

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 164**

**Representatives Pelanda, Rogers**

**Cosponsors: Representatives Becker, Fedor, Rezabek, Smith, K., Lepore-Hagan**

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**A BILL**

To amend section 2953.36 of the Revised Code to  
allow a person who is convicted of an offense  
that may not be sealed to apply to have the  
conviction sealed if, before the person makes  
that application, the offense is changed so that  
it may be sealed.

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

**Section 1.** That section 2953.36 of the Revised Code be  
amended to read as follows:

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

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

~~(B)~~ (2) Convictions under section 2907.02, 2907.03,  
2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323,  
former section 2907.12, or Chapter 4507., 4510., 4511., or 4549.  
of the Revised Code, or a conviction for a violation of a  
municipal ordinance that is substantially similar to any section

contained in any of those chapters, except as otherwise provided 19  
in section 2953.61 of the Revised Code; 20

~~(C)~~ (3) Convictions of an offense of violence when the 21  
offense is a misdemeanor of the first degree or a felony and 22  
when the offense is not a violation of section 2917.03 of the 23  
Revised Code and is not a violation of section 2903.13, 2917.01, 24  
or 2917.31 of the Revised Code that is a misdemeanor of the 25  
first degree; 26

~~(D)~~ (4) Convictions on or after October 10, 2007, under 27  
section 2907.07 of the Revised Code or a conviction on or after 28  
October 10, 2007, for a violation of a municipal ordinance that 29  
is substantially similar to that section; 30

~~(E)~~ (5) Convictions on or after October 10, 2007, under 31  
section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 32  
2907.311, 2907.32, or 2907.33 of the Revised Code when the 33  
victim of the offense was under eighteen years of age; 34

~~(F)~~ (6) Convictions of an offense in circumstances in 35  
which the victim of the offense was under eighteen years of age 36  
when the offense is a misdemeanor of the first degree or a 37  
felony, except for convictions under section 2919.21 of the 38  
Revised Code; 39

~~(G)~~ (7) Convictions of a felony of the first or second 40  
degree; 41

~~(H)~~ (8) Bail forfeitures in a traffic case as defined in 42  
Traffic Rule 2. 43

(B) Sections 2953.31 to 2953.35 of the Revised Code apply 44  
to a conviction listed in this section if, on the date of the 45  
conviction, those sections did not apply to the conviction, but 46  
after the date of the conviction, the penalty for or 47

<u>classification of the offense was changed so that those sections</u>	48
<u>apply to the conviction.</u>	49
<b>Section 2.</b> That existing section 2953.36 of the Revised	50
Code is hereby repealed.	51