

**As Introduced**

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

**S. B. No. 47**

**Senator Eklund  
Cosponsor: Senator Thomas**

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**A BILL**

To amend sections 2929.17, 2953.32, and 2953.36 and  
to enact section 2950.151 of the Revised Code to  
create a procedure for certain offenders  
convicted of unlawful sexual conduct with a  
minor to petition a court for reclassification  
or removal from duties under the Sex Offender  
Registration and Notification Law and to permit  
record sealing in those cases.

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

**Section 1.** That sections 2929.17, 2953.32, and 2953.36 be  
amended and section 2950.151 of the Revised Code be enacted to  
read as follows:

**Sec. 2929.17.** Except as provided in this section, the  
court imposing a sentence for a felony upon an offender who is  
not required to serve a mandatory prison term may impose any  
nonresidential sanction or combination of nonresidential  
sanctions authorized under this section. If the court imposes  
one or more nonresidential sanctions authorized under this  
section, the court shall impose as a condition of the sanction

that, during the period of the nonresidential sanction, the 19  
offender shall abide by the law and shall not leave the state 20  
without the permission of the court or the offender's probation 21  
officer. 22

The court imposing a sentence for a fourth degree felony 23  
OVI offense under division (G) (1) or (2) of section 2929.13 of 24  
the Revised Code or for a third degree felony OVI offense under 25  
division (G) (2) of that section may impose upon the offender, in 26  
addition to the mandatory term of local incarceration or 27  
mandatory prison term imposed under the applicable division, a 28  
nonresidential sanction or combination of nonresidential 29  
sanctions under this section, and the offender shall serve or 30  
satisfy the sanction or combination of sanctions after the 31  
offender has served the mandatory term of local incarceration or 32  
mandatory prison term required for the offense. The court shall 33  
not impose a term in a drug treatment program as described in 34  
division (D) of this section until after considering an 35  
assessment by a properly credentialed treatment professional, if 36  
available. Nonresidential sanctions include, but are not limited 37  
to, the following: 38

(A) A term of day reporting; 39

(B) A term of house arrest with electronic monitoring or 40  
continuous alcohol monitoring or both electronic monitoring and 41  
continuous alcohol monitoring, a term of electronic monitoring 42  
or continuous alcohol monitoring without house arrest, or a term 43  
of house arrest without electronic monitoring or continuous 44  
alcohol monitoring; 45

(C) A term of community service of up to five hundred 46  
hours pursuant to division (B) of section 2951.02 of the Revised 47  
Code or, if the court determines that the offender is 48

financially incapable of fulfilling a financial sanction 49  
described in section 2929.18 of the Revised Code, a term of 50  
community service as an alternative to a financial sanction; 51

(D) A term in a drug treatment program with a level of 52  
security for the offender as determined by the court; 53

(E) A term of intensive probation supervision; 54

(F) A term of basic probation supervision; 55

(G) A term of monitored time; 56

(H) A term of drug and alcohol use monitoring, including 57  
random drug testing; 58

(I) A curfew term; 59

(J) A requirement that the offender obtain employment; 60

(K) A requirement that the offender obtain education or 61  
training; 62

(L) Provided the court obtains the prior approval of the 63  
victim, a requirement that the offender participate in victim- 64  
offender mediation; 65

(M) A license violation report; 66

(N) If the offense is a violation of section 2919.25 or a 67  
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 68  
Code involving a person who was a family or household member at 69  
the time of the violation, if the offender committed the offense 70  
in the vicinity of one or more children who are not victims of 71  
the offense, and if the offender or the victim of the offense is 72  
a parent, guardian, custodian, or person in loco parentis of one 73  
or more of those children, a requirement that the offender 74  
obtain counseling. This division does not limit the court in 75

requiring the offender to obtain counseling for any offense or 76  
in any circumstance not specified in this division. 77

(O) If the offense is a violation of section 2907.04 of 78  
the Revised Code and the offender was under twenty-one years of 79  
age at the time of committing the offense, a requirement that 80  
the offender participate in a sex offender treatment program 81  
certified by the department of rehabilitation and correction 82  
pursuant to section 2950.16 of the Revised Code. 83

**Sec. 2950.151.** (A) As used in this section, "eligible 84  
offender" means either of the following: 85

(1) An offender who was convicted of or pleaded guilty to 86  
a violation of section 2907.04 of the Revised Code to whom all 87  
of the following apply: 88

(a) The sentencing court found the offender to be at low 89  
risk of reoffending based on a presentence investigation report 90  
that included a risk assessment, assessed by the single 91  
validated risk assessment tool selected by the department of 92  
rehabilitation and correction under section 5120.114 of the 93  
Revised Code; 94

(b) The sentencing court imposed a community control 95  
sanction or combination of community control sanctions instead 96  
of a prison term and the offender has fulfilled every condition 97  
of every community control sanction imposed by the sentencing 98  
court; 99

(c) The offender was under twenty-one years of age at the 100  
time of committing the offense; 101

(d) The offender has not otherwise been convicted of or 102  
pleaded guilty to a violation of section 2907.02, 2907.03, 103  
former section 2907.12 of the Revised Code, or another violation 104

of section 2907.04 of the Revised Code; 105

(e) The minor with whom the offender engaged in sexual 106  
conduct was at least fourteen years of age at the time of the 107  
offense and consented to the sexual conduct, with no evidence of 108  
coercion, force, or threat of force; 109

(f) The offender was not in a position of authority, 110  
including a position of a type described in divisions (A) (5) to 111  
(13) of section 2907.03 of the Revised Code, over the minor with 112  
whom the offender engaged in sexual conduct. 113

(2) An offender who was convicted of or pleaded guilty to 114  
a violation of any former law of this state, any existing or 115  
former municipal ordinance or law of another state or the United 116  
States, any existing or former law applicable in a military 117  
court or in an Indian trial court, or any existing or former law 118  
of any nation other than the United States that is or was 119  
substantially equivalent to a violation of section 2907.04 of 120  
the Revised Code and to whom all of the factors described in 121  
divisions (A) (1) (a) to (f) of this section apply. For purposes 122  
of this division: 123

(a) The reference in division (A) (1) (b) of this section to 124  
a community control sanction shall be construed as including non 125  
prison sanctions under the law of the jurisdiction in which the 126  
offender was convicted of or pleaded guilty to the violation 127  
that is or was substantially equivalent to a violation of 128  
section 2907.04 of the Revised Code; 129

(b) The reference in division (A) (1) (d) of this section to 130  
the violations specified in that division shall be construed as 131  
including substantially equivalent violations under the law of 132  
the jurisdiction in which the offender was convicted of or 133

pleaded guilty to the violation that is or was substantially 134  
equivalent to a violation of section 2907.04 of the Revised 135  
Code. 136

(B) Upon completion of all community control sanctions 137  
imposed by the sentencing court for the violation of section 138  
2907.04 of the Revised Code or the violation of the 139  
substantially equivalent law or ordinance, whichever is 140  
applicable, an eligible offender may petition the appropriate 141  
court specified in division (C) of this section to review the 142  
effectiveness of the offender's participation in community 143  
control sanctions and to determine whether to terminate the 144  
offender's duty to comply with sections 2950.04, 2950.05, and 145  
2950.06 of the Revised Code, reclassify the offender as a tier I 146  
sex offender/child-victim offender, or continue the offender's 147  
current classification. 148

(C) Except as otherwise provided in this division, the 149  
eligible offender shall file the petition described in division 150  
(B) of this section in the court in which the eligible offender 151  
was convicted of or pleaded guilty to the offense. If the 152  
eligible offender was convicted of or pleaded guilty to the 153  
offense in a jurisdiction other than this state, the eligible 154  
offender shall file the petition in whichever of the following 155  
courts is applicable: 156

(1) If the eligible offender is a resident of this state, 157  
in the court of common pleas of the county in which the offender 158  
resides; 159

(2) If the eligible offender is not a resident of this 160  
state, in the court of common pleas of the county in which the 161  
offender has registered pursuant to section 2950.04 of the 162  
Revised Code. If the offender has registered addresses of that 163

nature in more than one county, the offender may file a petition 164  
in the court of only one of those counties. 165

(D) An eligible offender who files a petition under 166  
division (B) of this section shall include all of the following 167  
with the petition: 168

(1) A certified copy of the judgment entry and any other 169  
documentation of the sentence given for the offense for which 170  
the eligible offender was convicted or pleaded guilty; 171

(2) Documentation of the date of discharge from probation 172  
supervision or other supervision, if applicable; 173

(3) Evidence that the eligible offender has completed a 174  
sex offender treatment program certified by the department of 175  
rehabilitation and correction pursuant to section 2950.16 of the 176  
Revised Code; 177

(4) Any other evidence necessary to show that the offender 178  
meets the qualifications listed in division (A) of this section; 179

(5) Evidence that the eligible offender has been 180  
rehabilitated to a satisfactory degree by successful completion 181  
of community control sanctions. 182

(E) An eligible offender may obtain, at the offender's 183  
expense, a risk assessment or professional opinion, recommending 184  
relief under this section, from a licensed clinical 185  
psychologist, social worker, or other professional certified in 186  
sex offender treatment. The professional opinion or risk 187  
assessment may be submitted with the petition as additional 188  
evidence of rehabilitation. 189

(F) Upon the filing of a petition under division (B) of 190  
this section, the court shall schedule a hearing to review the 191

eligible offender's petition and all evidence of rehabilitation 192  
accompanying the petition. The court shall notify the offender 193  
and, if the offender was convicted of or pleaded guilty to the 194  
offense in this state, the prosecutor who prosecuted the 195  
offense, of the date, time, and place of the hearing. After the 196  
hearing, the court shall enter one of the following orders: 197

(1) An order to terminate the offender's duty to comply 198  
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 199

(2) If the offender is classified a tier II sex 200  
offender/child-victim offender, an order to reclassify the 201  
offender from a tier II sex offender/child-victim offender 202  
classification to a tier I sex offender/child-victim offender 203  
classification; 204

(3) If the offender is classified a tier I sex 205  
offender/child-victim offender or a tier II sex offender/child- 206  
victim offender, an order to continue the offender's 207  
classification as a tier I sex offender/child-victim offender or 208  
tier II sex offender/child-victim offender, whichever is 209  
applicable, required to comply with sections 2950.04, 2950.05, 210  
and 2950.06 of the Revised Code. 211

(G) After issuing an order pursuant to division (F) of 212  
this section, the court shall provide a copy of the order to the 213  
eligible offender and the bureau of criminal identification and 214  
investigation. The bureau, upon receipt of the copy, shall 215  
promptly notify the sheriff with whom the offender most recently 216  
registered under section 2950.04 or 2950.05 of the Revised Code 217  
of the court's order. 218

(H) (1) An order issued under division (F) (2) or (3) of 219  
this section shall remain in effect for the duration of the 220



eligible offender's duty to comply with sections 2950.04, 221  
2950.05, and 2950.06 of the Revised Code under the 222  
reclassification or continuation, whichever is applicable, as 223  
specified in section 2950.07 of the Revised Code, except that an 224  
eligible offender may refile a petition under this section at 225  
the time prescribed under division (H) (2) of this section. An 226  
order issued under division (F) (2) or (3) of this section shall 227  
not increase the duration of the offender's duty to comply with 228  
sections 2950.04, 2950.05, and 2950.06 of the Revised Code. 229

(2) After the eligible offender's initial petition filed 230  
under this section, if the court entered an order continuing the 231  
offender's classification or reclassifying the offender, the 232  
offender may file a second petition not earlier than three years 233  
after the court entered the first order. After the second 234  
petition, the offender may file one subsequent petition not 235  
earlier than five years after the most recent order continuing 236  
the offender's classification or reclassifying the offender. A 237  
petition filed under this division shall comply with the 238  
requirements described in divisions (C), (D), and (E) of this 239  
section. 240

(3) Upon the filing of a second or subsequent petition by 241  
an eligible offender pursuant to division (H) (2) of this 242  
section, the court shall schedule a hearing to review any 243  
previous order entered under this section, consider all of the 244  
documents previously submitted, and evaluate any new evidence of 245  
rehabilitation presented with the petition. The court shall 246  
notify the offender and, if the offender was convicted of or 247  
pleaded guilty to the offense in this state, the prosecutor who 248  
prosecuted the offense, of the date, time, and place of the 249  
hearing. After the hearing on the petition, the court may deny 250  
the petition or do either of the following: 251

(a) If the previous order continued the offender's 252  
classification as a tier II sex offender/child-victim offender, 253  
reclassify the offender as a tier I sex offender/child-victim 254  
offender or terminate the offender's duty to comply with 255  
sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 256

(b) If the previous order reclassified the offender as a 257  
tier I sex offender/child-victim offender or continued the 258  
offender's classification as a tier I sex offender/child-victim 259  
offender, terminate the offender's duty to comply with sections 260  
2950.04, 2950.05, and 2950.06 of the Revised Code. 261

**Sec. 2953.32.** (A) (1) Except as provided in section 2953.61 262  
of the Revised Code, an eligible offender may apply to the 263  
sentencing court if convicted in this state, or to a court of 264  
common pleas if convicted in another state or in a federal 265  
court, for the sealing of the record of the case that pertains 266  
to the conviction. Application may be made at one of the 267  
following times: 268

(a) At the expiration of three years after the offender's 269  
final discharge if convicted of one felony; 270

(b) When division (A) (1) (a) of section 2953.31 of the 271  
Revised Code applies to the offender, at the expiration of four 272  
years after the offender's final discharge if convicted of two 273  
felonies, or at the expiration of five years after final 274  
discharge if convicted of three, four, or five felonies; 275

(c) At the expiration of one year after the offender's 276  
final discharge if convicted of a misdemeanor. 277

(2) Any person who has been arrested for any misdemeanor 278  
offense and who has effected a bail forfeiture for the offense 279  
charged may apply to the court in which the misdemeanor criminal 280

case was pending when bail was forfeited for the sealing of the 281  
record of the case that pertains to the charge. Except as 282  
provided in section 2953.61 of the Revised Code, the application 283  
may be filed at any time after the expiration of one year from 284  
the date on which the bail forfeiture was entered upon the 285  
minutes of the court or the journal, whichever entry occurs 286  
first. 287

(B) Upon the filing of an application under this section, 288  
the court shall set a date for a hearing and shall notify the 289  
prosecutor for the case of the hearing on the application. The 290  
prosecutor may object to the granting of the application by 291  
filing an objection with the court prior to the date set for the 292  
hearing. The prosecutor shall specify in the objection the 293  
reasons for believing a denial of the application is justified. 294  
The court shall direct its regular probation officer, a state 295  
probation officer, or the department of probation of the county 296  
in which the applicant resides to make inquiries and written 297  
reports as the court requires concerning the applicant. The 298  
probation officer or county department of probation that the 299  
court directs to make inquiries concerning the applicant shall 300  
determine whether or not the applicant was fingerprinted at the 301  
time of arrest or under section 109.60 of the Revised Code. If 302  
the applicant was so fingerprinted, the probation officer or 303  
county department of probation shall include with the written 304  
report a record of the applicant's fingerprints. If the 305  
applicant was convicted of or pleaded guilty to a violation of 306  
division (A) (2) or (B) of section 2919.21 of the Revised Code, 307  
the probation officer or county department of probation that the 308  
court directed to make inquiries concerning the applicant shall 309  
contact the child support enforcement agency enforcing the 310  
applicant's obligations under the child support order to inquire 311

about the offender's compliance with the child support order. 312

(C) (1) The court shall do each of the following: 313

(a) Determine whether the applicant is an eligible 314  
offender or whether the forfeiture of bail was agreed to by the 315  
applicant and the prosecutor in the case. If the applicant 316  
applies as an eligible offender pursuant to division (A) (1) of 317  
this section and has two or three convictions that result from 318  
the same indictment, information, or complaint, from the same 319  
plea of guilty, or from the same official proceeding, and result 320  
from related criminal acts that were committed within a three- 321  
month period but do not result from the same act or from 322  
offenses committed at the same time, in making its determination 323  
under this division, the court initially shall determine whether 324  
it is not in the public interest for the two or three 325  
convictions to be counted as one conviction. If the court 326  
determines that it is not in the public interest for the two or 327  
three convictions to be counted as one conviction, the court 328  
shall determine that the applicant is not an eligible offender; 329  
if the court does not make that determination, the court shall 330  
determine that the offender is an eligible offender. 331

(b) Determine whether criminal proceedings are pending 332  
against the applicant; 333

(c) If the applicant is an eligible offender who applies 334  
pursuant to division (A) (1) of this section, determine whether 335  
the applicant has been rehabilitated to the satisfaction of the 336  
court; 337

(d) If the prosecutor has filed an objection in accordance 338  
with division (B) of this section, consider the reasons against 339  
granting the application specified by the prosecutor in the 340

objection; 341

(e) Weigh the interests of the applicant in having the 342  
records pertaining to the applicant's conviction or bail 343  
forfeiture sealed against the legitimate needs, if any, of the 344  
government to maintain those records; 345

(f) If the applicant is an eligible offender of the type 346  
described in division (A) (3) of section 2953.36 of the Revised 347  
Code, determine whether the offender has been rehabilitated to a 348  
satisfactory degree. In making the determination, the court may 349  
consider all of the following: 350

(i) The age of the offender; 351

(ii) The facts and circumstances of the offense; 352

(iii) The cessation or continuation of criminal behavior; 353

(iv) The education and employment of the offender; 354

(v) Any other circumstances that may relate to the 355  
offender's rehabilitation. 356

(2) If the court determines, after complying with division 357  
(C) (1) of this section, that the applicant is an eligible 358  
offender or the subject of a bail forfeiture, that no criminal 359  
proceeding is pending against the applicant, that the interests 360  
of the applicant in having the records pertaining to the 361  
applicant's conviction or bail forfeiture sealed are not 362  
outweighed by any legitimate governmental needs to maintain 363  
those records, and that the rehabilitation of an applicant who 364  
is an eligible offender applying pursuant to division (A) (1) of 365  
this section has been attained to the satisfaction of the court, 366  
the court, except as provided in division (C) (4), (G), (H), or 367  
(I) of this section, shall order all official records of the 368

case that pertain to the conviction or bail forfeiture sealed 369  
and, except as provided in division (F) of this section, all 370  
index references to the case that pertain to the conviction or 371  
bail forfeiture deleted and, in the case of bail forfeitures, 372  
shall dismiss the charges in the case. The proceedings in the 373  
case that pertain to the conviction or bail forfeiture shall be 374  
considered not to have occurred and the conviction or bail 375  
forfeiture of the person who is the subject of the proceedings 376  
shall be sealed, except that upon conviction of a subsequent 377  
offense, the sealed record of prior conviction or bail 378  
forfeiture may be considered by the court in determining the 379  
sentence or other appropriate disposition, including the relief 380  
provided for in sections 2953.31 to 2953.33 of the Revised Code. 381

(3) An applicant may request the sealing of the records of 382  
more than one case in a single application under this section. 383  
Upon the filing of an application under this section, the 384  
applicant, unless indigent, shall pay a fee of fifty dollars, 385  
regardless of the number of records the application requests to 386  
have sealed. The court shall pay thirty dollars of the fee into 387  
the state treasury. It shall pay twenty dollars of the fee into 388  
the county general revenue fund if the sealed conviction or bail 389  
forfeiture was pursuant to a state statute, or into the general 390  
revenue fund of the municipal corporation involved if the sealed 391  
conviction or bail forfeiture was pursuant to a municipal 392  
ordinance. 393

(4) If the court orders the official records pertaining to 394  
the case sealed, the court shall do one of the following: 395

(a) If the applicant was fingerprinted at the time of 396  
arrest or under section 109.60 of the Revised Code and the 397  
record of the applicant's fingerprints was provided to the court 398

under division (B) of this section, forward a copy of the 399  
sealing order and the record of the applicant's fingerprints to 400  
the bureau of criminal identification and investigation. 401

(b) If the applicant was not fingerprinted at the time of 402  
arrest or under section 109.60 of the Revised Code, or the 403  
record of the applicant's fingerprints was not provided to the 404  
court under division (B) of this section, but fingerprinting was 405  
required for the offense, order the applicant to appear before a 406  
sheriff to have the applicant's fingerprints taken according to 407  
the fingerprint system of identification on the forms furnished 408  
by the superintendent of the bureau of criminal identification 409  
and investigation. The sheriff shall forward the applicant's 410  
fingerprints to the court. The court shall forward the 411  
applicant's fingerprints and a copy of the sealing order to the 412  
bureau of criminal identification and investigation. 413

Failure of the court to order fingerprints at the time of 414  
sealing does not constitute a reversible error. 415

(D) Inspection of the sealed records included in the order 416  
may be made only by the following persons or for the following 417  
purposes: 418

(1) By a law enforcement officer or prosecutor, or the 419  
assistants of either, to determine whether the nature and 420  
character of the offense with which a person is to be charged 421  
would be affected by virtue of the person's previously having 422  
been convicted of a crime; 423

(2) By the parole or probation officer of the person who 424  
is the subject of the records, for the exclusive use of the 425  
officer in supervising the person while on parole or under a 426  
community control sanction or a post-release control sanction, 427

and in making inquiries and written reports as requested by the 428  
court or adult parole authority; 429

(3) Upon application by the person who is the subject of 430  
the records, by the persons named in the application; 431

(4) By a law enforcement officer who was involved in the 432  
case, for use in the officer's defense of a civil action arising 433  
out of the officer's involvement in that case; 434

(5) By a prosecuting attorney or the prosecuting 435  
attorney's assistants, to determine a defendant's eligibility to 436  
enter a pre-trial diversion program established pursuant to 437  
section 2935.36 of the Revised Code; 438

(6) By any law enforcement agency or any authorized 439  
employee of a law enforcement agency or by the department of 440  
rehabilitation and correction or department of youth services as 441  
part of a background investigation of a person who applies for 442  
employment with the agency or with the department; 443

(7) By any law enforcement agency or any authorized 444  
employee of a law enforcement agency, for the purposes set forth 445  
in, and in the manner provided in, section 2953.321 of the 446  
Revised Code; 447

(8) By the bureau of criminal identification and 448  
investigation or any authorized employee of the bureau for the 449  
purpose of providing information to a board or person pursuant 450  
to division (F) or (G) of section 109.57 of the Revised Code; 451

(9) By the bureau of criminal identification and 452  
investigation or any authorized employee of the bureau for the 453  
purpose of performing a criminal history records check on a 454  
person to whom a certificate as prescribed in section 109.77 of 455  
the Revised Code is to be awarded; 456



(10) By the bureau of criminal identification and 457  
investigation or any authorized employee of the bureau for the 458  
purpose of conducting a criminal records check of an individual 459  
pursuant to division (B) of section 109.572 of the Revised Code 460  
that was requested pursuant to any of the sections identified in 461  
division (B)(1) of that section; 462

(11) By the bureau of criminal identification and 463  
investigation, an authorized employee of the bureau, a sheriff, 464  
or an authorized employee of a sheriff in connection with a 465  
criminal records check described in section 311.41 of the 466  
Revised Code; 467

(12) By the attorney general or an authorized employee of 468  
the attorney general or a court for purposes of determining a 469  
person's classification pursuant to Chapter 2950. of the Revised 470  
Code; 471

(13) By a court, the registrar of motor vehicles, a 472  
prosecuting attorney or the prosecuting attorney's assistants, 473  
or a law enforcement officer for the purpose of assessing points 474  
against a person under section 4510.036 of the Revised Code or 475  
for taking action with regard to points assessed. 476

When the nature and character of the offense with which a 477  
person is to be charged would be affected by the information, it 478  
may be used for the purpose of charging the person with an 479  
offense. 480

(E) In any criminal proceeding, proof of any otherwise 481  
admissible prior conviction may be introduced and proved, 482  
notwithstanding the fact that for any such prior conviction an 483  
order of sealing previously was issued pursuant to sections 484  
2953.31 to 2953.36 of the Revised Code. 485

(F) The person or governmental agency, office, or 486  
department that maintains sealed records pertaining to 487  
convictions or bail forfeitures that have been sealed pursuant 488  
to this section may maintain a manual or computerized index to 489  
the sealed records. The index shall contain only the name of, 490  
and alphanumeric identifiers that relate to, the persons who are 491  
the subject of the sealed records, the word "sealed," and the 492  
name of the person, agency, office, or department that has 493  
custody of the sealed records, and shall not contain the name of 494  
the crime committed. The index shall be made available by the 495  
person who has custody of the sealed records only for the 496  
purposes set forth in divisions (C), (D), and (E) of this 497  
section. 498

(G) Notwithstanding any provision of this section or 499  
section 2953.33 of the Revised Code that requires otherwise, a 500  
board of education of a city, local, exempted village, or joint 501  
vocational school district that maintains records of an 502  
individual who has been permanently excluded under sections 503  
3301.121 and 3313.662 of the Revised Code is permitted to 504  
maintain records regarding a conviction that was used as the 505  
basis for the individual's permanent exclusion, regardless of a 506  
court order to seal the record. An order issued under this 507  
section to seal the record of a conviction does not revoke the 508  
adjudication order of the superintendent of public instruction 509  
to permanently exclude the individual who is the subject of the 510  
sealing order. An order issued under this section to seal the 511  
record of a conviction of an individual may be presented to a 512  
district superintendent as evidence to support the contention 513  
that the superintendent should recommend that the permanent 514  
exclusion of the individual who is the subject of the sealing 515  
order be revoked. Except as otherwise authorized by this 516

division and sections 3301.121 and 3313.662 of the Revised Code, 517  
any school employee in possession of or having access to the 518  
sealed conviction records of an individual that were the basis 519  
of a permanent exclusion of the individual is subject to section 520  
2953.35 of the Revised Code. 521

(H) For purposes of sections 2953.31 to 2953.36 of the 522  
Revised Code, DNA records collected in the DNA database and 523  
fingerprints filed for record by the superintendent of the 524  
bureau of criminal identification and investigation shall not be 525  
sealed unless the superintendent receives a certified copy of a 526  
final court order establishing that the offender's conviction 527  
has been overturned. For purposes of this section, a court order 528  
is not "final" if time remains for an appeal or application for 529  
discretionary review with respect to the order. 530

(I) The sealing of a record under this section does not 531  
affect the assessment of points under section 4510.036 of the 532  
Revised Code and does not erase points assessed against a person 533  
as a result of the sealed record. 534

**Sec. 2953.36.** (A) Except as otherwise provided in division 535  
(B) of this section, sections 2953.31 to 2953.35 of the Revised 536  
Code do not apply to any of the following: 537

(1) Convictions when the offender is subject to a 538  
mandatory prison term; 539

(2) Convictions under section 2907.02, 2907.03, ~~2907.04,~~ 540  
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former 541  
section 2907.12, or Chapter 4506., 4507., 4510., 4511., or 4549. 542  
of the Revised Code, or a conviction for a violation of a 543  
municipal ordinance that is substantially similar to any section 544  
contained in any of those chapters, except as otherwise provided 545

in section 2953.61 of the Revised Code; 546

(3) Convictions under section 2907.04 of the Revised Code, 547  
unless a court has issued an order pursuant to section 2950.151 548  
of the Revised Code to terminate the offender's duty to comply 549  
with sections 2950.04, 2950.05, and 2950.06 of the Revised Code; 550

(4) Convictions of an offense of violence when the offense 551  
is a misdemeanor of the first degree or a felony and when the 552  
offense is not a violation of section 2917.03 of the Revised 553  
Code and is not a violation of section 2903.13, 2917.01, or 554  
2917.31 of the Revised Code that is a misdemeanor of the first 555  
degree; 556

~~(4)~~ (5) Convictions on or after October 10, 2007, under 557  
section 2907.07 of the Revised Code or a conviction on or after 558  
October 10, 2007, for a violation of a municipal ordinance that 559  
is substantially similar to that section; 560

~~(5)~~ (6) Convictions on or after October 10, 2007, under 561  
section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 562  
2907.311, 2907.32, or 2907.33 of the Revised Code when the 563  
victim of the offense was under eighteen years of age; 564

~~(6)~~ (7) Convictions of an offense in circumstances in 565  
which the victim of the offense was less than sixteen years of 566  
age when the offense is a misdemeanor of the first degree or a 567  
felony, except for convictions under section 2919.21 of the 568  
Revised Code; 569

~~(7)~~ (8) Convictions of a felony of the first or second 570  
degree; 571

~~(8)~~ (9) Bail forfeitures in a traffic case as defined in 572  
Traffic Rule 2. 573

(B) Sections 2953.31 to 2953.35 of the Revised Code apply 574  
to a conviction listed in this section if, on the date of the 575  
conviction, those sections did not apply to the conviction, but 576  
after the date of the conviction, the penalty for or 577  
classification of the offense was changed so that those sections 578  
apply to the conviction. 579

**Section 2.** That existing sections 2929.17, 2953.32, and 580  
2953.36 of the Revised Code are hereby repealed. 581

**Section 3.** Section 2953.36 of the Revised Code is 582  
presented in this act as a composite of the section as amended 583  
by Sub. H.B. 53, Sub. H.B. 56, and Am. Sub. H.B. 164, all of the 584  
131st General Assembly. The General Assembly, applying the 585  
principle stated in division (B) of section 1.52 of the Revised 586  
Code that amendments are to be harmonized if reasonably capable 587  
of simultaneous operation, finds that the composite is the 588  
resulting version of the section in effect prior to the 589  
effective date of the section as presented in this act. 590