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Am. Sub. H. B. No. 17

REPRESENTATIVES Willamowski, Hartnett, Flowers, Jerse, Setzer, Redfern,
Williams, Allen, Lendrum, Calvert, Hagan, Buehrer, Schaffer, Jolivette, Gilb,
Cates, Webster, Coates, Grendell, Schmidt, Roman, Flannery, White, Perry,
Collier, Clancy, Carmichael, Brown, Oakar, DeBose

A BILL

To amend sections 2151.358, 2953.52, 2953.53, 1
4301.638, 4301.69, and 4301.99 and to repeal 2
section 4301.632 of the Revised Code to prohibit an 3
underage person from being under the influence of 4
beer or intoxicating liquor, to revise the 5
prohibitions regarding an underage person ordering, 6
paying for, sharing the cost of, attempting to 7
purchase, or consuming or possessing beer or 8
intoxicating liquor, and to provide a diversion 9
program for persons charged with violating these 10
prohibitions and to maintain the provisions of this 11
act on and after January 1, 2002, by amending the 12
version of section 2151.358 of the Revised Code 13
that takes effect on that date. 14

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

Section 1. That sections 2151.358, 2953.52, 2953.53, 15
4301.638, 4301.69, and 4301.99 be amended to read as follows: 16

Sec. 2151.358. (A) As used in this section, "seal a record" 17

means to remove a record from the main file of similar records and 18
to secure it in a separate file that contains only sealed records 19
and that is accessible only to the juvenile court. A record that 20
is sealed shall be destroyed by all persons and governmental 21
bodies except the juvenile court. 22

(B) The department of youth services and any other 23
institution or facility that unconditionally discharges a person 24
who has been adjudicated a delinquent child, an unruly child, or a 25
juvenile traffic offender shall immediately give notice of the 26
discharge to the court that committed the person. The court shall 27
note the date of discharge on a separate record of discharges of 28
those natures. 29

(C)(1)(a) Two years after the termination of any order made 30
by the court or two years after the unconditional discharge of a 31
person from the department of youth services or another 32
institution or facility to which the person may have been 33
committed, the court that issued the order or committed the person 34
shall do whichever of the following is applicable: 35

(i) If the person was adjudicated an unruly child, order the 36
record of the person sealed; 37

(ii) If the person was adjudicated a delinquent child for 38
committing an act other than a violation of section 2903.01, 39
2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or was 40
adjudicated a juvenile traffic offender, either order the record 41
of the person sealed or send the person notice of the person's 42
right to have that record sealed. 43

(b) Division (C)(1)(a) of this section does not apply 44
regarding a person who was adjudicated a delinquent child for 45
committing a violation of section 2903.01, 2903.02, 2907.02, 46
2907.03, or 2907.05 of the Revised Code. 47

(2) The court shall send the notice described in division 48

(C)(1)(a)(ii) of this section within ninety days after the expiration of the two-year period described in division (C)(1)(a) of this section by certified mail, return receipt requested, to the person's last known address. The notice shall state that the person may apply to the court for an order to seal the person's record, explain what sealing a record means, and explain the possible consequences of not having the person's record sealed.

(D)(1) At any time after the two-year period described in division (C)(1)(a) of this section has elapsed, any person who has been adjudicated a delinquent child for committing an act other than a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or who has been adjudicated a juvenile traffic offender may apply to the court for an order to seal the person's record. The court shall hold a hearing on each application within sixty days after the application is received. Notice of the hearing on the application shall be given to the prosecuting attorney and to any other public office or agency known to have a record of the prior adjudication. If the court finds that the rehabilitation of the person who was adjudicated a delinquent child or a juvenile traffic offender has been attained to a satisfactory degree, the court may order the record of the person sealed.

(2) Division (D)(1) of this section does not apply regarding a person who was adjudicated a delinquent child for committing a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code.

(3) If a child who was charged with violating division (E)(1) of section 4301.69 of the Revised Code successfully completes a diversion program under division (E)(2)(a) of section 4301.69 of the Revised Code with respect to that charge, the court shall order the person's record in that case sealed.

(E)(1) If the court orders the adjudication record or other

record of a person sealed pursuant to division (C) or (D) of this 81
section, the court, except as provided in division (K) of this 82
section, shall order that the proceedings in the case in which the 83
person was adjudicated a juvenile traffic offender, a delinquent 84
child, or an unruly child, or in which the person was the subject 85
of a complaint alleging the person to have violated division 86
(E)(1) of section 4301.69 of the Revised Code, be deemed never to 87
have occurred. Except as provided in division (G)(2) of this 88
section, all index references to the case and the person shall be 89
deleted, and the person and the court properly may reply that no 90
record exists with respect to the person upon any inquiry in the 91
matter. 92

(2) Inspection of records that have been ordered sealed under 93
division (E)(1) of this section may be made only by the following 94
persons or for the following purposes: 95

(a) If the records in question pertain to an act that would 96
be an offense of violence that would be a felony if committed by 97
an adult, by any law enforcement officer or any prosecutor, or the 98
assistants of a law enforcement officer or prosecutor, for any 99
valid law enforcement or prosecutorial purpose; 100

(b) Upon application by the person who is the subject of the 101
sealed records, by the persons that are named in that application; 102

(c) If the records in question pertain to an alleged 103
violation of division (E)(1) of section 4301.69 of the Revised 104
Code, by any law enforcement officer or any prosecutor, or the 105
assistants of a law enforcement officer or prosecutor, for the 106
purpose of determining whether the person is eligible for 107
diversion under division (E)(2) of section 4301.69 of the Revised 108
Code. 109

(F) Any person who has been arrested and charged with being a 110
delinquent child or a juvenile traffic offender and who is 111
adjudicated not guilty of the charges in the case or has the 112

charges in the case dismissed may apply to the court for an
expungement of the record in the case. The application may be
filed at any time after the person is adjudicated not guilty or
the charges against the person are dismissed. The court shall give
notice to the prosecuting attorney of any hearing on the
application. The court may initiate the expungement proceedings on
its own motion.

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Any person who has been arrested and charged with being an
unruly child and who is adjudicated not guilty of the charges in
the case or has the charges in the case dismissed may apply to the
court for an expungement of the record in the case. The court
shall initiate the expungement proceedings on its own motion if an
application for expungement is not filed.

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If the court upon receipt of an application for expungement
or upon its own motion determines that the charges against any
person in any case were dismissed or that any person was
adjudicated not guilty in any case, the court shall order that the
records of the case be expunged and that the proceedings in the
case be deemed never to have occurred. If the applicant for the
expungement order, with the written consent of the applicant's
parents or guardian if the applicant is a minor and with the
written approval of the court, waives in writing the applicant's
right to bring any civil action based on the arrest for which the
expungement order is applied, the court shall order the
appropriate persons and governmental agencies to delete all index
references to the case; destroy or delete all court records of the
case; destroy all copies of any pictures and fingerprints taken of
the person pursuant to the expunged arrest; and destroy, erase, or
delete any reference to the arrest that is maintained by the state
or any political subdivision of the state, except a record of the
arrest that is maintained for compiling statistical data and that
does not contain any reference to the person.

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If the applicant for an expungement order does not waive in writing the right to bring any civil action based on the arrest for which the expungement order is applied, the court, in addition to ordering the deletion, destruction, or erasure of all index references and court records of the case and of all references to the arrest that are maintained by the state or any political subdivision of the state, shall order that a copy of all records of the case, except fingerprints held by the court or a law enforcement agency, be delivered to the court. The court shall seal all of the records delivered to the court in a separate file in which only sealed records are maintained. The sealed records shall be kept by the court until the statute of limitations expires for any civil action based on the arrest, any pending litigation based on the arrest is terminated, or the applicant files a written waiver of the right to bring a civil action based on the arrest. After the expiration of the statute of limitations, the termination of the pending litigation, or the filing of the waiver, the court shall destroy the sealed records.

After the expungement order has been issued, the court shall, and the person may properly, reply that no record of the case with respect to the person exists.

(G)(1) The court shall send notice of the order to expunge or seal to any public office or agency that the court has reason to believe may have a record of the expunged or sealed record. Except as provided in division (K) of this section, an order to seal or expunge under this section applies to every public office or agency that has a record of the prior adjudication or arrest, regardless of whether it receives notice of the hearing on the expungement or sealing of the record or a copy of the order to expunge or seal the record. Except as provided in division (K) of this section, upon the written request of a person whose record has been expunged and the presentation of a copy of the order to

expunge, a public office or agency shall destroy its record of the
prior adjudication or arrest, except a record of the adjudication
or arrest that is maintained for compiling statistical data and
that does not contain any reference to the person who is the
subject of the order to expunge.

(2) The person, or the public office or agency, that
maintains sealed records pertaining to an adjudication of a child
as a delinquent child may maintain a manual or computerized index
to the sealed records. The index shall contain only the name of,
and alphanumeric identifiers that relate to, the persons who are
the subject of the sealed records, the word "sealed," and the name
of the person, or the public office or agency that has custody of
the sealed records and shall not contain the name of the
delinquent act committed. The person who has custody of the sealed
records shall make the index available only for the purposes set
forth in divisions (E)(2) and (H) of this section.

(H) The judgment rendered by the court under this chapter
shall not impose any of the civil disabilities ordinarily imposed
by conviction of a crime in that the child is not a criminal by
reason of the adjudication and no child shall be charged with or
convicted of a crime in any court except as provided by this
chapter. The disposition of a child under the judgment rendered or
any evidence given in court shall not operate to disqualify a
child in any future civil service examination, appointment, or
application. Evidence of a judgment rendered and the disposition
of a child under the judgment is not admissible to impeach the
credibility of the child in any action or proceeding. Otherwise,
the disposition of a child under the judgment rendered or any
evidence given in court is admissible as evidence for or against
the child in any action or proceeding in any court in accordance
with the Rules of Evidence and also may be considered by any court
as to the matter of sentence or to the granting of probation, and

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a court may consider the judgment rendered and the disposition of
a child under that judgment for purposes of determining whether
the child, for a future criminal conviction or guilty plea, is a
repeat violent offender, as defined in section 2929.01 of the
Revised Code.

(I) In any application for employment, license, or other
right or privilege, any appearance as a witness, or any other
inquiry, a person may not be questioned with respect to any arrest
for which the records were expunged. If an inquiry is made in
violation of this division, the person may respond as if the
expunged arrest did not occur, and the person shall not be subject
to any adverse action because of the arrest or the response.

(J) An officer or employee of the state or any of its
political subdivisions who knowingly releases, disseminates, or
makes available for any purpose involving employment, bonding,
licensing, or education to any person or to any department,
agency, or other instrumentality of the state or of any of its
political subdivisions any information or other data concerning
any arrest, complaint, trial, hearing, adjudication, or
correctional supervision, the records of which have been expunged
or sealed pursuant to this section and the release, dissemination,
or making available of which is not expressly permitted by this
section, is guilty of divulging confidential information, a
misdemeanor of the fourth degree.

(K) Notwithstanding any provision of this section that
requires otherwise, a board of education of a city, local,
exempted village, or joint vocational school district that
maintains records of an individual who has been permanently
excluded under sections 3301.121 and 3313.662 of the Revised Code
is permitted to maintain records regarding an adjudication that
the individual is a delinquent child that was used as the basis
for the individual's permanent exclusion, regardless of a court

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order to seal the record. An order issued under this section to
seal the record of an adjudication that an individual is a
delinquent child does not revoke the adjudication order of the
superintendent of public instruction to permanently exclude the
individual who is the subject of the sealing order. An order
issued under this section to seal the record of an adjudication
that an individual is a delinquent child may be presented to a
district superintendent as evidence to support the contention that
the superintendent should recommend that the permanent exclusion
of the individual who is the subject of the sealing order be
revoked. Except as otherwise authorized by this division and
sections 3301.121 and 3313.662 of the Revised Code, any school
employee in possession of or having access to the sealed
adjudication records of an individual that were the basis of a
permanent exclusion of the individual is subject to division (J)
of this section.

Sec. 2953.52. (A)(1) Any person, who is found not guilty of
an offense by a jury or a court or who is the defendant named in a
dismissed complaint, indictment, or information, may apply to the
court for an order to seal his official records in the case.
Except as provided in section 2953.61 of the Revised Code, the
application may be filed at any time after the finding of not
guilty or the dismissal of the complaint, indictment, or
information is entered upon the minutes of the court or the
journal, whichever entry occurs first.

(2) Any person, against whom a no bill is entered by a grand
jury, may apply to the court for an order to seal his official
records in the case. Except as provided in section 2953.61 of the
Revised Code, the application may be filed at any time after the
expiration of two years after the date on which the foreman or
deputy foreman of the grand jury reports to the court that the
grand jury has reported a no bill.

(B)(1) Upon the filing of an application pursuant to division 273
(A) of this section, the court shall set a date for a hearing and 274
shall notify the prosecutor in the case of the hearing on the 275
application. The prosecutor may object to the granting of the 276
application by filing an objection with the court prior to the 277
date set for the hearing. The prosecutor shall specify in the 278
objection the reasons he believes justify a denial of the 279
application. 280

(2) The court shall do each of the following: 281

(a) Determine whether the person was found not guilty in the 282
case, or the complaint, indictment, or information in the case was 283
dismissed, or a no bill was returned in the case and a period of 284
two years or a longer period as required by section 2953.61 of the 285
Revised Code has expired from the date of the report to the court 286
of that no bill by the foreman or deputy foreman of the grand 287
jury; 288

(b) Determine whether criminal proceedings are pending 289
against the person; 290

(c) If the prosecutor has filed an objection in accordance 291
with division (B)(1) of this section, consider the reasons against 292
granting the application specified by the prosecutor in the 293
objection; 294

(d) Weigh the interests of the person in having the official 295
records pertaining to the case sealed against the legitimate 296
needs, if any, of the government to maintain those records. 297

(3) If the court determines, after complying with division 298
(B)(2) of this section, that the person was found not guilty in 299
the case, that the complaint, indictment, or information in the 300
case was dismissed, or that a no bill was returned in the case and 301
that the appropriate period of time has expired from the date of 302
the report to the court of the no bill by the foreman or deputy 303

foreman of the grand jury; that no criminal proceedings are
pending against the person; and the interests of the person in
having the records pertaining to the case sealed are not
outweighed by any legitimate governmental needs to maintain such
records, or if division (E)(2)(b) of section 4301.69 of the
Revised Code applies, the court shall issue an order directing
that all official records pertaining to the case be sealed and
that, except as provided in section 2953.53 of the Revised Code,
the proceedings in the case be deemed not to have occurred.

Sec. 2953.53. (A) The court shall send notice of any order to
seal official records issued pursuant to section 2953.52 of the
Revised Code to any public office or agency that the court knows
or has reason to believe may have any record of the case, whether
or not it is an official record, that is the subject of the order.
The notice shall be sent by certified mail, return receipt
requested.

(B) A person whose official records have been sealed pursuant
to an order issued pursuant to section 2953.52 of the Revised Code
may present a copy of that order and a written request to comply
with it, to a public office or agency that has a record of the
case that is the subject of the order.

(C) An order to seal official records issued pursuant to
section 2953.52 of the Revised Code applies to every public office
or agency that has a record of the case that is the subject of the
order, regardless of whether it receives notice of the hearing on
the application for the order to seal the official records or
receives a copy of the order to seal the official records pursuant
to division (A) or (B) of this section.

(D) Upon receiving a copy of an order to seal official
records pursuant to division (A) or (B) of this section or upon
otherwise becoming aware of an applicable order to seal official

records issued pursuant to section 2953.52 of the Revised Code, a
public office or agency shall comply with the order and, if
applicable, with the provisions of section 2953.54 of the Revised
Code, except that it may maintain a record of the case that is the
subject of the order if the record is maintained for the purpose
of compiling statistical data only and does not contain any
reference to the person who is the subject of the case and the
order.

A public office or agency also may maintain an index of
sealed official records, in a form similar to that for sealed
records of conviction as set forth in division (F) of section
2953.32 of the Revised Code, access to which may not be afforded
to any person other than the person who has custody of the sealed
official records. The sealed official records to which such an
index pertains shall not be available to any person, except that
the official records of a case that have been sealed may be made
available to the following persons for the following purposes:

(1) To the person who is the subject of the records upon
written application, and to any other person named in the
application, for any purpose;

(2) To a law enforcement officer who was involved in the
case, for use in the officer's defense of a civil action arising
out of the officer's involvement in that case;

(3) To a prosecuting attorney or ~~his~~ the prosecuting
attorney's assistants to determine a defendant's eligibility to
enter a pre-trial diversion program established pursuant to
section 2935.36 of the Revised Code;

(4) To a prosecuting attorney or the prosecuting attorney's
assistants to determine a defendant's eligibility to enter a
pre-trial diversion program under division (E)(2)(b) of section
4301.69 of the Revised Code.

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Sec. 4301.638. Sections ~~4301.632~~ 4301.633 to 4301.637 of the Revised Code shall not be deemed to modify or affect division (A) of section 4301.22 or section 4301.69 of the Revised Code.

Sec. 4301.69. (A) Except as otherwise provided in this chapter, no person shall sell beer or intoxicating liquor to an underage person, shall buy beer or intoxicating liquor for an underage person, or shall furnish it to an underage person, unless given by a physician in the regular line of the physician's practice or given for established religious purposes or unless the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian.

In proceedings before the liquor control commission, no permit holder, or the employee or agent of a permit holder, charged with a violation of this division shall be charged, for the same offense, with a violation of division (A)(1) of section 4301.22 of the Revised Code.

(B) No person who is the owner or occupant of any public or private place shall knowingly allow any underage person to remain in or on the place while possessing or consuming beer or intoxicating liquor, unless the intoxicating liquor or beer is given to the person possessing or consuming it by that person's parent, spouse who is not an underage person, or legal guardian and the parent, spouse who is not an underage person, or legal guardian is present at the time of the person's possession or consumption of the beer or intoxicating liquor.

An owner of a public or private place is not liable for acts or omissions in violation of this division that are committed by a lessee of that place, unless the owner authorizes or acquiesces in the lessee's acts or omissions.

(C) No person shall engage or use accommodations at a hotel,

inn, cabin, campground, or restaurant when the person knows or has
reason to know either of the following:

(1) That beer or intoxicating liquor will be consumed by an
underage person on the premises of the accommodations that the
person engages or uses, unless the person engaging or using the
accommodations is the spouse of the underage person and who is not
an underage person, or is the parent or legal guardian of all of
the underage persons, who consume beer or intoxicating liquor on
the premises and that person is on the premises at all times when
beer or intoxicating liquor is being consumed by an underage
person;

(2) That a drug of abuse will be consumed on the premises of
the accommodations by any person, except a person who obtained the
drug of abuse pursuant to a prescription issued by a licensed
health professional authorized to prescribe drugs and has the drug
of abuse in the original container in which it was dispensed to
the person.

(D)(1) No person is required to permit the engagement of
accommodations at any hotel, inn, cabin, or campground by an
underage person or for an underage person, if the person engaging
the accommodations knows or has reason to know that the underage
person is intoxicated, or that the underage person possesses any
beer or intoxicating liquor and is not accompanied by a parent,
spouse who is not an underage person, or legal guardian who is or
will be present at all times when the beer or intoxicating liquor
is being consumed by the underage person.

(2) No underage person shall knowingly engage or attempt to
engage accommodations at any hotel, inn, cabin, or campground by
presenting identification that falsely indicates that the underage
person is twenty-one years of age or older for the purpose of
violating this section.

(E)(1) No underage person shall knowingly order, pay for, share the cost of, attempt to purchase, possess, or consume any beer or intoxicating liquor, in any public or private place, unless. No underage person shall knowingly be under the influence of any beer or intoxicating liquor in any public place. Division (E)(1) of this section shall not apply if the underage person is accompanied by a parent, spouse who is not an underage person, or legal guardian, or unless the beer or intoxicating liquor is given by a physician in the regular line of the physician's practice or given for established religious purposes.

(2)(a) If a person is charged with violating division (E)(1) of this section in a complaint filed under section 2151.27 of the Revised Code, the court may order the child into a diversion program specified by the court and hold the complaint in abeyance pending successful completion of the diversion program. A child is ineligible to enter into a diversion program under division (E)(2)(a) of this section if the child previously has been diverted pursuant to division (E)(2)(a) of this section. If the child completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the child's record in the case sealed under division (D)(3) of section 2151.358 of the Revised Code. If the child fails to satisfactorily complete the diversion program, the court shall proceed with the complaint.

(b) If a person is charged in a criminal complaint with violating division (E)(1) of this section, section 2935.36 of the Revised Code shall apply to the offense, except that a person is ineligible for diversion under that section if the person previously has been diverted pursuant to division (E)(2)(a) or (b) of this section. If the person completes the diversion program to the satisfaction of the court, the court shall dismiss the complaint and order the record in the case sealed under section

2953.52 of the Revised Code. If the person fails to satisfactorily 459
complete the diversion program, the court shall proceed with the 460
complaint. 461

(F) No parent, spouse who is not an underage person, or legal 462
guardian of a minor shall knowingly permit the minor to violate 463
this section or section 4301.63, 4301.632, 4301.633, or 4301.634 464
of the Revised Code. 465

(G) The operator of any hotel, inn, cabin, or campground 466
shall make the provisions of this section available in writing to 467
any person engaging or using accommodations at the hotel, inn, 468
cabin, or campground. 469

(H) As used in this section: 470

(1) "Drug of abuse" has the same meaning as in section 471
3719.011 of the Revised Code. 472

(2) "Hotel" has the same meaning as in section 3731.01 of the 473
Revised Code. 474

(3) "Licensed health professional authorized to prescribe 475
drugs" and "prescription" have the same meanings as in section 476
4729.01 of the Revised Code. 477

(4) "Minor" means a person under the age of eighteen years. 478

(5) "Underage person" means a person under the age of 479
twenty-one years. 480

Sec. 4301.99. (A) Whoever violates section 4301.47, 4301.48, 481
4301.49, 4301.62, or 4301.70 or division (B) of section 4301.691 482
of the Revised Code is guilty of a minor misdemeanor. 483

(B) Whoever violates section 4301.15, division (A)(2) or (D) 484
of section 4301.22, division (C), (D), (E), (F), (G), (H), or (I) 485
of section 4301.631, or section 4301.64 or 4301.67 of the Revised 486
Code is guilty of a misdemeanor of the fourth degree. 487

If an offender who violates section 4301.64 of the Revised Code was under the age of eighteen years at the time of the offense, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit, probationary driver's license, or driver's license for a period of six months. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a temporary instruction permit until the offender attains the age of sixteen years.

(C) Whoever violates division (D) of section 4301.21, or section 4301.251, 4301.58, 4301.59, 4301.60, ~~4301.632~~, 4301.633, 4301.66, 4301.68, or 4301.74, division (B), (C), (D), (E)(1), or (F) of section 4301.69 of the Revised Code, or division (C), (D), (E), (F), (G), or (I) of section 4301.691 of the Revised Code is guilty of a misdemeanor of the first degree.

If an offender who violates division (E)(1) of section ~~4301.632~~ 4301.69 of the Revised Code was under the age of eighteen years at the time of the offense and the offense occurred while the offender was the operator of or a passenger in a motor vehicle, the court, in addition to any other penalties it imposes upon the offender, shall suspend the offender's temporary instruction permit or probationary driver's license for a period of six months. If the offender is fifteen years and six months of age or older and has not been issued a temporary instruction permit or probationary driver's license, the offender shall not be eligible to be issued such a license or permit for a period of six months. If the offender has not attained the age of fifteen years and six months, the offender shall not be eligible to be issued a

temporary instruction permit until the offender attains the age of 520
sixteen years. 521

(D) Whoever violates division (B) of section 4301.14, or 522
division (A)(1) or (3), (B), or (C) of section 4301.22 of the 523
Revised Code is guilty of a misdemeanor of the third degree. 524

(E) Whoever violates section 4301.63 or division (B) of 525
section 4301.631 of the Revised Code shall be fined not less than 526
twenty-five nor more than one hundred dollars. The court imposing 527
a fine for a violation of section 4301.63 or division (B) of 528
section 4301.631 of the Revised Code may order that the fine be 529
paid by the performance of public work at a reasonable hourly rate 530
established by the court. The court shall designate the time 531
within which the public work shall be completed. 532

(F)(1) Whoever violates section 4301.634 of the Revised Code 533
is guilty of a misdemeanor of the first degree. If, in committing 534
a first violation of that section, the offender presented to the 535
permit holder or the permit holder's employee or agent a false, 536
fictitious, or altered identification card, a false or fictitious 537
driver's license purportedly issued by any state, or a driver's 538
license issued by any state that has been altered, the offender is 539
guilty of a misdemeanor of the first degree and shall be fined not 540
less than two hundred fifty and not more than one thousand 541
dollars, and may be sentenced to a term of imprisonment of not 542
more than six months. 543

(2) On a second violation in which, for the second time, the 544
offender presented to the permit holder or the permit holder's 545
employee or agent a false, fictitious, or altered identification 546
card, a false or fictitious driver's license purportedly issued by 547
any state, or a driver's license issued by any state that has been 548
altered, the offender is guilty of a misdemeanor of the first 549
degree and shall be fined not less than five hundred nor more than 550
one thousand dollars, and may be sentenced to a term of 551

imprisonment of not more than six months. The court also may
suspend the offender's driver's or commercial driver's license or
permit or nonresident operating privilege or deny the offender the
opportunity to be issued a driver's or commercial driver's license
for a period not exceeding sixty days.

(3) On a third or subsequent violation in which, for the
third or subsequent time, the offender presented to the permit
holder or the permit holder's employee or agent a false,
fictitious, or altered identification card, a false or fictitious
driver's license purportedly issued by any state, or a driver's
license issued by any state that has been altered, the offender is
guilty of a misdemeanor of the first degree and shall be fined not
less than five hundred nor more than one thousand dollars, and may
be sentenced to a term of imprisonment of not more than six
months. The court also shall suspend the offender's driver's or
commercial driver's license or permit or nonresident operating
privilege or deny the offender the opportunity to be issued a
driver's or commercial driver's license for a period of ninety
days, and the court may order that the suspension or denial remain
in effect until the offender attains the age of twenty-one years.
The court also may order the offender to perform a determinate
number of hours of community service, with the court determining
the actual number of hours and the nature of the community service
the offender shall perform.

(G) Whoever violates section 4301.636 of the Revised Code is
guilty of a felony of the fifth degree.

(H) Whoever violates division (A)(1) of section 4301.22 of
the Revised Code is guilty of a misdemeanor, shall be fined not
less than five hundred and not more than one thousand dollars,
and, in addition to the fine, may be imprisoned for a definite
term of not more than sixty days.

(I) Whoever violates division (A) of section 4301.69 or

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division (H) of section 4301.691 of the Revised Code is guilty of
a misdemeanor, shall be fined not less than five hundred and not
more than one thousand dollars, and, in addition to the fine, may
be imprisoned for a definite term of not more than six months.

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Section 2. That existing sections 2151.358, 2953.52, 2953.53,
4301.638, 4301.69, and 4301.99 and section 4301.632 of the Revised
Code are hereby repealed.

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Section 3. That the version of section 2151.358 of the
Revised Code that is scheduled to take effect on January 1, 2002,
be amended to read as follows:

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Sec. 2151.358. (A) As used in this section, "seal a record"
means to remove a record from the main file of similar records and
to secure it in a separate file that contains only sealed records
and that is accessible only to the juvenile court. A record that
is sealed shall be destroyed by all persons and governmental
bodies except the juvenile court.

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(B) The department of youth services and any other
institution or facility that unconditionally discharges a person
who has been adjudicated a delinquent child, an unruly child, or a
juvenile traffic offender shall immediately give notice of the
discharge to the court that committed the person. The court shall
note the date of discharge on a separate record of discharges of
those natures.

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(C)(1)(a) Two years after the termination of any order made
by the court or two years after the unconditional discharge of a
person from the department of youth services or another
institution or facility to which the person may have been
committed, the court that issued the order or committed the person
shall do whichever of the following is applicable:

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(i) If the person was adjudicated an unruly child, order the 613
record of the person sealed; 614

(ii) If the person was adjudicated a delinquent child for 615
committing an act other than a violation of section 2903.01, 616
2903.02, 2907.02, 2907.03, or 2907.05 of the Revised Code or was 617
adjudicated a juvenile traffic offender, either order the record 618
of the person sealed or send the person notice of the person's 619
right to have that record sealed. 620

(b) Division (C)(1)(a) of this section does not apply 621
regarding a person who was adjudicated a delinquent child for 622
committing a violation of section 2903.01, 2903.02, 2907.02, 623
2907.03, or 2907.05 of the Revised Code. 624

(2) The court shall send the notice described in division 625
(C)(1)(a)(ii) of this section within ninety days after the 626
expiration of the two-year period described in division (C)(1)(a) 627
of this section by certified mail, return receipt requested, to 628
the person's last known address. The notice shall state that the 629
person may apply to the court for an order to seal the person's 630
record, explain what sealing a record means, and explain the 631
possible consequences of not having the person's record sealed. 632

(D)(1) At any time after the two-year period described in 633
division (C)(1)(a) of this section has elapsed, any person who has 634
been adjudicated a delinquent child for committing an act other 635
than a violation of section 2903.01, 2903.02, 2907.02, 2907.03, or 636
2907.05 of the Revised Code or who has been adjudicated a juvenile 637
traffic offender may apply to the court for an order to seal the 638
person's record. The court shall hold a hearing on each 639
application within sixty days after the application is received. 640
Notice of the hearing on the application shall be given to the 641
prosecuting attorney and to any other public office or agency 642
known to have a record of the prior adjudication. If the court 643
finds that the rehabilitation of the person who was adjudicated a 644

delinquent child or a juvenile traffic offender has been attained
to a satisfactory degree, the court may order the record of the
person sealed.

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(2) Division (D)(1) of this section does not apply regarding
a person who was adjudicated a delinquent child for committing a
violation of section 2903.01, 2903.02, 2907.02, 2907.03, or
2907.05 of the Revised Code.

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(3) If a child who was charged with violating division (E)(1)
of section 4301.69 of the Revised Code successfully completes a
diversion program under division (E)(2)(a) of section 4301.69 of
the Revised Code with respect to that charge, the court shall
order the person's record in that case sealed.

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(E)(1) If the court orders the adjudication record or other
record of a person sealed pursuant to division (C) or (D) of this
section, the court, except as provided in division (K) of this
section, shall order that the proceedings in the case in which the
person was adjudicated a juvenile traffic offender, a delinquent
child, or an unruly child, or in which the person was the subject
of a complaint alleging the person to have violated division
(E)(1) of section 4301.69 of the Revised Code, be deemed never to
have occurred. Except as provided in division (G)(2) of this
section, all index references to the case and the person shall be
deleted, and the person and the court properly may reply that no
record exists with respect to the person upon any inquiry in the
matter.

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(2) Inspection of records that have been ordered sealed under
division (E)(1) of this section may be made only by the following
persons or for the following purposes:

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(a) If the records in question pertain to an act that would
be an offense of violence that would be a felony if committed by
an adult, by any law enforcement officer or any prosecutor, or the

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assistants of a law enforcement officer or prosecutor, for any
valid law enforcement or prosecutorial purpose;

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(b) Upon application by the person who is the subject of the
sealed records, by the persons that are named in that application;

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(c) If the records in question pertain to an alleged
violation of division (E)(1) of section 4301.69 of the Revised
Code, by any law enforcement officer or any prosecutor, or the
assistants of a law enforcement officer or prosecutor, for the
purpose of determining whether the person is eligible for
diversion under division (E)(2) of section 4301.69 of the Revised
Code.

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(F) Any person who has been arrested and charged with being a
delinquent child or a juvenile traffic offender and who is
adjudicated not guilty of the charges in the case or has the
charges in the case dismissed may apply to the court for an
expungement of the record in the case. The application may be
filed at any time after the person is adjudicated not guilty or
the charges against the person are dismissed. The court shall give
notice to the prosecuting attorney of any hearing on the
application. The court may initiate the expungement proceedings on
its own motion.

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Any person who has been arrested and charged with being an
unruly child and who is adjudicated not guilty of the charges in
the case or has the charges in the case dismissed may apply to the
court for an expungement of the record in the case. The court
shall initiate the expungement proceedings on its own motion if an
application for expungement is not filed.

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If the court upon receipt of an application for expungement
or upon its own motion determines that the charges against any
person in any case were dismissed or that any person was
adjudicated not guilty in any case, the court shall order that the

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records of the case be expunged and that the proceedings in the
case be deemed never to have occurred. If the applicant for the
expungement order, with the written consent of the applicant's
parents or guardian if the applicant is a minor and with the
written approval of the court, waives in writing the applicant's
right to bring any civil action based on the arrest for which the
expungement order is applied, the court shall order the
appropriate persons and governmental agencies to delete all index
references to the case; destroy or delete all court records of the
case; destroy all copies of any pictures and fingerprints taken of
the person pursuant to the expunged arrest; and destroy, erase, or
delete any reference to the arrest that is maintained by the state
or any political subdivision of the state, except a record of the
arrest that is maintained for compiling statistical data and that
does not contain any reference to the person.

If the applicant for an expungement order does not waive in
writing the right to bring any civil action based on the arrest
for which the expungement order is applied, the court, in addition
to ordering the deletion, destruction, or erasure of all index
references and court records of the case and of all references to
the arrest that are maintained by the state or any political
subdivision of the state, shall order that a copy of all records
of the case, except fingerprints held by the court or a law
enforcement agency, be delivered to the court. The court shall
seal all of the records delivered to the court in a separate file
in which only sealed records are maintained. The sealed records
shall be kept by the court until the statute of limitations
expires for any civil action based on the arrest, any pending
litigation based on the arrest is terminated, or the applicant
files a written waiver of the right to bring a civil action based
on the arrest. After the expiration of the statute of limitations,
the termination of the pending litigation, or the filing of the

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waiver, the court shall destroy the sealed records.

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After the expungement order has been issued, the court shall,
and the person may properly, reply that no record of the case with
respect to the person exists.

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(G)(1) The court shall send notice of the order to expunge or
seal to any public office or agency that the court has reason to
believe may have a record of the expunged or sealed record. Except
as provided in division (K) of this section, an order to seal or
expunge under this section applies to every public office or
agency that has a record of the prior adjudication or arrest,
regardless of whether it receives notice of the hearing on the
expungement or sealing of the record or a copy of the order to
expunge or seal the record. Except as provided in division (K) of
this section, upon the written request of a person whose record
has been expunged and the presentation of a copy of the order to
expunge, a public office or agency shall destroy its record of the
prior adjudication or arrest, except a record of the adjudication
or arrest that is maintained for compiling statistical data and
that does not contain any reference to the person who is the
subject of the order to expunge.

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(2) The person, or the public office or agency, that
maintains sealed records pertaining to an adjudication of a child
as a delinquent child may maintain a manual or computerized index
to the sealed records. The index shall contain only the name of,
and alphanumeric identifiers that relate to, the persons who are
the subject of the sealed records, the word "sealed," and the name
of the person, or the public office or agency that has custody of
the sealed records and shall not contain the name of the
delinquent act committed. The person who has custody of the sealed
records shall make the index available only for the purposes set
forth in divisions (E)(2) and (H) of this section.

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(H) The judgment rendered by the court under this chapter

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shall not impose any of the civil disabilities ordinarily imposed 771
by conviction of a crime in that the child is not a criminal by 772
reason of the adjudication and no child shall be charged with or 773
convicted of a crime in any court except as provided by this 774
chapter. The disposition of a child under the judgment rendered or 775
any evidence given in court shall not operate to disqualify a 776
child in any future civil service examination, appointment, or 777
application. Evidence of a judgment rendered and the disposition 778
of a child under the judgment is not admissible to impeach the 779
credibility of the child in any action or proceeding. Otherwise, 780
the disposition of a child under the judgment rendered or any 781
evidence given in court is admissible as evidence for or against 782
the child in any action or proceeding in any court in accordance 783
with the Rules of Evidence and also may be considered by any court 784
as to the matter of sentence or to the granting of probation, and 785
a court may consider the judgment rendered and the disposition of 786
a child under that judgment for purposes of determining whether 787
the child, for a future criminal conviction or guilty plea, is a 788
repeat violent offender, as defined in section 2929.01 of the 789
Revised Code. 790

(I) In any application for employment, license, or other 791
right or privilege, any appearance as a witness, or any other 792
inquiry, a person may not be questioned with respect to any arrest 793
for which the records were expunged. If an inquiry is made in 794
violation of this division, the person may respond as if the 795
expunged arrest did not occur, and the person shall not be subject 796
to any adverse action because of the arrest or the response. 797

(J) An officer or employee of the state or any of its 798
political subdivisions who knowingly releases, disseminates, or 799
makes available for any purpose involving employment, bonding, 800
licensing, or education to any person or to any department, 801
agency, or other instrumentality of the state or of any of its 802

political subdivisions any information or other data concerning
any arrest, complaint, indictment, information, trial, hearing,
adjudication, or correctional supervision, the records of which
have been expunged or sealed pursuant to this section and the
release, dissemination, or making available of which is not
expressly permitted by this section, is guilty of divulging
confidential information, a misdemeanor of the fourth degree.

(K) Notwithstanding any provision of this section that
requires otherwise, a board of education of a city, local,
exempted village, or joint vocational school district that
maintains records of an individual who has been permanently
excluded under sections 3301.121 and 3313.662 of the Revised Code
is permitted to maintain records regarding an adjudication that
the individual is a delinquent child that was used as the basis
for the individual's permanent exclusion, regardless of a court
order to seal the record. An order issued under this section to
seal the record of an adjudication that an individual is a
delinquent child does not revoke the adjudication order of the
superintendent of public instruction to permanently exclude the
individual who is the subject of the sealing order. An order
issued under this section to seal the record of an adjudication
that an individual is a delinquent child may be presented to a
district superintendent as evidence to support the contention that
the superintendent should recommend that the permanent exclusion
of the individual who is the subject of the sealing order be
revoked. Except as otherwise authorized by this division and
sections 3301.121 and 3313.662 of the Revised Code, any school
employee in possession of or having access to the sealed
adjudication records of an individual that were the basis of a
permanent exclusion of the individual is subject to division (J)
of this section.

Section 4. That the existing version of section 2151.358 of

the Revised Code that is scheduled to take effect January 1, 2002, 835
is hereby repealed. 836

Section 5. Sections 3 and 4 of this act shall take effect 837
January 1, 2002. 838