

As Introduced

**135th General Assembly
Regular Session
2023-2024**

S. B. No. 197

Senator Antani

A BILL

To amend sections 1901.261, 1907.261, 2101.162, 1
2151.541, 2153.081, 2301.031, 2303.201, 2
2951.041, 2953.31, 2953.34, and 2953.61 and to 3
enact section 2953.522 of the Revised Code to 4
allow for the sealing or expungement of charges 5
dismissed through intervention in lieu of 6
conviction when those charges are connected to a 7
conviction for operating a vehicle under the 8
influence and to allow a clerk of court to spend 9
computerization funds upon request. 10

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

Section 1. That sections 1901.261, 1907.261, 2101.162, 11
2151.541, 2153.081, 2301.031, 2303.201, 2951.041, 2953.31, 12
2953.34, and 2953.61 be amended and section 2953.522 of the 13
Revised Code be enacted to read as follows: 14

Sec. 1901.261. (A) (1) A municipal court may determine that 15
for the efficient operation of the court additional funds are 16
required to computerize the court, to make available 17
computerized legal research services, or to do both. Upon making 18
a determination that additional funds are required for either or 19

both of those purposes, the court shall include in its schedule 20
of fees and costs under section 1901.26 of the Revised Code one 21
additional fee not to exceed three dollars on the filing of each 22
cause of action or appeal equivalent to one described in 23
division (A), (Q), or (U) of section 2303.20 of the Revised Code 24
and shall direct the clerk of the court to charge the fee. 25

(2) All fees collected under this section shall be paid on 26
or before the twentieth day of the month following the month in 27
which they are collected to the county treasurer if the court is 28
a county-operated municipal court or to the city treasurer if 29
the court is not a county-operated municipal court. The 30
treasurer shall place the funds from the fees in a separate fund 31
to be disbursed upon an order of the court or a request from the 32
clerk of the court, subject to an appropriation by the board of 33
county commissioners if the court is a county-operated municipal 34
court or by the legislative authority of the municipal 35
corporation if the court is not a county-operated municipal 36
court, or upon an order of the court or a request from the clerk 37
of the court, subject to the court making an annual report 38
available to the public listing the use of all such funds, in an 39
amount not greater than the actual cost to the court of 40
computerizing the court, procuring and maintaining computerized 41
legal research services, or both. 42

(3) If the court determines that the funds in the fund 43
described in division (A)(2) of this section are more than 44
sufficient to satisfy the purpose for which the additional fee 45
described in division (A)(1) of this section was imposed, the 46
court may declare a surplus in the fund and, subject to an 47
appropriation by the board of county commissioners if the court 48
is a county-operated municipal court or by the legislative 49
authority of the municipal corporation if the court is not a 50

county-operated municipal court, the court or the clerk of the 51
court may expend those surplus funds, or upon an order of the 52
court or request from the clerk of the court, subject to the 53
court or clerk making an annual report available to the public 54
listing the use of all such funds, expend those surplus funds, 55
for other appropriate technological expenses of the court. 56

(B) (1) A municipal court may determine that, for the 57
efficient operation of the court, additional funds are required 58
to computerize the office of the clerk of the court and, upon 59
that determination, may include in its schedule of fees and 60
costs under section 1901.26 of the Revised Code an additional 61
fee not to exceed ten dollars on the filing of each cause of 62
action or appeal, on the filing, docketing, and endorsing of 63
each certificate of judgment, or on the docketing and indexing 64
of each aid in execution or petition to vacate, revive, or 65
modify a judgment that is equivalent to one described in 66
division (A), (P), (Q), (T), or (U) of section 2303.20 of the 67
Revised Code. Subject to division (B) (2) of this section, all 68
moneys collected under division (B) (1) of this section shall be 69
paid on or before the twentieth day of the month following the 70
month in which they are collected to the county treasurer if the 71
court is a county-operated municipal court or to the city 72
treasurer if the court is not a county-operated municipal court. 73
The treasurer shall place the funds from the fees in a separate 74
fund to be disbursed, upon an order of the municipal court or a 75
request from the clerk of the court and subject to an 76
appropriation by the board of county commissioners if the court 77
is a county-operated municipal court or by the legislative 78
authority of the municipal corporation if the court is not a 79
county-operated municipal court, in an amount no greater than 80
the actual cost to the court of procuring and maintaining 81

computer systems for the office of the clerk of the municipal court. 82
83

(2) If a municipal court makes the determination described 84
in division (B)(1) of this section, the board of county 85
commissioners of the county if the court is a county-operated 86
municipal court or the legislative authority of the municipal 87
corporation if the court is not a county-operated municipal 88
court, may issue one or more general obligation bonds for the 89
purpose of procuring and maintaining the computer systems for 90
the office of the clerk of the municipal court. In addition to 91
the purposes stated in division (B)(1) of this section for which 92
the moneys collected under that division may be expended, the 93
moneys additionally may be expended to pay debt charges and 94
financing costs related to any general obligation bonds issued 95
pursuant to division (B)(2) of this section as they become due. 96
General obligation bonds issued pursuant to division (B)(2) of 97
this section are Chapter 133. securities. 98

Sec. 1907.261. (A)(1) A county court may determine that 99
for the efficient operation of the court additional funds are 100
required to computerize the court, to make available 101
computerized legal research services, or to do both. Upon making 102
a determination that additional funds are required for either or 103
both of those purposes, the court shall include in its schedule 104
of fees and costs under section 1907.24 of the Revised Code one 105
additional fee not to exceed three dollars on the filing of each 106
cause of action or appeal equivalent to one described in 107
division (A), (Q), or (U) of section 2303.20 of the Revised Code 108
and shall direct the clerk of the court to charge the fee. 109

(2) All fees collected under this section shall be paid on 110
or before the twentieth day of the month following the month in 111

which they are collected to the county treasurer. The treasurer 112
shall place the funds from the fees in a separate fund to be 113
disbursed either upon an order of the court or request from the 114
clerk of the court, subject to an appropriation by the board of 115
county commissioners, or upon an order of the court or request 116
from the clerk of the court, subject to the court or clerk of 117
the court making an annual report available to the public 118
listing the use of all such funds, in an amount not greater than 119
the actual cost to the court of computerizing the court, 120
procuring and maintaining computerized legal research services, 121
or both. 122

(3) If the court determines that the funds in the fund 123
described in division (A) (2) of this section are more than 124
sufficient to satisfy the purpose for which the additional fee 125
described in division (A) (1) of this section was imposed, the 126
court may declare a surplus in the fund and, subject to an 127
appropriation by the board of county commissioners, the court or 128
the clerk of the court may expend those surplus funds, or upon 129
an order of the court or the clerk of the court, subject to the 130
court or clerk making an annual report available to the public 131
listing the use of all such funds, expend those surplus funds, 132
for other appropriate technological expenses of the court. 133

(B) (1) A county court may determine that, for the 134
efficient operation of the court, additional funds are required 135
to computerize the office of the clerk of the court and, upon 136
that determination, may include in its schedule of fees and 137
costs under section 1907.24 of the Revised Code an additional 138
fee not to exceed ten dollars on the filing of each cause of 139
action or appeal, on the filing, docketing, and endorsing of 140
each certificate of judgment, or on the docketing and indexing 141
of each aid in execution or petition to vacate, revive, or 142

modify a judgment that is equivalent to one described in 143
division (A), (P), (Q), (T), or (U) of section 2303.20 of the 144
Revised Code. Subject to division (B)(2) of this section, all 145
moneys collected under division (B)(1) of this section shall be 146
paid on or before the twentieth day of the month following the 147
month in which they are collected to the county treasurer. The 148
treasurer shall place the funds from the fees in a separate fund 149
to be disbursed, upon an order of the county court or request 150
from the clerk of the court and subject to an appropriation by 151
the board of county commissioners, in an amount no greater than 152
the actual cost to the court of procuring and maintaining 153
computer systems for the office of the clerk of the county 154
court. 155

(2) If a county court makes the determination described in 156
division (B)(1) of this section, the board of county 157
commissioners of that county may issue one or more general 158
obligation bonds for the purpose of procuring and maintaining 159
the computer systems for the office of the clerk of the county 160
court. In addition to the purposes stated in division (B)(1) of 161
this section for which the moneys collected under that division 162
may be expended, the moneys additionally may be expended to pay 163
debt charges and financing costs related to any general 164
obligation bonds issued pursuant to division (B)(2) of this 165
section as they become due. General obligation bonds issued 166
pursuant to division (B)(2) of this section are Chapter 133. 167
securities. 168

Sec. 2101.162. (A)(1) The probate judge may determine 169
that, for the efficient operation of the probate court, 170
additional funds are required to computerize the court, make 171
available computerized legal research services, or to do both. 172
Upon making a determination that additional funds are required 173

for either or both of those purposes, the probate judge shall 174
charge a fee not to exceed three dollars or authorize and direct 175
a deputy clerk of the probate court to charge a fee not to 176
exceed three dollars, in addition to the fees specified in 177
divisions (A) (1), (3), (4), (6), (14) to (17), (20) to (25), 178
(27), (30) to (32), (34), (35), (37) to (48), (50) to (55), (59) 179
to (61), (63) to (66), (69), and (72) of section 2101.16 of the 180
Revised Code and the fee charged in connection with the 181
docketing and indexing of an appeal. 182

(2) All moneys collected under division (A) (1) of this 183
section shall be paid to the county treasurer. The treasurer 184
shall place the moneys from the fees in a separate fund to be 185
disbursed, upon an order of the probate judge or request from 186
the clerk of the court, in an amount no greater than the actual 187
cost to the court of procuring and maintaining computerization 188
of the court, computerized legal research services, or both. 189

(3) If the court determines that the funds in the fund 190
described in division (A) (2) of this section are more than 191
sufficient to satisfy the purpose for which the additional fee 192
described in division (A) (1) of this section was imposed, the 193
court may declare a surplus in the fund and the court or the 194
clerk of the court may expend those surplus funds for other 195
appropriate technological expenses of the court. 196

(B) (1) The probate judge may determine that, for the 197
efficient operation of the probate court, additional funds are 198
required to computerize the office of the clerk of the court 199
and, upon that determination, may charge a fee, not to exceed 200
ten dollars, or authorize and direct a deputy clerk of the 201
probate court to charge a fee, not to exceed ten dollars, in 202
addition to the fees specified in divisions (A) (1), (3), (4), 203

(6), (14) to (17), (20) to (25), (27), (30) to (32), (34), (35), 204
(37) to (48), (50) to (55), (59) to (61), (63) to (66), (69), 205
and (72) of section 2101.16 of the Revised Code and the fee 206
charged in connection with the docketing and indexing of an 207
appeal. Subject to division (B)(2) of this section, all moneys 208
collected under this division shall be paid to the county 209
treasurer to be disbursed, upon an order of the probate judge or 210
request from the clerk of the court and subject to appropriation 211
by the board of county commissioners, in an amount no greater 212
than the actual cost to the probate court of procuring and 213
maintaining computer systems for the office of the clerk of the 214
court. 215

(2) If the probate judge makes the determination described 216
in division (B)(1) of this section, the board of county 217
commissioners may issue one or more general obligation bonds for 218
the purpose of procuring and maintaining the computer systems 219
for the office of the clerk of the probate court. In addition to 220
the purposes stated in division (B)(1) of this section for which 221
the moneys collected under that division may be expended, the 222
moneys additionally may be expended to pay debt charges on and 223
financing costs related to any general obligation bonds issued 224
pursuant to this division as they become due. General obligation 225
bonds issued pursuant to this division are Chapter 133. 226
securities. 227

Sec. 2151.541. (A)(1) The juvenile judge may determine 228
that, for the efficient operation of the juvenile court, 229
additional funds are required to computerize the court, to make 230
available computerized legal research services, or both. Upon 231
making a determination that additional funds are required for 232
either or both of those purposes, the judge shall do one of the 233
following: 234

(a) If the judge is clerk of the court, charge one 235
additional fee not to exceed three dollars on the filing of each 236
cause of action or appeal under division (A), (Q), or (U) of 237
section 2303.20 of the Revised Code; 238

(b) If the clerk of the court of common pleas serves as 239
the clerk of the juvenile court pursuant to section 2151.12 of 240
the Revised Code, authorize and direct the clerk to charge one 241
additional fee not to exceed three dollars on the filing of each 242
cause of action or appeal under division (A), (Q), or (U) of 243
section 2303.20 of the Revised Code. 244

(2) All moneys collected under division (A)(1) of this 245
section shall be paid to the county treasurer. The treasurer 246
shall place the moneys from the fees in a separate fund to be 247
disbursed either upon an order of the juvenile judge or request 248
from the clerk of the juvenile court, subject to an 249
appropriation by the board of county commissioners, or upon an 250
order of the juvenile judge or request from the clerk of the 251
juvenile court, subject to the court or clerk making an annual 252
report available to the public listing the use of all such 253
funds, in an amount no greater than the actual cost to the court 254
of procuring and maintaining computerization of the court, 255
computerized legal research services, or both. 256

(3) If the court determines that the funds in the fund 257
described in division (A)(2) of this section are more than 258
sufficient to satisfy the purpose for which the additional fee 259
described in division (A)(1) of this section was imposed, the 260
court may declare a surplus in the fund and, subject to an 261
appropriation by the board of county commissioners, the court or 262
the clerk of the juvenile court may expend those surplus funds, 263
or upon an order of the court or a request from the clerk of the 264

juvenile court, subject to the court or clerk making an annual 265
report available to the public listing the use of all such 266
funds, expend those surplus funds, for other appropriate 267
technological expenses of the court. 268

(B) (1) If the juvenile judge is the clerk of the juvenile 269
court, the judge may determine that, for the efficient operation 270
of the juvenile court, additional funds are required to 271
computerize the clerk's office and, upon that determination, may 272
charge an additional fee, not to exceed ten dollars, on the 273
filing of each cause of action or appeal, on the filing, 274
docketing, and endorsing of each certificate of judgment, or on 275
the docketing and indexing of each aid in execution or petition 276
to vacate, revive, or modify a judgment under divisions (A), 277
(P), (Q), (T), and (U) of section 2303.20 of the Revised Code. 278
Subject to division (B) (2) of this section, all moneys collected 279
under this division shall be paid to the county treasurer to be 280
disbursed, upon an order of the juvenile judge and subject to 281
appropriation by the board of county commissioners, in an amount 282
no greater than the actual cost to the juvenile court of 283
procuring and maintaining computer systems for the clerk's 284
office. 285

(2) If the juvenile judge makes the determination 286
described in division (B) (1) of this section, the board of 287
county commissioners may issue one or more general obligation 288
bonds for the purpose of procuring and maintaining the computer 289
systems for the office of the clerk of the juvenile court. In 290
addition to the purposes stated in division (B) (1) of this 291
section for which the moneys collected under that division may 292
be expended, the moneys additionally may be expended to pay debt 293
charges on and financing costs related to any general obligation 294
bonds issued pursuant to this division as they become due. 295

General obligation bonds issued pursuant to this division are 296
Chapter 133. securities. 297

Sec. 2153.081. (A) (1) The juvenile judges may determine 298
that, for the efficient operation of their court, additional 299
funds are required to computerize the court, to make available 300
computerized legal research services, or both. Upon making a 301
determination that additional funds are required for either or 302
both of those purposes, the judges shall authorize and direct 303
the clerk or a deputy clerk of the court to charge one 304
additional fee not to exceed three dollars on the filing of each 305
cause of action or appeal under division (A), (Q), or (U) of 306
section 2303.20 of the Revised Code. 307

(2) All moneys collected under division (A) (1) of this 308
section shall be paid to the county treasurer. The treasurer 309
shall place the moneys from the fees in a separate fund to be 310
disbursed, upon an order of the juvenile judges or upon a 311
request from the clerk of the court, in an amount no greater 312
than the actual cost to the court of procuring and maintaining 313
computer systems for the clerk's office, computerized legal 314
research services, or both. 315

(3) If the court determines that the funds in the fund 316
described in division (A) (2) of this section are more than 317
sufficient to satisfy the purpose for which the additional fee 318
described in division (A) (1) of this section was imposed, the 319
court may declare a surplus in the fund and the court or the 320
clerk of the court may expend those surplus funds for other 321
appropriate technological expenses of the court. 322

(B) (1) The juvenile judges may determine that, for the 323
efficient operation of their court, additional funds are 324
required to computerize the office of the clerk of the juvenile 325

court and, upon that determination, may authorize and direct the clerk or a deputy clerk of the court to charge an additional fee, not to exceed ten dollars, on the filing of each cause of action or appeal, on the filing, docketing, and endorsing of each certificate of judgment, or on the docketing and indexing of each aid in execution or petition to vacate, revive, or modify a judgment under divisions (A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code. Subject to division (B)(2) of this section, all moneys collected under this division shall be paid to the county treasurer to be disbursed, upon an order of the juvenile judges or request from the clerk of the court and subject to appropriation by the board of county commissioners, in an amount no greater than the actual cost to the juvenile court of procuring and maintaining computer systems for the clerk's office.

(2) If the juvenile judges make the determination described in division (B)(1) of this section, the board of county commissioners may issue one or more general obligation bonds for the purpose of procuring and maintaining the computer systems for the office of the clerk of the juvenile court. In addition to the purposes stated in division (B)(1) of this section for which the moneys collected under that division may be expended, the moneys additionally may be expended to pay debt charges on and financing costs related to any general obligation bonds issued pursuant to this division as they become due. General obligation bonds issued pursuant to this division are Chapter 133. securities.

Sec. 2301.031. (A)(1) The domestic relations judges of a domestic relations division created by section 2301.03 of the Revised Code may determine that, for the efficient operation of their division, additional funds are required to computerize the

division, to make available computerized legal research 357
services, or both. Upon making a determination that additional 358
funds are required for either or both of those purposes, the 359
judges shall do one of the following: 360

(a) Authorize and direct the clerk or a deputy clerk of 361
the division to charge one additional fee not to exceed three 362
dollars on the filing of each cause of action or appeal under 363
division (A), (Q), or (U) of section 2303.20 of the Revised 364
Code; 365

(b) If the clerk of the court of common pleas serves as 366
the clerk of the division, authorize and direct the clerk of the 367
court of common pleas to charge one additional fee not to exceed 368
three dollars on the filing of each cause of action or appeal 369
under division (A), (Q), or (U) of section 2303.20 of the 370
Revised Code. 371

(2) All moneys collected under division (A)(1) of this 372
section shall be paid to the county treasurer. The treasurer 373
shall place the moneys from the fees in a separate fund to be 374
disbursed either upon an order of the domestic relations judges 375
or a request from the clerk of the domestic relations division, 376
subject to an appropriation by the board of county 377
commissioners, or upon an order of the domestic relations judge 378
or a request from the clerk of the domestic relations division, 379
subject to the court making an annual report available to the 380
public listing the use of all such funds, in an amount no 381
greater than the actual cost to the division of procuring and 382
maintaining computerization of the court, computerized legal 383
research services, or both. 384

(3) If the court determines that the funds in the fund 385
described in division (A)(2) of this section are more than 386

sufficient to satisfy the purpose for which the additional fee 387
described in division (A) (1) of this section was imposed, the 388
court may declare a surplus in the fund and, subject to an 389
appropriation by the board of county commissioners, the court or 390
the clerk of the domestic relations division may expend those 391
surplus funds, or upon an order of the court or a request from 392
the clerk of the domestic relations division, subject to the 393
court or clerk of the domestic relations division making an 394
annual report available to the public listing the use of all 395
such funds, the court or clerk of the domestic relations 396
division may expend those surplus funds, for other appropriate 397
technological expenses of the court. 398

(B) (1) If the clerk of the court of common pleas is not 399
serving as the clerk of a juvenile or domestic relations 400
division created by section 2301.03 of the Revised Code, the 401
juvenile or domestic relations judges may determine that, for 402
the efficient operation of their division, additional funds are 403
required to computerize the office of the clerk of their 404
division and, upon that determination, may authorize and direct 405
the clerk or a deputy clerk of their division to charge an 406
additional fee, not to exceed ten dollars, on the filing of each 407
cause of action or appeal, on the filing, docketing, and 408
endorsing of each certificate of judgment, or on the docketing 409
and indexing of each aid in execution or petition to vacate, 410
revive, or modify a judgment under divisions (A), (P), (Q), (T), 411
and (U) of section 2303.20 of the Revised Code. Subject to 412
division (B) (2) of this section, all moneys collected under this 413
division shall be paid to the county treasurer to be disbursed, 414
upon an order of the juvenile or domestic relations judges or 415
request of the clerk of the juvenile or domestic relations 416
division and subject to appropriation by the board of county 417

commissioners, in an amount no greater than the actual cost to 418
the juvenile or domestic relations division of procuring and 419
maintaining computer systems for the clerk's office. 420

(2) If juvenile or domestic relations judges make the 421
determination described in division (B)(1) of this section, the 422
board of county commissioners may issue one or more general 423
obligation bonds for the purpose of procuring and maintaining 424
the computer systems for the office of the clerk of the juvenile 425
or domestic relations division. In addition to the purposes 426
stated in division (B)(1) of this section for which the moneys 427
collected under that division may be expended, the moneys 428
additionally may be expended to pay debt charges on and 429
financing costs related to any general obligation bonds issued 430
pursuant to this division as they become due. General obligation 431
bonds issued pursuant to this division are Chapter 133. 432
securities. 433

Sec. 2303.201. (A) (1) The court of common pleas of any 434
county may determine that for the efficient operation of the 435
court additional funds are required to computerize the court, to 436
make available computerized legal research services, or to do 437
both. Upon making a determination that additional funds are 438
required for either or both of those purposes, the court shall 439
authorize and direct the clerk of the court of common pleas to 440
charge one additional fee, not to exceed six dollars, on the 441
filing of each cause of action or appeal under divisions (A), 442
(Q), and (U) of section 2303.20 of the Revised Code. 443

(2) All fees collected under division (A)(1) of this 444
section shall be paid to the county treasurer. The treasurer 445
shall place the funds from the fees in a separate fund to be 446
disbursed either upon an order of the court or request from the 447

clerk of the court of common pleas, subject to an appropriation 448
by the board of county commissioners, or upon an order of the 449
court or request from the clerk of the court of common pleas, 450
subject to the court making an annual report available to the 451
public listing the use of all such funds, in an amount not 452
greater than the actual cost to the court of procuring and 453
maintaining computerization of the court, computerized legal 454
research services, or both. 455

(3) If the court determines that the funds in the fund 456
described in division (A) (2) of this section are more than 457
sufficient to satisfy the purpose for which the additional fee 458
described in division (A) (1) of this section was imposed, the 459
court may declare a surplus in the fund and, subject to an 460
appropriation by the board of county commissioners, the court or 461
the clerk of the court of common pleas may expend those surplus 462
funds, or upon an order of the court or request from the clerk 463
of the court of common pleas, subject to the court or the clerk 464
of the court of common pleas making an annual report available 465
to the public listing the use of all such funds, expend those 466
surplus funds, for other appropriate technological expenses of 467
the court. 468

(B) (1) The court of common pleas of any county may 469
determine that, for the efficient operation of the court, 470
additional funds are required to make technological advances in 471
or to computerize the office of the clerk of the court of common 472
pleas and, upon that determination, authorize and direct the 473
clerk of the court of common pleas to charge an additional fee, 474
not to exceed twenty dollars, on the filing of each cause of 475
action or appeal, on the filing, docketing, and endorsing of 476
each certificate of judgment, or on the docketing and indexing 477
of each aid in execution or petition to vacate, revive, or 478

modify a judgment under divisions (A), (P), (Q), (T), and (U) of 479
section 2303.20 of the Revised Code and not to exceed one dollar 480
each for the services described in divisions (B), (C), (D), (F), 481
(H), and (L) of section 2303.20 of the Revised Code. Subject to 482
division (B)(2) of this section, all moneys collected under 483
division (B)(1) of this section shall be paid to the county 484
treasurer to be disbursed, upon an order of the court of common 485
pleas or request from the clerk of the court of common pleas and 486
subject to appropriation by the board of county commissioners, 487
in an amount no greater than the actual cost to the court of 488
procuring and maintaining technology and computer systems for 489
the office of the clerk of the court of common pleas. 490

(2) If the court of common pleas of a county makes the 491
determination described in division (B)(1) of this section, the 492
board of county commissioners of that county may issue one or 493
more general obligation bonds for the purpose of procuring and 494
maintaining the technology and computer systems for the office 495
of the clerk of the court of common pleas. In addition to the 496
purposes stated in division (B)(1) of this section for which the 497
moneys collected under that division may be expended, the moneys 498
additionally may be expended to pay debt charges on and 499
financing costs related to any general obligation bonds issued 500
pursuant to division (B)(2) of this section as they become due. 501
General obligation bonds issued pursuant to division (B)(2) of 502
this section are Chapter 133. securities. 503

(C) The court of common pleas shall collect the sum of 504
twenty-six dollars as additional filing fees in each new civil 505
action or proceeding for the charitable public purpose of 506
providing financial assistance to legal aid societies that 507
operate within the state and to support the office of the state 508
public defender. This division does not apply to a juvenile 509

division of a court of common pleas, except that an additional 510
filing fee of fifteen dollars shall apply to custody, 511
visitation, and parentage actions; to a probate division of a 512
court of common pleas, except that the additional filing fees 513
shall apply to name change, guardianship, adoption, and 514
decedents' estate proceedings; or to an execution on a judgment, 515
proceeding in aid of execution, or other post-judgment 516
proceeding arising out of a civil action. The filing fees 517
required to be collected under this division shall be in 518
addition to any other filing fees imposed in the action or 519
proceeding and shall be collected at the time of the filing of 520
the action or proceeding. The court shall not waive the payment 521
of the additional filing fees in a new civil action or 522
proceeding unless the court waives the advanced payment of all 523
filing fees in the action or proceeding. All such moneys 524
collected during a month except for an amount equal to up to one 525
per cent of those moneys retained to cover administrative costs 526
shall be transmitted on or before the twentieth day of the 527
following month by the clerk of the court to the treasurer of 528
state in a manner prescribed by the treasurer of state or by the 529
Ohio access to justice foundation. The treasurer of state shall 530
deposit four per cent of the funds collected under this division 531
to the credit of the civil case filing fee fund established 532
under section 120.07 of the Revised Code and ninety-six per cent 533
of the funds collected under this division to the credit of the 534
legal aid fund established under section 120.52 of the Revised 535
Code. 536

The court may retain up to one per cent of the moneys it 537
collects under this division to cover administrative costs, 538
including the hiring of any additional personnel necessary to 539
implement this division. If the court fails to transmit to the 540

treasurer of state the moneys the court collects under this 541
division in a manner prescribed by the treasurer of state or by 542
the Ohio access to justice foundation, the court shall forfeit 543
the moneys the court retains under this division to cover 544
administrative costs, including the hiring of any additional 545
personnel necessary to implement this division, and shall 546
transmit to the treasurer of state all moneys collected under 547
this division, including the forfeited amount retained for 548
administrative costs, for deposit in the legal aid fund. 549

(D) On and after the thirtieth day after December 9, 1994, 550
the court of common pleas shall collect the sum of thirty-two 551
dollars as additional filing fees in each new action or 552
proceeding for annulment, divorce, or dissolution of marriage 553
for the purpose of funding shelters for victims of domestic 554
violence pursuant to sections 3113.35 to 3113.39 of the Revised 555
Code. The filing fees required to be collected under this 556
division shall be in addition to any other filing fees imposed 557
in the action or proceeding and shall be collected at the time 558
of the filing of the action or proceeding. The court shall not 559
waive the payment of the additional filing fees in a new action 560
or proceeding for annulment, divorce, or dissolution of marriage 561
unless the court waives the advanced payment of all filing fees 562
in the action or proceeding. On or before the twentieth day of 563
each month, all moneys collected during the immediately 564
preceding month pursuant to this division shall be deposited by 565
the clerk of the court into the county treasury in the special 566
fund used for deposit of additional marriage license fees as 567
described in section 3113.34 of the Revised Code. Upon their 568
deposit into the fund, the moneys shall be retained in the fund 569
and expended only as described in section 3113.34 of the Revised 570
Code. 571

(E) (1) The court of common pleas may determine that, for 572
the efficient operation of the court, additional funds are 573
necessary to acquire and pay for special projects of the court, 574
including, but not limited to, the acquisition of additional 575
facilities or the rehabilitation of existing facilities, the 576
acquisition of equipment, the hiring and training of staff, 577
community service programs, mediation or dispute resolution 578
services, the employment of magistrates, the training and 579
education of judges, acting judges, and magistrates, and other 580
related services. Upon that determination, the court by rule may 581
charge a fee, in addition to all other court costs, on the 582
filing of each criminal cause, civil action or proceeding, or 583
judgment by confession. 584

If the court of common pleas offers or requires a special 585
program or additional services in cases of a specific type, the 586
court by rule may assess an additional charge in a case of that 587
type, over and above court costs, to cover the special program 588
or service. The court shall adjust the special assessment 589
periodically, but not retroactively, so that the amount assessed 590
in those cases does not exceed the actual cost of providing the 591
service or program. 592

All moneys collected under division (E) of this section 593
shall be paid to the county treasurer for deposit into either a 594
general special projects fund or a fund established for a 595
specific special project. Moneys from a fund of that nature 596
shall be disbursed upon an order of the court, subject to an 597
appropriation by the board of county commissioners, in an amount 598
no greater than the actual cost to the court of a project. If a 599
specific fund is terminated because of the discontinuance of a 600
program or service established under division (E) of this 601
section, the court may order, subject to an appropriation by the 602

board of county commissioners, that moneys remaining in the fund 603
be transferred to an account established under this division for 604
a similar purpose. 605

(2) As used in division (E) of this section: 606

(a) "Criminal cause" means a charge alleging the violation 607
of a statute or ordinance, or subsection of a statute or 608
ordinance, that requires a separate finding of fact or a 609
separate plea before disposition and of which the defendant may 610
be found guilty, whether filed as part of a multiple charge on a 611
single summons, citation, or complaint or as a separate charge 612
on a single summons, citation, or complaint. "Criminal cause" 613
does not include separate violations of the same statute or 614
ordinance, or subsection of the same statute or ordinance, 615
unless each charge is filed on a separate summons, citation, or 616
complaint. 617

(b) "Civil action or proceeding" means any civil 618
litigation that must be determined by judgment entry. 619

Sec. 2951.041. (A) (1) If an offender is charged with a 620
criminal offense, including but not limited to a violation of 621
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 622
of the Revised Code, and the court has reason to believe that 623
drug or alcohol usage by the offender was a factor leading to 624
the criminal offense with which the offender is charged or that, 625
at the time of committing that offense, the offender had a 626
mental illness, was a person with an intellectual disability, or 627
was a victim of a violation of section 2905.32 or 2907.21 of the 628
Revised Code and that the mental illness, status as a person 629
with an intellectual disability, or fact that the offender was a 630
victim of a violation of section 2905.32 or 2907.21 of the 631
Revised Code was a factor leading to the offender's criminal 632

behavior, the court may accept, prior to the entry of a guilty 633
plea, the offender's request for intervention in lieu of 634
conviction. The request shall include a statement from the 635
offender as to whether the offender is alleging that drug or 636
alcohol usage by the offender was a factor leading to the 637
criminal offense with which the offender is charged or is 638
alleging that, at the time of committing that offense, the 639
offender had a mental illness, was a person with an intellectual 640
disability, or was a victim of a violation of section 2905.32 or 641
2907.21 of the Revised Code and that the mental illness, status 642
as a person with an intellectual disability, or fact that the 643
offender was a victim of a violation of section 2905.32 or 644
2907.21 of the Revised Code was a factor leading to the criminal 645
offense with which the offender is charged. The request also 646
shall include a waiver of the defendant's right to a speedy 647
trial, the preliminary hearing, the time period within which the 648
grand jury may consider an indictment against the offender, and 649
arraignment, unless the hearing, indictment, or arraignment has 650
already occurred. Unless an offender alleges that drug or 651
alcohol usage by the offender was a factor leading to the 652
criminal offense with which the offender is charged, the court 653
may reject an offender's request without a hearing. If the court 654
elects to consider an offender's request or the offender alleges 655
that drug or alcohol usage by the offender was a factor leading 656
to the criminal offense with which the offender is charged, the 657
court shall conduct a hearing to determine whether the offender 658
is eligible under this section for intervention in lieu of 659
conviction and shall stay all criminal proceedings pending the 660
outcome of the hearing. If the court schedules a hearing, the 661
court shall order an assessment of the offender for the purpose 662
of determining the offender's program eligibility for 663
intervention in lieu of conviction and recommending an 664

appropriate intervention plan. 665

If the offender alleges that drug or alcohol usage by the 666
offender was a factor leading to the criminal offense with which 667
the offender is charged, the court may order that the offender 668
be assessed by a community addiction services provider or a 669
properly credentialed professional for the purpose of 670
determining the offender's program eligibility for intervention 671
in lieu of conviction and recommending an appropriate 672
intervention plan. The community addiction services provider or 673
the properly credentialed professional shall provide a written 674
assessment of the offender to the court. 675

(2) The victim notification provisions of division (E) of 676
section 2930.06 of the Revised Code apply in relation to any 677
hearing held under division (A)(1) of this section. 678

(B) An offender is eligible for intervention in lieu of 679
conviction if the court finds all of the following: 680

(1) The offender previously has not been convicted of or 681
pleaded guilty to any felony offense of violence. 682

(2) The offense is not a felony of the first, second, or 683
third degree, is not an offense of violence, is not a felony sex 684
offense, is not a violation of division (A)(1) or (2) of section 685
2903.06 of the Revised Code, is not a violation of division (A) 686
(1) of section 2903.08 of the Revised Code, is not a violation 687
of division (A) of section 4511.19 of the Revised Code or a 688
municipal ordinance that is substantially similar to that 689
division, and is not an offense for which a sentencing court is 690
required to impose a mandatory prison term. 691

(3) The offender is not charged with a violation of 692
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 693

charged with a violation of section 2925.03 of the Revised Code 694
that is a felony of the first, second, third, or fourth degree, 695
and is not charged with a violation of section 2925.11 of the 696
Revised Code that is a felony of the first or second degree. 697

(4) If an offender alleges that drug or alcohol usage by 698
the offender was a factor leading to the criminal offense with 699
which the offender is charged, the court has ordered that the 700
offender be assessed by a community addiction services provider 701
or a properly credentialed professional for the purpose of 702
determining the offender's program eligibility for intervention 703
in lieu of conviction and recommending an appropriate 704
intervention plan, the offender has been assessed by a community 705
addiction services provider of that nature or a properly 706
credentialed professional in accordance with the court's order, 707
and the community addiction services provider or properly 708
credentialed professional has filed the written assessment of 709
the offender with the court. 710

(5) If an offender alleges that, at the time of committing 711
the criminal offense with which the offender is charged, the 712
offender had a mental illness, was a person with an intellectual 713
disability, or was a victim of a violation of section 2905.32 or 714
2907.21 of the Revised Code and that the mental illness, status 715
as a person with an intellectual disability, or fact that the 716
offender was a victim of a violation of section 2905.32 or 717
2907.21 of the Revised Code was a factor leading to that 718
offense, the offender has been assessed by a psychiatrist, 719
psychologist, independent social worker, licensed professional 720
clinical counselor, or independent marriage and family therapist 721
for the purpose of determining the offender's program 722
eligibility for intervention in lieu of conviction and 723
recommending an appropriate intervention plan. 724

(6) The offender's drug usage, alcohol usage, mental illness, or intellectual disability, or the fact that the offender was a victim of a violation of section 2905.32 or 2907.21 of the Revised Code, whichever is applicable, was a factor leading to the criminal offense with which the offender is charged, intervention in lieu of conviction would not demean the seriousness of the offense, and intervention would substantially reduce the likelihood of any future criminal activity.

(7) The alleged victim of the offense was not sixty-five years of age or older, permanently and totally disabled, under thirteen years of age, or a peace officer engaged in the officer's official duties at the time of the alleged offense.

(8) If the offender is charged with a violation of section 2925.24 of the Revised Code, the alleged violation did not result in physical harm to any person.

(9) The offender is willing to comply with all terms and conditions imposed by the court pursuant to division (D) of this section.

(10) The offender is not charged with an offense that would result in the offender being disqualified under Chapter 4506. of the Revised Code from operating a commercial motor vehicle or would subject the offender to any other sanction under that chapter.

(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall determine whether the offender will be granted intervention in lieu of conviction. In making this determination, the court shall presume that intervention in lieu of conviction is appropriate. If the court

finds under this division and division (B) of this section that 754
the offender is eligible for intervention in lieu of conviction, 755
the court shall grant the offender's request unless the court 756
finds specific reasons to believe that the candidate's 757
participation in intervention in lieu of conviction would be 758
inappropriate. 759

If the court denies an eligible offender's request for 760
intervention in lieu of conviction, the court shall state the 761
reasons for the denial, with particularity, in a written entry. 762

If the court grants the offender's request, the court 763
shall accept the offender's plea of guilty and waiver of the 764
defendant's right to a speedy trial, the preliminary hearing, 765
the time period within which the grand jury may consider an 766
indictment against the offender, and arraignment, unless the 767
hearing, indictment, or arraignment has already occurred. In 768
addition, the court then may stay all criminal proceedings and 769
order the offender to comply with all terms and conditions 770
imposed by the court pursuant to division (D) of this section. 771
If the court finds that the offender is not eligible or does not 772
grant the offender's request, the criminal proceedings against 773
the offender shall proceed as if the offender's request for 774
intervention in lieu of conviction had not been made. 775

(D) If the court grants an offender's request for 776
intervention in lieu of conviction, all of the following apply: 777

(1) The court shall place the offender under the general 778
control and supervision of one of the following, as if the 779
offender was subject to a community control sanction imposed 780
under section 2929.15, 2929.18, or 2929.25 of the Revised Code: 781

(a) The county probation department, the adult parole 782

authority, or another appropriate local probation or court 783
services agency, if one exists; 784

(b) If the court grants the request for intervention in 785
lieu of conviction during the period commencing on ~~the effective~~ 786
~~date of this amendment~~ April 4, 2023, and ending two years after 787
~~that effective date~~ April 4, 2023, a community-based 788
correctional facility. 789

(2) The court shall establish an intervention plan for the 790
offender. 791

(3) The terms and conditions of the intervention plan 792
required under division (D)(2) of this section shall require the 793
offender, for at least one year, but not more than five years, 794
from the date on which the court grants the order of 795
intervention in lieu of conviction, to abstain from the use of 796
illegal drugs and alcohol, to participate in treatment and 797
recovery support services, and to submit to regular random 798
testing for drug and alcohol use and may include any other 799
treatment terms and conditions, or terms and conditions similar 800
to community control sanctions, which may include community 801
service or restitution, that are ordered by the court. 802

(E) If the court grants an offender's request for 803
intervention in lieu of conviction and the court finds that the 804
offender has successfully completed the intervention plan for 805
the offender, including the requirement that the offender 806
abstain from using illegal drugs and alcohol for a period of at 807
least one year, but not more than five years, from the date on 808
which the court granted the order of intervention in lieu of 809
conviction, the requirement that the offender participate in 810
treatment and recovery support services, and all other terms and 811
conditions ordered by the court, the court shall dismiss the 812

proceedings against the offender. Successful completion of the 813
intervention plan and period of abstinence under this section 814
shall be without adjudication of guilt and is not a criminal 815
conviction for purposes of any disqualification or disability 816
imposed by law and upon conviction of a crime, and the court may 817
order the sealing or expungement of records related to the 818
offense in question, as a dismissal of the charges, in the 819
manner provided in sections 2953.31, 2953.33, 2953.37, ~~and~~ 820
2953.521, and 2953.522 of the Revised Code and divisions (H), 821
(K), and (L) of section 2953.34 of the Revised Code. 822

(F) If the court grants an offender's request for 823
intervention in lieu of conviction and the offender fails to 824
comply with any term or condition imposed as part of the 825
intervention plan for the offender, the supervising authority 826
for the offender promptly shall advise the court of this 827
failure, and the court shall hold a hearing to determine whether 828
the offender failed to comply with any term or condition imposed 829
as part of the plan. If the court determines that the offender 830
has failed to comply with any of those terms and conditions, it 831
may continue the offender on intervention in lieu of conviction, 832
continue the offender on intervention in lieu of conviction with 833
additional terms, conditions, and sanctions, or enter a finding 834
of guilty and impose an appropriate sanction under Chapter 2929. 835
of the Revised Code. If the court sentences the offender to a 836
prison term, the court, after consulting with the department of 837
rehabilitation and correction regarding the availability of 838
services, may order continued court-supervised activity and 839
treatment of the offender during the prison term and, upon 840
consideration of reports received from the department concerning 841
the offender's progress in the program of activity and 842
treatment, may consider judicial release under section 2929.20 843

of the Revised Code.	844
(G) As used in this section:	845
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	846 847
(2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	848 849
(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	850 851
(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.	852 853
(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	854 855
(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code.	856 857
(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	858 859
(8) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.	860 861
Sec. 2953.31. (A) As used in sections 2953.31 to 2953.521 of the Revised Code:	862 863
(1) "Prosecutor" means the county prosecuting attorney, city director of law, village solicitor, or similar chief legal officer, who has the authority to prosecute a criminal case in the court in which the case is filed.	864 865 866 867
(2) "Bail forfeiture" means the forfeiture of bail by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic	868 869 870

Rule 2, if the forfeiture is pursuant to an agreement with the 871
court and prosecutor in the case. 872

(3) "Official records" means all records that are 873
possessed by any public office or agency that relate to a 874
criminal case, including, but not limited to: the notation to 875
the case in the criminal docket; all subpoenas issued in the 876
case; all papers and documents filed by the defendant or the 877
prosecutor in the case; all records of all testimony and 878
evidence presented in all proceedings in the case; all court 879
files, papers, documents, folders, entries, affidavits, or writs 880
that pertain to the case; all computer, microfilm, microfiche, 881
or microdot records, indices, or references to the case; all 882
index references to the case; all fingerprints and photographs; 883
all DNA specimens, DNA records, and DNA profiles; all records 884
and investigative reports pertaining to the case that are 885
possessed by any law enforcement officer or agency, except that 886
any records or reports that are the specific investigatory work 887
product of a law enforcement officer or agency are not and shall 888
not be considered to be official records when they are in the 889
possession of that officer or agency; all investigative records 890
and reports other than those possessed by a law enforcement 891
officer or agency pertaining to the case; and all records that 892
are possessed by any public office or agency that relate to an 893
application for, or the issuance or denial of, a certificate of 894
qualification for employment under section 2953.25 of the 895
Revised Code. 896

"Official records" does not include any of the following: 897

(a) Records or reports maintained pursuant to section 898
2151.421 of the Revised Code by a public children services 899
agency or the department of job and family services; 900

(b) Any report of an investigation maintained by the	901
inspector general pursuant to section 121.42 of the Revised	902
Code, to the extent that the report contains information that	903
pertains to an individual who was convicted of or pleaded guilty	904
to an offense discovered in or related to the investigation and	905
whose conviction or guilty plea was not overturned on appeal;	906
(c) Records, reports, or audits maintained by the auditor	907
of state pursuant to Chapter 117. of the Revised Code.	908
(4) "Official proceeding" has the same meaning as in	909
section 2921.01 of the Revised Code.	910
(5) "Community control sanction" has the same meaning as	911
in section 2929.01 of the Revised Code.	912
(6) "Post-release control" and "post-release control	913
sanction" have the same meanings as in section 2967.01 of the	914
Revised Code.	915
(7) "DNA database," "DNA record," and "law enforcement	916
agency" have the same meanings as in section 109.573 of the	917
Revised Code.	918
(8) "Fingerprints filed for record" means any fingerprints	919
obtained by the superintendent of the bureau of criminal	920
identification and investigation pursuant to sections 109.57 and	921
109.571 of the Revised Code.	922
(9) "Investigatory work product" means any records or	923
reports of a law enforcement officer or agency that are excepted	924
from the definition of "official records" and that pertain to a	925
conviction or bail forfeiture, the records of which have been	926
ordered sealed or expunged pursuant to division (D) (2) of	927
section 2953.32 or division (F) (1) of section 2953.39 of the	928
Revised Code, or that pertain to a conviction or delinquent	929

child adjudication, the records of which have been ordered 930
expunged pursuant to division (E) of section 2151.358, division 931
(C) (2) of section 2953.35, or division (F) of section 2953.36 of 932
the Revised Code. 933

(10) "Law enforcement or justice system matter" means an 934
arrest, complaint, indictment, trial, hearing, adjudication, 935
conviction, or correctional supervision. 936

(11) "Record of conviction" means the record related to a 937
conviction of or plea of guilty to an offense. 938

(12) "Victim of human trafficking" means a person who is 939
or was a victim of a violation of section 2905.32 of the Revised 940
Code, regardless of whether anyone has been convicted of a 941
violation of that section or of any other section for 942
victimizing the person. 943

(13) "No bill" means a report by the foreperson or deputy 944
foreperson of a grand jury that an indictment is not found by 945
the grand jury against a person who has been held to answer 946
before the grand jury for the commission of an offense. 947

(14) "Court" means the court in which a case is pending at 948
the time a finding of not guilty in the case or a dismissal of 949
the complaint, indictment, or information in the case is entered 950
on the minutes or journal of the court, or the court to which 951
the foreperson or deputy foreperson of a grand jury reports, 952
pursuant to section 2939.23 of the Revised Code, that the grand 953
jury has returned a no bill. 954

(B) (1) As used in section 2953.32 of the Revised Code, 955
"expunge" means the expungement process described in section 956
2953.32 of the Revised Code, including the authority described 957
in division (D) (5) of that section. 958

(2) As used in sections 2953.33 to ~~2953.521~~2953.522 of the Revised Code, "expunge" means both of the following:

(a) The expungement process described in sections 2953.35, 2953.36, 2953.39, ~~and 2953.521,~~ and 2953.522 of the Revised Code;

(b) To destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.

Sec. 2953.34. (A) Inspection of the sealed records included in a sealing order may be made only by the following persons or for the following purposes:

(1) By a law enforcement officer or prosecutor, or the assistants of either, 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 on parole or under a community control sanction or a post-release control sanction, 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 or a legal representative of that person, by the persons named in the 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 a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;	987 988 989 990
(6) By any law enforcement agency or any authorized employee of a law enforcement agency or by the department of rehabilitation and correction or department of youth services as part of a background investigation of a person who applies for employment with the agency or with the department;	991 992 993 994 995
(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, division (I) of section 2953.34 of the Revised Code;	996 997 998 999
(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) or (G) of section 109.57 of the Revised Code;	1000 1001 1002 1003
(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded;	1004 1005 1006 1007 1008
(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B) (1) of that section;	1009 1010 1011 1012 1013 1014
(11) By the bureau of criminal identification and	1015

investigation, an authorized employee of the bureau, a sheriff, 1016
or an authorized employee of a sheriff in connection with a 1017
criminal records check described in section 311.41 of the 1018
Revised Code; 1019

(12) By the attorney general or an authorized employee of 1020
the attorney general or a court for purposes of determining a 1021
person's classification pursuant to Chapter 2950. of the Revised 1022
Code; 1023

(13) By a court, the registrar of motor vehicles, a 1024
prosecuting attorney or the prosecuting attorney's assistants, 1025
or a law enforcement officer for the purpose of assessing points 1026
against a person under section 4510.036 of the Revised Code or 1027
for taking action with regard to points assessed. 1028

When the nature and character of the offense with which a 1029
person is to be charged would be affected by the information, it 1030
may be used for the purpose of charging the person with an 1031
offense. 1032

(B) In any criminal proceeding, proof of any otherwise 1033
admissible prior conviction may be introduced and proved, 1034
notwithstanding the fact that for any such prior conviction an 1035
order of sealing or expungement previously was issued pursuant 1036
to sections 2953.31 to 2953.34 of the Revised Code. 1037

(C) The person or governmental agency, office, or 1038
department that maintains sealed records pertaining to 1039
convictions or bail forfeitures that have been sealed pursuant 1040
to section 2953.32 of the Revised Code may maintain a manual or 1041
computerized index to the sealed records. The index shall 1042
contain only the name of, and alphanumeric identifiers that 1043
relate to, the persons who are the subject of the sealed 1044

records, the word "sealed," and the name of the person, agency, 1045
office, or department that has custody of the sealed records, 1046
and shall not contain the name of the crime committed. The index 1047
shall be made available by the person who has custody of the 1048
sealed records only for the purposes set forth in divisions (A), 1049
(B), and (D) of this section. 1050

(D) Notwithstanding any provision of this section or 1051
section 2953.32 of the Revised Code that requires otherwise, a 1052
board of education of a city, local, exempted village, or joint 1053
vocational school district that maintains records of an 1054
individual who has been permanently excluded under sections 1055
3301.121 and 3313.662 of the Revised Code is permitted to 1056
maintain records regarding a conviction that was used as the 1057
basis for the individual's permanent exclusion, regardless of a 1058
court order to seal or expunge the record. An order issued under 1059
section 2953.32 of the Revised Code to seal or expunge the 1060
record of a conviction does not revoke the adjudication order of 1061
the director of education and workforce to permanently exclude 1062
the individual who is the subject of the sealing or expungement 1063
order. An order issued under section 2953.32 of the Revised Code 1064
to seal or expunge the record of a conviction of an individual 1065
may be presented to a district superintendent as evidence to 1066
support the contention that the superintendent should recommend 1067
that the permanent exclusion of the individual who is the 1068
subject of the sealing or expungement order be revoked. Except 1069
as otherwise authorized by this division and sections 3301.121 1070
and 3313.662 of the Revised Code, any school employee in 1071
possession of or having access to the sealed or expunged 1072
conviction records of an individual that were the basis of a 1073
permanent exclusion of the individual is subject to division (J) 1074
of this section. 1075

(E) Notwithstanding any provision of this section or 1076
section 2953.32 of the Revised Code that requires otherwise, if 1077
the auditor of state or a prosecutor maintains records, reports, 1078
or audits of an individual who has been forever disqualified 1079
from holding public office, employment, or a position of trust 1080
in this state under sections 2921.41 and 2921.43 of the Revised 1081
Code, or has otherwise been convicted of an offense based upon 1082
the records, reports, or audits of the auditor of state, the 1083
auditor of state or prosecutor is permitted to maintain those 1084
records to the extent they were used as the basis for the 1085
individual's disqualification or conviction, and shall not be 1086
compelled by court order to seal or expunge those records. 1087

(F) For purposes of sections 2953.31 and 2953.34 of the 1088
Revised Code, DNA records collected in the DNA database and 1089
fingerprints filed for record by the superintendent of the 1090
bureau of criminal identification and investigation shall not be 1091
sealed or expunged unless the superintendent receives a 1092
certified copy of a final court order establishing that the 1093
offender's conviction has been overturned. For purposes of this 1094
section, a court order is not "final" if time remains for an 1095
appeal or application for discretionary review with respect to 1096
the order. 1097

(G) (1) The court shall send notice of any order to seal or 1098
expunge official records issued pursuant to section 2953.32 of 1099
the Revised Code to the bureau of criminal identification and 1100
investigation and to any public office or agency that the court 1101
knows or has reason to believe may have any record of the case, 1102
whether or not it is an official record, that is the subject of 1103
the order. 1104

(2) The sealing of a record under section 2953.32 of the 1105

Revised Code does not affect the assessment of points under 1106
section 4510.036 of the Revised Code and does not erase points 1107
assessed against a person as a result of the sealed record. 1108

(H) (1) The court shall send notice of any order to seal or 1109
expunge official records issued pursuant to division (B) (3) of 1110
section 2953.33 of the Revised Code to the bureau of criminal 1111
identification and investigation and shall send notice of any 1112
order issued pursuant to division (B) (4) of that section or 1113
division (C) (3) of section 2953.522 of the Revised Code to any 1114
public office or agency that the court knows or has reason to 1115
believe may have any record of the case, whether or not it is an 1116
official record, that is the subject of the order. 1117

(2) A person whose official records have been sealed or 1118
expunged pursuant to an order issued pursuant to section 2953.33 1119
or 2953.522 of the Revised Code may present a copy of that order 1120
and a written request to comply with it, to a public office or 1121
agency that has a record of the case that is the subject of the 1122
order. 1123

(3) An order to seal or expunge official records issued 1124
pursuant to section 2953.33 or 2953.522 of the Revised Code 1125
applies to every public office or agency that has a record of 1126
the case that is the subject of the order, regardless of whether 1127
it receives notice of the hearing on the application for the 1128
order to seal or expunge the official records or receives a copy 1129
of the order to seal the official records pursuant to division 1130
(H) (1) or (2) of this section. 1131

(4) Upon receiving a copy of an order to seal or expunge 1132
official records pursuant to division (H) (1) or (2) of this 1133
section or upon otherwise becoming aware of an applicable order 1134
to seal or expunge official records issued pursuant to section 1135

2953.33 or 2953.522 of the Revised Code, a public office or 1136
agency shall comply with the order and, if applicable, with 1137
division (K) of this section, except that if the order is a 1138
sealing order, the office or agency may maintain a record of the 1139
case that is the subject of the order if the record is 1140
maintained for the purpose of compiling statistical data only 1141
and does not contain any reference to the person who is the 1142
subject of the case and the order. 1143

(5) A public office or agency that receives an order to 1144
seal or expunge records pursuant to section 2953.522 of the 1145
Revised Code shall comply with the order and seal or expunge 1146
those records as specified by the order, independent of a record 1147
of conviction of section 4511.19 or 4511.194 of the Revised Code 1148
that occurred in connection with the charges to be sealed or 1149
expunged. The office or agency shall remove from online 1150
publication any document affected by the order. The office or 1151
agency shall maintain unsealed records of the case related to 1152
the conviction of section 4511.19 or 4511.194 of the Revised 1153
Code and shall redact all references to the sealed or expunged 1154
charges from those records, in a manner consistent with the 1155
order. This division applies regardless of whether the charges 1156
were dismissed prior to, on, or after the effective date of this 1157
amendment. 1158

(6) A public office or agency to which division (H) (4) of 1159
this section applies also may maintain an index of sealed 1160
official records that are the subject of a sealing order, in a 1161
form similar to that for sealed records of conviction as set 1162
forth in division (C) of this section, access to which may not 1163
be afforded to any person other than the person who has custody 1164
of the sealed official records. The sealed official records to 1165
which such an index pertains shall not be available to any 1166

person, except that the official records of a case that have 1167
been sealed may be made available to the following persons for 1168
the following purposes: 1169

(a) To the person who is the subject of the records upon 1170
written application, and to any other person named in the 1171
application, for any purpose; 1172

(b) To a law enforcement officer who was involved in the 1173
case, for use in the officer's defense of a civil action arising 1174
out of the officer's involvement in that case; 1175

(c) To a prosecuting attorney or the prosecuting 1176
attorney's assistants to determine a defendant's eligibility to 1177
enter a pre-trial diversion program established pursuant to 1178
section 2935.36 of the Revised Code; 1179

(d) To a prosecuting attorney or the prosecuting 1180
attorney's assistants to determine a defendant's eligibility to 1181
enter a pre-trial diversion program under division (E) (2) (b) of 1182
section 4301.69 of the Revised Code. 1183

(I) (1) Upon the issuance of an order by a court pursuant 1184
to division (D) (2) of section 2953.32 of the Revised Code 1185
directing that all official records of a case pertaining to a 1186
conviction or bail forfeiture be sealed or expunged or an order 1187
by a court pursuant to division (E) of section 2151.358, 1188
division (C) (2) of section 2953.35, or division (E) of section 1189
2953.36 of the Revised Code directing that all official records 1190
of a case pertaining to a conviction or delinquent child 1191
adjudication be expunged: 1192

(a) Every law enforcement officer who possesses 1193
investigatory work product immediately shall deliver that work 1194
product to the law enforcement officer's employing law 1195

enforcement agency. 1196

(b) Except as provided in divisions (I)(1)(c) and (d) of 1197
this section, every law enforcement agency that possesses 1198
investigatory work product shall close that work product to all 1199
persons who are not directly employed by the law enforcement 1200
agency and shall treat that work product, in relation to all 1201
persons other than those who are directly employed by the law 1202
enforcement agency, as if it did not exist and never had 1203
existed. 1204

(c) A law enforcement agency that possesses investigatory 1205
work product may permit another law enforcement agency to use 1206
that work product in the investigation of another offense if the 1207
facts incident to the offense being investigated by the other 1208
law enforcement agency and the facts incident to an offense that 1209
is the subject of the case are reasonably similar. The agency 1210
that permits the use of investigatory work product may provide 1211
the other agency with the name of the person who is the subject 1212
of the case if it believes that the name of the person is 1213
necessary to the conduct of the investigation by the other 1214
agency. 1215

(d) The auditor of state may provide to or discuss with 1216
other parties investigatory work product maintained pursuant to 1217
Chapter 117. of the Revised Code by the auditor of state. 1218

(2)(a) Except as provided in divisions (I)(1)(c) and (d) 1219
of this section, no law enforcement officer or other person 1220
employed by a law enforcement agency shall knowingly release, 1221
disseminate, or otherwise make the investigatory work product or 1222
any information contained in that work product available to, or 1223
discuss any information contained in it with, any person not 1224
employed by the employing law enforcement agency. 1225

(b) No law enforcement agency, or person employed by a law enforcement agency, that receives investigatory work product pursuant to divisions (I) (1) (c) and (d) of this section shall use that work product for any purpose other than the investigation of the offense for which it was obtained from the other law enforcement agency, or disclose the name of the person who is the subject of the work product except when necessary for the conduct of the investigation of the offense, or the prosecution of the person for committing the offense, for which it was obtained from the other law enforcement agency.

(3) Whoever violates division (I) (2) (a) or (b) of this section is guilty of divulging confidential investigatory work product, a misdemeanor of the fourth degree.

(J) (1) Except as authorized by divisions (A) to (C) of this section or by Chapter 2950. of the Revised Code and subject to ~~division~~ divisions (J) (2) and (3) of this section, any officer or employee of the state, or a political subdivision of the state, who releases or otherwise disseminates or makes available for any purpose involving employment, bonding, or licensing in connection with any business, trade, or profession to any person, or to any department, agency, or other instrumentality of the state, or any political subdivision of the state, any information or other data concerning any law enforcement or justice system matter the records with respect to which the officer or employee had knowledge of were sealed by an existing order issued pursuant to section 2953.32 of the Revised Code, division (E) of section 2151.358, section 2953.35, or section 2953.36 of the Revised Code, or were expunged by an order issued pursuant to section 2953.42 of the Revised Code as it existed prior to June 29, 1988, is guilty of divulging confidential information, a misdemeanor of the fourth degree.

(2) Division (J) (1) of this section does not apply to an officer or employee of the state, or a political subdivision of the state, who releases or otherwise disseminates or makes available for any purpose specified in that division any information or other data concerning a law enforcement or justice system matter the records of which the officer had knowledge were sealed or expunged by an order of a type described in that division, if all of the following apply:

(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 system matter were not sealed or expunged by any order of a type described in division (J) (1) of this section.

(c) The law enforcement or justice system matter covered by the information or data from the sealed or expunged records and the other law enforcement or justice system 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 system 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.

(3) Division (J) (1) of this section does not apply to an

officer or employee of the state, or a political subdivision of 1286
the state, who releases or otherwise disseminates or makes 1287
available for any purpose specified in that division any 1288
information or other data concerning a law enforcement or 1289
justice system matter the records of which the officer had 1290
knowledge were sealed or expunged by an order of a type 1291
described in that division, if the records are released or 1292
disseminated or access is provided pursuant to an application by 1293
the person who is the subject of the information or data or by a 1294
legal representative of that person. 1295

(4) Any person who, in violation of this section, uses, 1296
disseminates, or otherwise makes available any index prepared 1297
pursuant to division (C) of this section is guilty of a 1298
misdemeanor of the fourth degree. 1299

(K) (1) Except as otherwise provided in Chapter 2950. or 1300
division (C) of section 2953.522 of the Revised Code, upon the 1301
issuance of an order by a court under division (B) of section 1302
2953.33 of the Revised Code directing that all official records 1303
pertaining to a case be sealed or expunged and that the 1304
proceedings in the case be deemed not to have occurred: 1305

(a) Every law enforcement officer possessing records or 1306
reports pertaining to the case that are the officer's specific 1307
investigatory work product and that are excepted from the 1308
definition of official records shall immediately deliver the 1309
records and reports to the officer's employing law enforcement 1310
agency. Except as provided in division (K) (1) (c) or (d) of this 1311
section, no such officer shall knowingly release, disseminate, 1312
or otherwise make the records and reports or any information 1313
contained in them available to, or discuss any information 1314
contained in them with, any person not employed by the officer's 1315

employing law enforcement agency. 1316

(b) Every law enforcement agency that possesses records or 1317
reports pertaining to the case that are its specific 1318
investigatory work product and that are excepted from the 1319
definition of official records, or that are the specific 1320
investigatory work product of a law enforcement officer it 1321
employs and that were delivered to it under division (K) (1) (a) 1322
of this section shall, except as provided in division (K) (1) (c) 1323
or (d) of this section, close the records and reports to all 1324
persons who are not directly employed by the law enforcement 1325
agency and shall, except as provided in division (K) (1) (c) or 1326
(d) of this section, treat the records and reports, in relation 1327
to all persons other than those who are directly employed by the 1328
law enforcement agency, as if they did not exist and had never 1329
existed. Except as provided in division (K) (1) (c) or (d) of this 1330
section, no person who is employed by the law enforcement agency 1331
shall knowingly release, disseminate, or otherwise make the 1332
records and reports in the possession of the employing law 1333
enforcement agency or any information contained in them 1334
available to, or discuss any information contained in them with, 1335
any person not employed by the employing law enforcement agency. 1336

(c) A law enforcement agency that possesses records or 1337
reports pertaining to the case that are its specific 1338
investigatory work product and that are excepted from the 1339
definition of official records, or that are the specific 1340
investigatory work product of a law enforcement officer it 1341
employs and that were delivered to it under division (K) (1) (a) 1342
of this section may permit another law enforcement agency to use 1343
the records or reports in the investigation of another offense, 1344
if the facts incident to the offense being investigated by the 1345
other law enforcement agency and the facts incident to an 1346

offense that is the subject of the case are reasonably similar. 1347
The agency that provides the records and reports may provide the 1348
other agency with the name of the person who is the subject of 1349
the case, if it believes that the name of the person is 1350
necessary to the conduct of the investigation by the other 1351
agency. 1352

No law enforcement agency, or person employed by a law 1353
enforcement agency, that receives from another law enforcement 1354
agency records or reports pertaining to a case the records of 1355
which have been ordered sealed or expunged pursuant to division 1356
(B) of section 2953.33 or division (C) of section 2953.522 of 1357
the Revised Code shall use the records and reports for any 1358
purpose other than the investigation of the offense for which 1359
they were obtained from the other law enforcement agency, or 1360
disclose the name of the person who is the subject of the 1361
records or reports except when necessary for the conduct of the 1362
investigation of the offense, or the prosecution of the person 1363
for committing the offense, for which they were obtained from 1364
the other law enforcement agency. 1365

(d) The auditor of state may provide to or discuss with 1366
other parties records, reports, or audits maintained by the 1367
auditor of state pursuant to Chapter 117. of the Revised Code 1368
pertaining to the case that are the auditor of state's specific 1369
investigatory work product and that are excepted from the 1370
definition of "official records" contained in division (C) of 1371
section 2953.31 of the Revised Code, or that are the specific 1372
investigatory work product of a law enforcement officer the 1373
auditor of state employs and that were delivered to the auditor 1374
of state under division (K) (1) (a) of this section. 1375

(2) Whoever violates division (K) (1) of this section is 1376

guilty of divulging confidential information, a misdemeanor of 1377
the fourth degree. 1378

(L) (1) In any application for employment, license, or any 1379
other right or privilege, any appearance as a witness, or any 1380
other inquiry, a person may not be questioned with respect to 1381
any record that has been sealed or expunged pursuant to section 1382
2953.33 or 2953.522 of the Revised Code. If an inquiry is made 1383
in violation of this division, the person whose official record 1384
was sealed may respond as if the arrest underlying the case to 1385
which the sealed official records pertain and all other 1386
proceedings in that case did not occur, and the person whose 1387
official record was sealed shall not be subject to any adverse 1388
action because of the arrest, the proceedings, or the person's 1389
response. 1390

(2) (a) Except as provided in division (L) (2) (b) of this 1391
section, an officer or employee of the state or any of its 1392
political subdivisions who knowingly releases, disseminates, or 1393
makes available for any purpose involving employment, bonding, 1394
licensing, or education to any person or to any department, 1395
agency, or other instrumentality of the state, or of any of its 1396
political subdivisions, any information or other data concerning 1397
any arrest, complaint, indictment, information, trial, 1398
adjudication, or correctional supervision, knowing the records 1399
of which have been sealed or expunged pursuant to section 1400
2953.33 or 2953.522 of the Revised Code, is guilty of divulging 1401
confidential information, a misdemeanor of the fourth degree. 1402

(b) Division (L) (2) (a) of this section does not apply to 1403
any release, dissemination, or access to information or data if 1404
the records are released or disseminated or access is provided 1405
pursuant to an application by the person who is the subject of 1406

the information or data or by a legal representative of that 1407
person. 1408

(M) It is not a violation of division (I), (J), (K), or 1409
(L) of this section for the bureau of criminal identification 1410
and investigation or any authorized employee of the bureau 1411
participating in the investigation of criminal activity to 1412
release, disseminate, or otherwise make available to, or discuss 1413
with, a person directly employed by a law enforcement agency DNA 1414
records collected in the DNA database or fingerprints filed for 1415
record by the superintendent of the bureau of criminal 1416
identification and investigation. 1417

(N) (1) An order issued under section 2953.35 of the 1418
Revised Code to expunge the record of a person's conviction or, 1419
except as provided in division (D) of this section, an order 1420
issued under that section to seal the record of a person's 1421
conviction restores the person who is the subject of the order 1422
to all rights and privileges not otherwise restored by 1423
termination of the sentence or community control sanction or by 1424
final release on parole or post-release control. 1425

(2) (a) In any application for employment, license, or 1426
other right or privilege, any appearance as a witness, or any 1427
other inquiry, except as provided in division (B) of this 1428
section and in section 3319.292 of the Revised Code and subject 1429
to division (N) (2) (c) of this section, a person may be 1430
questioned only with respect to convictions not sealed, bail 1431
forfeitures not expunged under section 2953.42 of the Revised 1432
Code as it existed prior to June 29, 1988, and bail forfeitures 1433
not sealed, unless the question bears a direct and substantial 1434
relationship to the position for which the person is being 1435
considered. 1436

(b) In any application for a certificate of qualification 1437
for employment under section 2953.25 of the Revised Code, a 1438
person may be questioned only with respect to convictions not 1439
sealed and bail forfeitures not sealed. 1440

(c) A person may not be questioned in any application, 1441
appearance, or inquiry of a type described in division (N) (2) (a) 1442
of this section with respect to any conviction expunged under 1443
section 2953.35 of the Revised Code. 1444

(O) Nothing in section 2953.32 or 2953.34 of the Revised 1445
Code precludes an offender from taking an appeal or seeking any 1446
relief from the offender's conviction or from relying on it in 1447
lieu of any subsequent prosecution for the same offense. 1448

Sec. 2953.522. (A) As used in this section, "subfile" 1449
means a smaller file containing only certain documents from the 1450
larger case file to which the subfile is attached. 1451

(B) Any person named as the defendant in a complaint, 1452
indictment, or information containing multiple charges may apply 1453
to the court for an order to seal or expunge the person's 1454
official records in the case if both of the following apply: 1455

(1) The final disposition of one, and only one of the 1456
charges is a conviction under section 4511.19 or 4511.194 of the 1457
Revised Code; 1458

(2) The remainder of the charged offenses were dismissed 1459
at least one year prior to the date of the application due to 1460
the successful completion of an intervention plan under division 1461
(E) of section 2951.041 of the Revised Code. 1462

(C) (1) Upon the filing of an application pursuant to 1463
division (B) of this section, the court shall set a date for a 1464
hearing and notify the prosecutor in the case of the hearing on 1465

the application. An application to seal records under this 1466
section shall include a proposed redacted version of all case 1467
files associated with the case that are to be sealed. The 1468
prosecutor may object to the granting of the application or, in 1469
the case of an application to seal records, object to the 1470
proposed redacted version of the files associated with the case 1471
by filing an objection with the court prior to the date set for 1472
the hearing. The prosecutor shall specify in the objection any 1473
reasons the prosecutor believes justify a denial of the 1474
application and, in the case of an application to seal records, 1475
any reason why the proposed redacted version of the files 1476
associated with the case does not accurately reflect materials 1477
that may be sealed under division (B) (2) of section 2953.61 of 1478
the Revised Code. 1479

(2) The court shall do each of the following: 1480

(a) Determine whether the complaint, indictment, or 1481
information in the case consists of several charges, one of 1482
which resulted in a conviction under section 4511.19 or 4511.194 1483
of the Revised Code, and whether the remainder of the charges 1484
were dismissed at least one year prior to the date of the 1485
application due to the defendant's successful completion of an 1486
intervention plan under division (E) of section 2951.041 of the 1487
Revised Code; 1488

(b) Determine whether criminal proceedings are pending 1489
against the person; 1490

(c) If the prosecutor has filed an objection in accordance 1491
with division (C) (1) of this section, consider the reasons 1492
against granting the application and, in the case of an 1493
application to seal records, the reasons against any proposed 1494
redaction specified by the prosecutor in the objection; 1495

(d) Weigh the interests of the person in having the official records pertaining to the case sealed or expunged against the legitimate needs, if any, of the government to maintain those records. 1496
1497
1498
1499

(3) If the court determines after complying with division (C) (2) of this section that the complaint, indictment, or information in the case consists of several charges, one of which resulted in a conviction under section 4511.19 or 4511.194 of the Revised Code, and the remainder of which were dismissed at least one year prior to the date of the application due to the successful completion of an intervention plan under division (E) of section 2951.041 of the Revised Code; that no criminal proceedings are pending against the person; and that the interests of the person in having the records pertaining to the dismissed charges sealed or expunged are not outweighed by any legitimate governmental needs to maintain such records, the court shall do both of the following: 1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512

(a) Except as provided in division (C) (4) of this section, order the clerk to create a subfile under the existing case number that shall contain only the following documents related to the case: 1513
1514
1515
1516

(i) A record of the conviction under section 4511.19 or 4511.194 of the Revised Code, with no reference to other charges that may be sealed or expunged or to an intervention in lieu of conviction; 1517
1518
1519
1520

(ii) Any record of the defendant's representation by counsel or the defendant's decision to waive the right to counsel; 1521
1522
1523

(iii) The incident tracking number associated with a 1524

corresponding set of fingerprint impressions, if the record of 1525
conviction under section 4511.19 or 4511.194 of the Revised Code 1526
was sent to the bureau of criminal identification and 1527
investigation, the Ohio courts network, or the Ohio community 1528
supervision system. 1529

(b) Except as provided in division (C) (6) of this section, 1530
issue an order directing that all official records pertaining to 1531
the case, other than those contained in the subfile or the 1532
record of conviction under section 4511.19 or 4511.194 of the 1533
Revised Code maintained in a separate case designator, be sealed 1534
and that, except as provided in section 2953.53 of the Revised 1535
Code and to the extent of records contained in the subfile or 1536
the record of conviction under section 4511.19 or 4511.194 of 1537
the Revised Code maintained in a separate case designator, the 1538
proceedings in the case be deemed not to have occurred; 1539

(c) Order the clerk to remove the original case number 1540
from the searchable index and replace the original index 1541
reference with the new index reference of the subfile, if 1542
applicable. 1543

(4) A municipal court or county court that maintains 1544
records of conviction under section 4511.19 or 4511.194 of the 1545
Revised Code with a separate case designator from records of 1546
other criminal cases need not create a subfile pursuant to 1547
division (C) (3) of this section. 1548

(5) An order entered under division (C) (3) of this section 1549
for records permitted to be sealed under division (B) (2) of 1550
section 2953.61 of the Revised Code shall also include redacted 1551
versions of all records associated with the case to be sealed or 1552
detailed instructions specifying how those records are to be 1553
redacted in a manner that preserves records of the case related 1554

to a conviction of section 4511.19 or 4511.194 of the Revised 1555
Code that is not eligible to be sealed. 1556

(6) If the court orders the records associated with the 1557
dismissed charges to be expunged, the official records of the 1558
case, other than those contained in the subfile or the record of 1559
conviction under section 4511.19 or 4511.194 of the Revised Code 1560
maintained in a separate case designator, shall be destroyed, 1561
deleted, or erased as appropriate for the record's physical or 1562
electronic form or characteristic so that the records are 1563
permanently irretrievable. Except with respect to the person's 1564
conviction under section 4511.19 or 4511.194 of the Revised 1565
Code, the proceedings shall be considered not to have occurred. 1566

(D) This section applies with respect to a person named as 1567
the defendant in a complaint, indictment, or information 1568
containing multiple charges, and with respect to whom divisions 1569
(B) (1) and (2) of this section apply, regardless of whether the 1570
charges were dismissed prior to, on, or after the effective date 1571
of this section. 1572

Sec. 2953.61. (A) Except as provided in division (B) (1) or 1573
(2) of this section, a person charged with two or more offenses 1574
as a result of or in connection with the same act may not apply 1575
to the court pursuant to section 2953.32, 2953.33, ~~or~~ 2953.521, 1576
or 2953.522 of the Revised Code for the sealing or expungement 1577
of the person's record in relation to any of the charges, and a 1578
prosecutor may not apply to the court pursuant to section 1579
2953.39 of the Revised Code for the sealing or expungement of 1580
the record of a person in relation to any of the charges if the 1581
person was charged with two or more offenses as a result of or 1582
in connection with the same act, when at least one of the 1583
charges has a final disposition that is different from the final 1584

disposition of the other charges until such time as the person, 1585
or prosecutor, would be able to apply to the court and have all 1586
of the records pertaining to all of those charges sealed or 1587
expunged pursuant to section 2953.32, 2953.33, 2953.39, ~~or~~ 1588
2953.521, or 2953.522 of the Revised Code. 1589

(B) (1) When a person is charged with two or more offenses 1590
as a result of or in connection with the same act and the final 1591
disposition of one, and only one, of the charges is a conviction 1592
under any section of Chapter 4507., 4510., 4511., or 4549., 1593
other than section 4511.19 or 4511.194 of the Revised Code, or 1594
under a municipal ordinance that is substantially similar to any 1595
section other than section 4511.19 or 4511.194 of the Revised 1596
Code contained in any of those chapters, and if the records 1597
pertaining to all the other charges would be eligible for 1598
sealing or expungement under section 2953.33, 2953.39, or 1599
2953.521 of the Revised Code in the absence of that conviction, 1600
the court may order that the records pertaining to all the 1601
charges be sealed or expunged. In such a case, the court shall 1602
not order that only a portion of the records be sealed or 1603
expunged. 1604

(2) If all of the following apply, the court may order 1605
that records pertaining to dismissed charges be sealed or 1606
expunged under section 2953.522 of the Revised Code, independent 1607
of the record of a conviction under section 4511.19 or 4511.194 1608
of the Revised Code: 1609

(a) The person is charged with two or more offenses as a 1610
result of or in connection with the same act; 1611

(b) The final disposition of one, and only one, of the 1612
charges is a conviction under section 4511.19 or 4511.194 of the 1613
Revised Code; 1614

(c) One or more of the charged offenses is dismissed due 1615
to the successful completion of an intervention plan under 1616
division (E) of section 2951.041 of the Revised Code; 1617

(d) At least one year has elapsed since the charge or 1618
charges were dismissed due to successful completion of the plan. 1619

(3) Division (B) (2) of this section applies regardless of 1620
whether the charges in question were dismissed prior to, on, or 1621
after the effective date of this amendment. 1622

(C) Division (B) (1) of this section does not apply if the 1623
person convicted of the offenses currently holds a commercial 1624
driver's license or commercial driver's license temporary 1625
instruction permit. 1626

Section 2. That existing sections 1901.261, 1907.261, 1627
2101.162, 2151.541, 2153.081, 2301.031, 2303.201, 2951.041, 1628
2953.31, 2953.34, and 2953.61 of the Revised Code are hereby 1629
repealed. 1630

Section 3. Sections 1 and 2 of this act take effect one 1631
year after the effective date of this section. 1632

Section 4. Section 2951.041 of the Revised Code is 1633
presented in this act as a composite of the section as amended 1634
by both H.B. 343 and S.B. 288 of the 134th General Assembly. The 1635
General Assembly, applying the principle stated in division (B) 1636
of section 1.52 of the Revised Code that amendments are to be 1637
harmonized if reasonably capable of simultaneous operation, 1638
finds that the composite is the resulting version of the section 1639
in effect prior to the effective date of the section as 1640
presented in this act. 1641