

**As Introduced**

**130th General Assembly  
Regular Session  
2013-2014**

**H. B. No. 516**

**Representatives Rogers, Heard**

**Cosponsors: Representatives Antonio, Becker, Fedor, Williams, Hagan, R.,  
Ashford**

**—**

**A BILL**

To amend section 2953.36 of the Revised Code to allow 1  
a person who is convicted of an offense that, at 2  
the time of conviction, is excluded from the 3  
operation of the Conviction Record Sealing Law to 4  
apply for sealing of the record of that conviction 5  
if, prior to the making of the application, the 6  
offense is changed so that it no longer would be 7  
excluded from the operation of that Law. 8

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

**Section 1.** That section 2953.36 of the Revised Code be 9  
amended to read as follows: 10

**Sec. 2953.36.** ~~Sections (A)~~ Subject to division (B) of this 11  
section, sections 2953.31 to 2953.35 of the Revised Code do not 12  
apply to any of the following: 13

~~(A)~~(1) Convictions when the offender is subject to a 14  
mandatory prison term; 15

~~(B)~~(2) Convictions under section 2907.02, 2907.03, 2907.04, 16  
2907.05, 2907.06, 2907.321, 2907.322, or 2907.323, former section 17  
2907.12, or Chapter 4507., 4510., 4511., or 4549. of the Revised 18

Code, or a conviction for a violation of a municipal ordinance 19  
that is substantially similar to any section contained in any of 20  
those chapters; 21

~~(C)~~(3) Convictions of an offense of violence when the offense 22  
is a misdemeanor of the first degree or a felony and when the 23  
offense is not a violation of section 2917.03 of the Revised Code 24  
and is not a violation of section 2903.13, 2917.01, or 2917.31 of 25  
the Revised Code that is a misdemeanor of the 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 is 29  
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 victim 33  
of the offense was under eighteen years of age; 34

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

~~(G)~~(7) Convictions of a felony of the first or second degree; 39

~~(H)~~(8) Bail forfeitures in a traffic case as defined in 40  
Traffic Rule 2. 41

(B) The exclusion set forth in division (A) of this section 42  
does not apply to a conviction listed in divisions (A)(1) to (8) 43  
of this section in either of the following circumstances: 44

(1) Prior to the effective date of this amendment, the 45  
offender was convicted of or pleaded guilty to an offense that, on 46  
the date of the conviction or guilty plea, was listed in divisions 47  
(A) to (H) of this section as they existed at any time prior to 48

the effective date of this amendment, and, after the date of that 49  
conviction or guilty plea, the penalty for or classification of 50  
that offense was or is changed so that if the offender's 51  
conviction of or plea of guilty to that offense had occurred on or 52  
after the date of the change it would not be listed in divisions 53  
(A)(1) to (8) of this section; 54

(2) On or after the effective date of this amendment, the 55  
offender is convicted of or pleads guilty to an offense that, on 56  
the date of the conviction or guilty plea, is listed in divisions 57  
(A)(1) to (8) of this section as they exist on or at any time 58  
after the effective date of this amendment, and, after the date of 59  
that conviction or guilty plea, the penalty for or classification 60  
of that offense is changed so that if the offender's conviction of 61  
or plea of guilty to that offense had occurred on or after the 62  
date of the change it is not listed in divisions (A)(1) to (8) of 63  
this section. 64

**Section 2.** That existing section 2953.36 of the Revised Code 65  
is hereby repealed. 66