

# ELIGIBILITY AND INSTRUCTIONS FOR SEALING OF ADULT CRIMINAL RECORDS

The Clerk of Courts, Common Pleas Court and Adult Probation Department personnel are not permitted to answer legal questions. Please contact an attorney if you need clarification.

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## WHEN CAN YOU FILE?

**Felony:** If you were convicted of a felony, you will not be able to file the motion to get your record sealed until three (3) years after your final discharge from probation, prison, or post-release control.

**Misdemeanor:** If you were convicted of a misdemeanor, you must wait one (1) year after your final discharge from probation and/or jail.

**Diversion or Intervention in Lieu of Conviction:** You may qualify to have your record sealed after a *not guilty finding* or *dismissal of proceeding* (as in Hancock County's Pre-Trial Diversion program or Intervention in Lieu of Conviction). You may file your application at any time after the finding of not guilty or the dismissal of the complaint or indictment.

**No Bill:** If the prosecutor took your case to the grand jury, and they decide there is not enough evidence to indict you, then your case was what is called a "no bill." You must wait two (2) years after the "no bill" is recorded.

## DOES YOUR CRIME QUALIFY?

The law is very clear that the following convictions can **never** be sealed, even if it is your only conviction.

- Any **first or second** degree felony;
- Any offense with a **mandatory prison term**;
- Any **offense of violence** which means:

2903.01 Aggravated murder

2903.02 Murder

2903.03 Voluntary manslaughter

2903.04 Involuntary manslaughter

2903.11 Felonious assault

2903.12 Aggravated assault

2903.13 Assault (\*exception: this *can* be expunged if it is a first degree misdemeanor)

2903.15 Permitting child abuse

2903.21 Aggravated menacing

2903.211 Menacing by stalking

2903.22 Menacing

2905.01 Kidnapping

2905.02 Abduction

2905.11 Extortion

2907.02 Rape

2907.03 Sexual battery

2907.05 Gross sexual imposition

2907.12 (former) Felonious sexual penetration

2909.02 Aggravated arson

2909.24 Terrorism

2911.01 Aggravated robbery

2911.02 Robbery

2911.11 Aggravated burglary

2917.01 Inciting to violence (\*exception: this *can* be expunged if it is a first degree misdemeanor)

2917.02 Aggravated riot

2917.03 Riot (\*exception: this *can* be expunged if it is a first degree misdemeanor)

2917.31 Inducing panic (\*see exceptions: this *can* be expunged if it is a first degree misdemeanor)

2919.25 Domestic violence

2921.03 Intimidation

2921.04 Intimidation of attorney, victim or witness in criminal case

2921.34 Escape

2923.161 Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function

2911.12 Burglary (\*Division (A)(1), (2), or (3) of section)

2919.22 Endangering children (\*Division (B)(1), (2), (3), or (4))

- Also any sexual offense not already listed, including:
  - Unlawful sexual contact with a minor
  - Illegal use of a minor in nudity-oriented material or performance
  - Sexual imposition
  - Importuning
  - Pandering obscenity involving a minor
  - Pandering sexually oriented matter involving a minor
- Also any felony or misdemeanor of the first degree of which the victim was less than eighteen years of age, (except when the conviction is under 2919.21 – Nonsupport or Contributing to Nonsupport of Dependents)

### **ARE YOU AN ELIGIBLE INDIVIDUAL?**

The law also clarifies who is individually eligible. You are INELIGIBLE if any of the following apply:

- If you have a felony conviction OTHER than the felony conviction you wish to expunge. You may still expunge a misdemeanor conviction.
- If you have two previous misdemeanor convictions, OTHER than the conviction you wish to expunge.
- If you have one felony conviction and one misdemeanor conviction, OTHER than the conviction you wish to expunge.
- If there are criminal proceedings pending against you.

Under the law, multiple convictions MAY be considered as one conviction if they result from, or are connected with, the same act or result from offenses committed at the same time. Whether multiple convictions shall be considered as one conviction is a decision made by the court.

### **IF YOU THINK YOU ARE ELIGIBLE:**

If you believe you are eligible to file for Sealing of Criminal Records, you will need to do the following:

1. You must complete the applicable four-page Application for Sealing of Criminal Records which can be located in the following areas:
  - a. [www.co.hancock.oh.us/commonpleas](http://www.co.hancock.oh.us/commonpleas)
  - b. The Hancock County Law Library located on the Fourth Floor of the Hancock County Courthouse 300 south Main Street Findlay, Ohio.
  - c. The Hancock County Adult Probation Department located at 514 South Main Street Findlay, Ohio.
    - i. Conviction: If you were convicted of your crime; please select the Application for Sealing of Conviction
    - ii. Diversion/Intervention in Lieu of Conviction/Dismissal/No Bill: If you were a non-convicted case as listed here, please select the Application for Sealing of Criminal Records.
2. This Motion must be filed with the Hancock County Clerk of Courts Office located in the Hancock County Courthouse at 300 South Main Street Findlay, Ohio 45840.
3. Your attorney will do this for you or you can do it yourself (called a Pro Se motion), if you do not have an attorney. Please be sure you are eligible per statute before you file this motion.
4. The filing fee is fifty-five dollars (\$55.00).
5. The Court will set your case for hearing and refer it to the Hancock County Adult Probation Department for an investigation.

6. The Adult Probation Department will contact you and ask you to provide information. This information must be returned promptly.
7. If your crime was related to child support; the Adult Probation Department will investigate to inquire about your compliance with any child support order.
8. A complete report will be submitted to the Court before your hearing date and time.

**THE COURT MUST DETERMINE THE FOLLOWING:**

1. If you are eligible based on the above information;
2. You have been rehabilitated to the satisfaction of the Court; and
3. Your interests in sealing your record must outweigh any legitimate needs of the government to maintain those records.