



Ohio Legislative Service Commission

Bill Analysis

Dennis M. Papp

H.B. 164

131st General Assembly
(As Passed by the House)

Reps. Pelanda and Rogers, Becker, Fedor, Rezabek, K. Smith, Lepore-Hagan, Sykes, Antonio, Ashford, Baker, Boyce, Boyd, Brenner, Buchy, Cera, Clyde, Craig, Grossman, Howse, G. Johnson, T. Johnson, Kuhns, Leland, Manning, McClain, M. O'Brien, S. O'Brien, Patterson, Perales, Phillips, Ramos, Reece, Retherford, Sheehy, Slesnick, Sprague, Stinziano, Sweeney, Young

BILL SUMMARY

- Allows a person who is convicted of an offense that on the date of the conviction could not be sealed to apply to have the conviction sealed if, after the date of that conviction, the penalty for or classification of the offense is changed so that convictions for the offense can be sealed.

CONTENT AND OPERATION

Conviction Record Sealing Law

The Conviction Record Sealing Law¹ provides the procedures for making and hearing an application by an eligible offender, as defined, for the sealing of the offender's record of conviction. The Law provides for exclusions of certain types of convictions so that an offender who is convicted of any of the described offenses is not eligible to apply to have the record of that conviction sealed.²

Under the bill, the operation of the Conviction Record Sealing Law applies to any of the listed convictions (see below) if, on the date of the conviction, that Law did not apply to the conviction, but after the date of the conviction, the penalty for or

¹ R.C. 2953.31 to 2953.36, not in the bill except for R.C. 2953.36.

² Existing R.C. 2953.36.

classification of the offense was changed so that convictions for the offense may be sealed.³

Exclusions from Conviction Record Sealing Law

Under current law, not changed by the bill except for division numbers, the Conviction Record Sealing Law does not apply to any of the following:⁴

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

(2) Convictions for rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, pandering obscenity involving a minor, pandering sexually oriented material involving a minor, illegal use of a minor in a nudity-oriented material or performance, or the former offense of felonious sexual penetration, or for violations of the Commercial Driver's License Law, Driver's License Law, Driver's License Suspension, Cancellation, or Revocation Law, Operation of Motor Vehicles Law, or Motor Vehicle Crimes Law or a municipal ordinance that is substantially similar to any violation contained in those laws, except that if a person is charged with multiple offenses related to the same act and the final disposition of one, and only one, of the charges is an otherwise unsealable conviction for a motor vehicle offense, other than OVI or having physical control of a vehicle while under the influence of illicit drugs or alcohol, and if the records pertaining to all the other charges would be eligible for sealing under the Not Guilty/Dismissal/No Bill Record Sealing Law in the absence of that conviction, the court may order that the records pertaining to all the charges be sealed and may not order that only a portion of the records be sealed;

(3) Convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not riot, assault, inciting to violence, or inducing panic that is a misdemeanor of the first degree;

(4) Convictions on or after October 10, 2007, for importuning or for a violation of a municipal ordinance that is substantially similar to importuning;

(5) Convictions on or after October 10, 2007, for voyeurism, public indecency, compelling prostitution, promoting prostitution, procuring, disseminating matter harmful to juveniles, displaying matter harmful to juveniles, pandering obscenity, or deception to obtain matter harmful to juveniles when the victim was under 18 years of age;

³ R.C. 2953.36(B).

⁴ R.C. 2953.36(A).



(6) Convictions of an offense in circumstances in which the victim of the offense was under 18 years of age when the offense is a misdemeanor of the first degree or a felony, except for convictions for contributing to the nonsupport of dependents;

(7) Convictions of a felony of the first or second degree;

(8) Bail forfeitures in a traffic case as defined in Traffic Rule 2.

HISTORY

ACTION	DATE
Introduced	04-22-15
Reported, H. Judiciary	06-10-15
Passed House (97-1)	10-07-15

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