 4301.69 of the Revised Code applies, in 1326
addition to the order required under division (B) (3) of this 1327
section, the court shall issue an order directing that all 1328
official records pertaining to the case be sealed and that, 1329
except as provided in section 2953.53 of the Revised Code, the 1330
proceedings in the case be deemed not to have occurred. 1331

(5) Any DNA specimens, DNA records, and DNA profiles 1332
ordered to be sealed under this section shall not be sealed if 1333
the person with respect to whom the order applies is otherwise 1334
eligible to have DNA records or a DNA profile in the national 1335
DNA index system. 1336

Section 2. That existing sections 2923.125, 2953.32, 1337
2953.321, 2953.33, 2953.35, and 2953.52 of the Revised Code are 1338
hereby repealed. 1339