

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. B. No. 299

Senator Jordan

Cosponsors: Senators Brown, Eklund, Schaffer

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A B I L L

To amend section 2953.31 of the Revised Code to 1
define "final discharge" for purposes of the law 2
governing the sealing of criminal records when 3
used in connection with an offender who was 4
convicted of an offense involving misconduct in 5
public office. 6

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

Section 1. That section 2953.31 of the Revised Code be 7
amended to read as follows: 8

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of the 9
Revised Code: 10

(A) "First offender" means anyone who has been convicted of 11
an offense in this state or any other jurisdiction and who 12
previously or subsequently has not been convicted of the same or a 13
different offense in this state or any other jurisdiction. When 14
two or more convictions result from or are connected with the same 15
act or result from offenses committed at the same time, they shall 16
be counted as one conviction. When two or three convictions result 17
from the same indictment, information, or complaint, from the same 18
plea of guilty, or from the same official proceeding, and result 19

from related criminal acts that were committed within a 20
three-month period but do not result from the same act or from 21
offenses committed at the same time, they shall be counted as one 22
conviction, provided that a court may decide as provided in 23
division (C)(1)(a) of section 2953.32 of the Revised Code that it 24
is not in the public interest for the two or three convictions to 25
be counted as one conviction. 26

For purposes of, and except as otherwise provided in, this 27
division, a conviction for a minor misdemeanor, for a violation of 28
any section in Chapter 4507., 4510., 4511., 4513., or 4549. of the 29
Revised Code, or for a violation of a municipal ordinance that is 30
substantially similar to any section in those chapters is not a 31
previous or subsequent conviction. However, a conviction for a 32
violation of section 4511.19, 4511.251, 4549.02, 4549.021, 33
4549.03, 4549.042, or 4549.62 or sections 4549.41 to 4549.46 of 34
the Revised Code, for a violation of section 4510.11 or 4510.14 of 35
the Revised Code that is based upon the offender's operation of a 36
vehicle during a suspension imposed under section 4511.191 or 37
4511.196 of the Revised Code, for a violation of a substantially 38
equivalent municipal ordinance, for a felony violation of Title 39
XLV of the Revised Code, or for a violation of a substantially 40
equivalent former law of this state or former municipal ordinance 41
shall be considered a previous or subsequent conviction. 42

(B) "Prosecutor" means the county prosecuting attorney, city 43
director of law, village solicitor, or similar chief legal 44
officer, who has the authority to prosecute a criminal case in the 45
court in which the case is filed. 46

(C) "Bail forfeiture" means the forfeiture of bail by a 47
defendant who is arrested for the commission of a misdemeanor, 48
other than a defendant in a traffic case as defined in Traffic 49
Rule 2, if the forfeiture is pursuant to an agreement with the 50
court and prosecutor in the case. 51

(D) "Official records" has the same meaning as in division	52
(D) of section 2953.51 of the Revised Code.	53
(E) "Official proceeding" has the same meaning as in section	54
2921.01 of the Revised Code.	55
(F) "Community control sanction" has the same meaning as in	56
section 2929.01 of the Revised Code.	57
(G) "Post-release control" and "post-release control	58
sanction" have the same meanings as in section 2967.01 of the	59
Revised Code.	60
(H) "DNA database," "DNA record," and "law enforcement	61
agency" have the same meanings as in section 109.573 of the	62
Revised Code.	63
(I) "Fingerprints filed for record" means any fingerprints	64
obtained by the superintendent of the bureau of criminal	65
identification and investigation pursuant to sections 109.57 and	66
109.571 of the Revised Code.	67
(J) " <u>Final discharge," when used in connection with an</u>	68
<u>offender who was convicted of a violation of section 2921.43 of</u>	69
<u>the Revised Code or any other offense involving misconduct in</u>	70
<u>public office, means a release from all obligations and</u>	71
<u>satisfaction of all conditions imposed by the sentencing, agreed</u>	72
<u>to by the offender at sentencing, or imposed by statute as a</u>	73
<u>consequence of the offense.</u>	74
Section 2. That existing section 2953.31 of the Revised Code	75
is hereby repealed.	76