

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Am. Sub. H. B. No. 164**

**Representatives Pelanda, Rogers**

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

**Senators Eklund, Hackett, LaRose, Lehner, Seitz, Tavares**

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**A BILL**

To amend sections 2953.36 and 2953.51 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 and to specify that  
investigation reports the Inspector General  
maintains are not official records sealable  
under the Not Guilty/Dismissed Charges/No Bill  
Record Sealing Law.

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

**Section 1.** That sections 2953.36 and 2953.51 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: 15

~~(A)~~ (1) Convictions when the offender is subject to a 16  
mandatory prison term; 17

~~(B)~~ (2) Convictions under section 2907.02, 2907.03, 18  
2907.04, 2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, 19  
former section 2907.12, or Chapter 4507., 4510., 4511., or 4549. 20  
of the Revised Code, or a conviction for a violation of a 21  
municipal ordinance that is substantially similar to any section 22  
contained in any of those chapters, except as otherwise provided 23  
in section 2953.61 of the Revised Code; 24

~~(C)~~ (3) Convictions of an offense of violence when the 25  
offense is a misdemeanor of the first degree or a felony and 26  
when the offense is not a violation of section 2917.03 of the 27  
Revised Code and is not a violation of section 2903.13, 2917.01, 28  
or 2917.31 of the Revised Code that is a misdemeanor of the 29  
first degree; 30

~~(D)~~ (4) Convictions on or after October 10, 2007, under 31  
section 2907.07 of the Revised Code or a conviction on or after 32  
October 10, 2007, for a violation of a municipal ordinance that 33  
is substantially similar to that section; 34

~~(E)~~ (5) Convictions on or after October 10, 2007, under 35  
section 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.31, 36  
2907.311, 2907.32, or 2907.33 of the Revised Code when the 37  
victim of the offense was under eighteen years of age; 38

~~(F)~~ (6) Convictions of an offense in circumstances in 39  
which the victim of the offense was under eighteen years of age 40  
when the offense is a misdemeanor of the first degree or a 41  
felony, except for convictions under section 2919.21 of the 42  
Revised Code; 43

~~(G)~~ (7) Convictions of a felony of the first or second degree; 44  
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~~(H)~~ (8) Bail forfeitures in a traffic case as defined in Traffic Rule 2. 46  
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(B) Sections 2953.31 to 2953.35 of the Revised Code apply to a conviction listed in this section if, on the date of the conviction, those sections did not apply to the conviction, but after the date of the conviction, the penalty for or classification of the offense was changed so that those sections apply to the conviction. 48  
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**Sec. 2953.51.** As used in sections 2953.51 to 2953.56 of the Revised Code: 54  
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(A) "No bill" means a report by the foreperson or deputy foreperson of a grand jury that an indictment is not found by the grand jury against a person who has been held to answer before the grand jury for the commission of an offense. 56  
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(B) "Prosecutor" has the same meaning as in section 2953.31 of the Revised Code. 60  
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(C) "Court" means the court in which a case is pending at the time a finding of not guilty in the case or a dismissal of the complaint, indictment, or information in the case is entered on the minutes or journal of the court, or the court to which the foreperson or deputy foreperson of a grand jury reports, pursuant to section 2939.23 of the Revised Code, that the grand jury has returned a no bill. 62  
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(D) "Official records" means all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to: the notation to the case in the criminal docket; all subpoenas issued in the 69  
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case; all papers and documents filed by the defendant or the 73  
prosecutor in the case; all records of all testimony and 74  
evidence presented in all proceedings in the case; all court 75  
files, papers, documents, folders, entries, affidavits, or writs 76  
that pertain to the case; all computer, microfilm, microfiche, 77  
or microdot records, indices, or references to the case; all 78  
index references to the case; all fingerprints and photographs; 79  
all DNA specimens, DNA records, and DNA profiles; all records 80  
and investigative reports pertaining to the case that are 81  
possessed by any law enforcement officer or agency, except that 82  
any records or reports that are the specific investigatory work 83  
product of a law enforcement officer or agency are not and shall 84  
not be considered to be official records when they are in the 85  
possession of that officer or agency; and all investigative 86  
records and reports other than those possessed by a law 87  
enforcement officer or agency pertaining to the case. "Official 88  
records" does not include ~~records~~ any of the following: 89

(1) Records or reports maintained pursuant to section 90  
2151.421 of the Revised Code by a public children services 91  
agency or the department of job and family services; 92

(2) Any report of an investigation maintained by the 93  
inspector general pursuant to section 121.42 of the Revised 94  
Code, to the extent that the report contains information that 95  
pertains to an individual who was convicted of or pleaded guilty 96  
to an offense discovered in or related to the investigation and 97  
whose conviction or guilty plea was not overturned on appeal. 98

(E) "DNA database," "DNA record," "DNA specimen," and "law 99  
enforcement agency" have the same meanings as in section 109.573 100  
of the Revised Code. 101

(F) "Fingerprints filed for record" has the same meaning 102

as in section 2953.31 of the Revised Code. 103

**Section 2.** That existing sections 2953.36 and 2953.51 of 104  
the Revised Code are hereby repealed. 105