

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 87

Representative Antani

A BILL

To amend section 2953.61 of the Revised Code to 1
allow for the sealing of charges dismissed 2
through intervention in lieu of conviction when 3
those charges are connected to a conviction for 4
operating a vehicle under the influence. 5

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

Section 1. That section 2953.61 of the Revised Code be 6
amended to read as follows: 7

Sec. 2953.61. (A) Except as provided in division (B) (1) or 8
(2) of this section, a person charged with two or more offenses 9
as a result of or in connection with the same act may not apply 10
to the court pursuant to section 2953.32 or 2953.52 of the 11
Revised Code for the sealing of the person's record in relation 12
to any of the charges when at least one of the charges has a 13
final disposition that is different from the final disposition 14
of the other charges until such time as the person would be able 15
to apply to the court and have all of the records pertaining to 16
all of those charges sealed pursuant to section 2953.32 or 17
2953.52 of the Revised Code. 18

(B) (1) When a person is charged with two or more offenses 19

as a result of or in connection with the same act and the final 20
disposition of one, and only one, of the charges is a conviction 21
under any section of Chapter 4507., 4510., 4511., or 4549., 22
other than section 4511.19 or 4511.194 of the Revised Code, or 23
under a municipal ordinance that is substantially similar to any 24
section other than section 4511.19 or 4511.194 of the Revised 25
Code contained in any of those chapters, and if the records 26
pertaining to all the other charges would be eligible for 27
sealing under section 2953.52 of the Revised Code in the absence 28
of that conviction, the court may order that the records 29
pertaining to all the charges be sealed. In such a case, the 30
court shall not order that only a portion of the records be 31
sealed. 32

(2) When a person is charged with two or more offenses as 33
a result of or in connection with the same act, the final 34
disposition of one, and only one of the charges is a conviction 35
under section 4511.19 or 4511.194 of the Revised Code, one or 36
more of the charged offenses is dismissed due to the successful 37
completion of an intervention plan under division (E) of section 38
2951.041 of the Revised Code, and at least one year has elapsed 39
since the charge or charges were dismissed due to successful 40
completion of the plan, the court may order that records 41
pertaining to the charges dismissed under the plan be sealed, 42
independent of the record of conviction under section 4511.19 or 43
4511.194 of the Revised Code. 44

(C) Division (B) (1) of this section does not apply if the 45
person convicted of the offenses currently holds a commercial 46
driver's license or commercial driver's license temporary 47
instruction permit. 48

Section 2. That existing section 2953.61 of the Revised 49

Code is hereby repealed. 50

Section 3. The General Assembly intends for section 51
2953.61 of the Revised Code, as amended by this act, to apply to 52
any application for the sealing of a person's record on or after 53
the effective date of that section, regardless of whether the 54
charges subject to the application were dismissed prior to the 55
effective date. 56