



Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 516

130th General Assembly
(As Introduced)

Reps. Rogers and Heard, Antonio, Becker, Fedor, Williams, R. Hagan, Ashford

BILL SUMMARY

- Allows a person who is convicted of an offense that at the time of the conviction is excluded from the operation of the Conviction Record Sealing Law to apply for the sealing of the record of that conviction if, after the date of that conviction, the penalty for or classification of the offense is changed so that it no longer is excluded from the operation of the Conviction Record Sealing Law.

CONTENT AND OPERATION

Conviction Record Sealing Law

The Conviction Record Sealing Law¹ provides the procedures for making and hearing an application by an eligible offender, as defined, for the sealing of the offender's record of conviction. The Law provides for exclusions of certain types of convictions from the conviction record sealing provisions so that an offender who is convicted of any of the described offenses is not eligible to apply to have the record of that conviction sealed.

Under the bill, the exclusion from the operation of the Conviction Record Sealing Law does not apply to any of the listed convictions (see below) in either of the following circumstances:²

- Prior to the effective date of the bill, the offender was convicted of or pleaded guilty to an offense that, on the date of the conviction or guilty plea, was listed as an excluded conviction in the law as it existed at any

¹ R.C. 2953.31 to 2953.36.

² R.C. 2953.36(B).

time prior to the bill's effective date, and, after the date of that conviction or guilty plea, the penalty for or classification of that offense was or is changed so that if the offender's conviction of or plea of guilty to that offense had occurred on or after the date of the change it would not be listed as an excluded conviction.

- On or after the effective date of the bill, the offender is convicted of or pleads guilty to an offense that, on the date of the conviction or guilty plea, is listed as an excluded conviction, and, after the date of that conviction or guilty plea, the penalty for or classification of that offense is changed so that if the offender's conviction of or plea of guilty to that offense had occurred on or after the date of the change it is not listed as an excluded conviction.

In effect, a person who is convicted of or pleaded guilty to an offense that, at the time of the conviction or guilty plea, is excluded from the operation of the Conviction Record Sealing Law may apply for the sealing of the record of that conviction if, prior to making the application, the penalty for or classification of the offense is changed so that it no longer would be excluded from the operation of the Conviction Record Sealing Law.

Exclusions from Conviction Record Sealing Law

Under current law, not changed by the bill except for division numbers, the Conviction Record Sealing Law does not apply to any of the following:³

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

(2) Convictions for rape, sexual battery, unlawful sexual conduct with a minor, gross sexual imposition, sexual imposition, pandering obscenity involving a minor, pandering sexually oriented material involving a minor, illegal use of a minor in a nudity-oriented material or performance, or the former offense of felonious sexual penetration, or for violations of the Driver's License Law, Driver's License Suspension, Cancellation, Revocation Law, Operation of Motor Vehicles Law, or Motor Vehicle Crimes Law or a municipal ordinance that is substantially similar to any violation contained in those laws;

(3) Convictions of an offense of violence when the offense is a misdemeanor of the first degree or a felony and when the offense is not riot, assault, inciting to violence, or inducing panic that is a misdemeanor of the first degree;

³ R.C. 2953.36(A).

(4) Convictions on or after October 10, 2007, for importuning or for a violation of a municipal ordinance that is substantially similar to importuning;

(5) Convictions on or after October 10, 2007, of voyeurism, public indecency, compelling prostitution, promoting prostitution, procuring, disseminating matter harmful to juveniles, pandering obscenity, or deception to obtain matter harmful to juveniles when the victim was under 18 years of age;

(6) Convictions of an offense in circumstances in which the victim of the offense was under 18 years of age when the offense is a misdemeanor of the first degree or a felony, except for convictions for contributing to the nonsupport of dependents;

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

(8) Bail forfeitures in a traffic case as defined in Traffic Rule 2.

HISTORY

ACTION	DATE
Introduced	04-08-14

H0516-I-130.docx/ks

