

State/City/Village of

Plaintiff

v.

No. ____-CR-_____

Defendant (name, address, AC & tel. no.):

APPLICATION

To Seal Record Of First
Offense (Conviction)

NOTE: Please print or type
this application and affidavit

NOTE: A conviction (a “yes”
answer) under ¶ 3.a.(1)-(7) or
3.b.(2) **disqualifies** the defendant
from a sealing of their record.

DOB: ____/____/____

SSN: _____-____-_____

Defendant’s Atty. (name, address, AC & tel. no.):

Defendant applies for expungement of the records in this case, and tenders herewith the \$80.00 filing fee, an affidavit, and an authorization for release of information. More than (X one):

- one year has expired since defendant’s final discharge on a misdemeanor conviction (see page 2, para. 2);
- three years have passed since defendant’s final discharge on a felony conviction (see page 2, para. 2);

____/____/____

Attorney for defendant

____/____/____

Defendant (if available)

To be completed and signed by the defendant.

AFFIDAVIT

STATE OF _____ COUNTY OF _____, SS:

_____, the undersigned defendant, being duly sworn says:

1. On ____/____/____, in this court, the defendant was convicted of:

Code & Section #	Name of Offense
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NOTE: The following cannot be sealed, per R.C. 2953.36: Convictions when the offender is subject to a mandatory prison term; convictions under section 2907.02 (Rape), 2907.03 (Sexual Battery), 2907.04 (Unlawful Sexual Conduct With Minor), 2907.05 (Gross Sexual Imposition), 2907.06 (Sexual Imposition), 2907.07 (Importuning), 2907.08 (Voyeurism), 2907.09 (Public Indecency), 2907.21 (Compelling Prostitution), 2907.22 (Promoting Prostitution), 2907.23 (Procuring), 2907.31 (Disseminating Matter Harmful To Juveniles), 2907.311 (Displaying Matter Harmful to Juveniles), 2907.32 (Pandering Obscenity), 2907.321 (Pandering Obscenity Involving a Minor), 2907.322 (Pandering Sexually Oriented Matter Involving a Minor), 2907.323 (Illegal Use of Minor in Nudity-oriented Material or Performance), 2907.33 (Deception to Obtain Matter Harmful to Juveniles), or Chapter 4507, 4510, 4511, or 4549 (Traffic Code) of the Revised Code, or a conviction for a violation of a municipal ordinance that is substantially similar to any section contained in any of those chapters; convictions of an offense of violence when the offense is a misdemeanor of the first degree and when the offense is not a violation of 2917.03 (Riot), 2903.13 (Assault), 2917.01 (Inciting to Violence), or 2917.31 (Inducing Panic); convictions of an offense in circumstances in which the victim of the offense was under eighteen years of age when the offense is a misdemeanor of the first degree or felony; or bail forfeitures in a traffic case.

2. On ____/____/____, the defendant completed the sentence in full and was finally discharged. (NOTE: the discharge date is the latest of the following: defendant’s date of sentencing, his last day of jail confinement, or his last day of probation.)

3. First offender status [R.C. 2953.31(A)].

a. Past traffic offense convictions. At any time, have you ever been convicted of any of the following traffic offenses in Ohio or in any other jurisdiction, whether under the Revised Code of Ohio or a substantially similar Ohio municipal ordinance, or under the laws and ordinances in another state:

(1) Operating a motor vehicle while under the influence of alcohol and/or drugs? [R.C. 4511.19 or a municipal ordinance.] Yes No

(2) Driving while under a suspension imposed for refusal to submit to a test for determining alcohol content? [R.C. 4511.192 or a municipal ordinance.] Yes No

(3) Drag racing? [R.C. 4511.251 or a municipal ordinance.] Yes No

(4) Leaving the scene of an accident? [R.C. 4549.02; 4549.021; 4549.03; or a municipal ordinance.] Yes No

(5) Sale or possession of master keys for illegal purposes? [R.C. 4549.042 or a municipal ordinance.] Yes No

(6) Motor vehicle with a concealed number or identification mark? [R.C. 4549.07 or a municipal ordinance.] Yes No

(7) Odometer rollback and disclosure violation? [R.C. 4549.41 through 4549.46 or a municipal ordinance.] Yes No

(8) Offenses concerning fraudulent acts with vehicle identification numbers? [R.C. 4549.62 or a municipal ordinance.] Yes No

b. Past non-traffic offense convictions. In addition to the above traffic offenses, at any time, have you ever been convicted of any **non-traffic offense** in Ohio or in any other jurisdiction? Yes No

If “yes,” state for each the name of the offense, and the name and location of the court.

(1) Minor misdemeanors:

(2) Higher misdemeanors, and any felonies:

NOTE: A conviction (a “yes” answer) under ¶ 3.a.(1)-(8) or 3.b.(2) disqualifies the defendant from a sealing of their record.

c. Pending traffic or non-traffic cases. Are there any pending cases against you in any court in Ohio or elsewhere?

Yes No

If “yes,” state for each the name of the offense, and the name and location of the court.

4. Residence. Concerning your conviction in this case, the defendant’s places of residence between the sentencing date (§ 1) and now have been:

<u>Beginning & Ending Dates</u>	<u>Street, City, State & Zip</u>
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5. Employment. Concerning your conviction in this case, the defendant’s places of employment between the sentencing date (§ 1) and now have been:

<u>Beginning & Ending Dates</u>	<u>Name of Employer</u>	<u>Street, City, State & Zip</u>	<u>Name of Supervisor</u>
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6. Rehabilitation. Defendant’s rehabilitation has been attained and expungment of the record of defendant’s conviction is consistent with the public interest, for the following reasons:

7. Statement. Attached hereto is defendant's handwritten statement setting out facts, not just conclusions on the following three topics: (a) Why the expungement is deserved (not only for job reasons), (b) what positive contributions have been made to society, and (c) how the defendant has become a more responsible citizen. **Each topic is on a separate 8 ½ X 11 page, and consists of at least one full page of specifics (facts), not just generalities (conclusions).**

Defendant

On this _____ day of _____, 20_____, sworn to before me and subscribed in my presence.

Notary Public

AUTHORIZATION TO RELEASE INFORMATION

I, the undersigned, hereby authorize any person to release to Bowling Green Municipal Court, 711 S. Dunbridge Rd., Bowling Green, OH 43402, (419) 352-5263, any information requested by the court, including information sealed pursuant to R.C. 2953.31 et. seq.

_____/_____/_____

Signature: _____

UNSEALING OF RECORDS

I understand that certain persons and agencies may, in certain instances and for certain purposes, have sealed records unsealed, including those mentioned in these Revised Code sections, namely Division (F) of Section 109.57 and Divisions (D) and (E) of Section 2953.32.

§ 2953.32 Sealing of record of conviction or bail forfeiture.

(C)(2) If the court determines, after complying with division (C)(1) of this section, that the applicant is a first offender or the subject of a bail forfeiture, that no criminal proceeding is pending against the applicant, and that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of an applicant who is a first offender applying pursuant to division (A)(1) of this section has been attained to the satisfaction of the court, the court, except as provided in division (G) of this section, shall order all **official records** pertaining to the case sealed and, except as provided in division (F) of this section, all index references to the case deleted and, in the case of bail forfeitures, shall dismiss the charges in the case. The proceedings in the case shall be considered not to have occurred and the conviction or bail forfeiture of the person who is the subject of the proceedings shall be sealed, except that upon conviction of a subsequent offense, the sealed record of prior conviction or bail forfeiture may be considered by the court in determining the sentence or other appropriate disposition, including the relief provided for in sections 2953.31 to 2953.33 of the Revised Code.

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

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

(2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while he is on parole or probation and in making inquiries and written reports as requested by the court or adult parole authority;

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

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

(5) By any prosecuting attorney or his assistants to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section [2935.36](#) of the Revised Code;

(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction as part of a background investigation of a person who applies for employment with the agency as a law enforcement officer or with the department as a corrections officer;

(7) By any law enforcement agency or any authorized employee of a law enforcement agency, for the purposes set forth in, and in the manner provided in, section [2953.321](#) [2953.32.1] of the Revised Code;

(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) of section [109.57](#) of the Revised Code.

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

(E) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing previously was issued pursuant to sections [2953.31](#) to [2953.36](#) of the Revised Code.

§ 2953.51 Sealing of records after not guilty or dismissal definitions.

(D) **"Official records"** means all records that are possessed by any public office or agency that relate to a criminal case...

§ 109.57 Duties of superintendent of bureau.

(F)(1) As used in division (F)(2) of this section, "head start agency" means an entity in this state that has been approved to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section [109.572](#) [109.57.2], 2151.86, 3301.32, 3301.541 [3301.54.1], 3319.39, 3701.881 [3701.88.1], 5104.012 [5104.01.2], 5104.013 [5104.01.3], 5123.081 [5123.08.1], 5126.28, 5126.281 [5126.28.1], or 5153.111 [5153.11.1] of the Revised Code, the board of education of any school district; the director of mental retardation and developmental disabilities; any county board of mental retardation and developmental disabilities; any entity under contract with a county board of mental retardation and developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter [5104](#). of the Revised Code; the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start agency; or the executive director of a public children services agency may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. Within thirty days of the date that the superintendent receives a request, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section [2953.32](#) of the Revised Code, and, within thirty days of its receipt, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education is required to receive information under this section as a prerequisite to employment of an individual pursuant to section [3319.39](#) of the Revised Code, it may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by an individual applying for employment with the district in lieu of requesting that information itself. In such a case, the board shall accept the certified copy issued by the bureau in order to make a photocopy of it for that individual's employment application documents and shall return the certified copy to the individual. In a case of that nature, a district only shall accept a certified copy of records of that nature within one year after the date of their issuance by the bureau.

(3) The state board of education may request, with respect to any individual who has applied for employment after October 2, 1989, in any position with the state board or the department of education, any information that a school district board of education is authorized to request under division (F)(2) of this section, and the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(4) When the superintendent of the bureau receives a request for information that is authorized under section [3319.291](#) [3319.29.1] of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education under division (F)(2) of this section.

(5) When a recipient of an OhioReads classroom or community reading grant paid under section [3301.86](#) or [3301.87](#) of the Revised Code or an entity approved by the OhioReads council requests, with respect to any individual who applies to participate in providing any program or service through an entity approved by the OhioReads council or funded in whole or in part by the grant, the information that a school district board of education is authorized to request under division (F)(2)(a) of this section, the superintendent of the bureau shall proceed as if the request has been received from a school district board of education under division (F)(2)(a) of this section.