

# **ELIGIBILITY AND INSTRUCTIONS FOR SEALING/EXPUNGEMENT OF CRIMINAL RECORDS**

Based upon Ohio Revised Code §2953.31-§2953.61



# **ELIGIBILITY AND INSTRUCTIONS FOR SEALING/EXPUNGEMENT OF CRIMINAL RECORDS**

Based upon Ohio Revised Code § 2953.31-§ 2953.61

The Hillsboro Municipal Clerks are not permitted to answer legal questions. Please contact an attorney if you need clarification.

## **PROHIBITED OFFENSES**

The following conviction records are **INELIGIBLE** for sealing or expungement:

- Convictions under the Driver's License Law, license suspension/cancellation/revocation, the Traffic Law-Operation of a Motor Vehicle (include OVI), the Motor Vehicle Crimes Law, the Commercial Driver's License Law, and any substantially similar municipal ordinances;
- Convictions of a sexually oriented offense when the offense is subject to SORN requirements;
- Convictions of an offense in which the victim was less than 13 years old;
- Convictions of domestic violence or of violating a protection order, or of a municipal ordinance that is substantially similar.

## **WHEN CAN YOU FILE?**

- 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, may apply to the court for an order to seal the person's official records in the case. Except as provided in § 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 journal whichever entry occurs first.
- An offender may apply to have a record sealed after waiting a certain length of time as follows:
  - One year after the final discharge if conviction,
  - Six months after the final discharge if convicted of a minor misdemeanor,
  - An application for expungement may be made at whichever of the following times is applicable regarding the offense;
  - If the offense is a misdemeanor, at the expiration of one year after the final discharge.

## **WHAT DOES THE COURT CONSIDER?**

- If the prosecutor filed an objection to granting the application whether those reasons are sufficient to deny the application,
- If there was a victim and if they object, and
- Whether the interest of the applicant in having the records sealed outweighs the State's interest in keeping them open.

**IF YOU THINK YOU ARE ELIGIBLE:**

- If you think you are eligible to have your record sealed or expunged, you need to do the following:
- Complete the Application to Seal or Expunge Record which can be found on our website at hillsboroohio.net under the "Sealing of Criminal Record" tab or can be picked up at the Hillsboro Municipal Court Clerks office at 130 Homestead Ave., Hillsboro, Ohio.
- File the Application with the Clerk's office at 130 Homestead Ave., Hillsboro, Ohio.
- If the Applicant is requesting sealing for more than one case, the request may be done in a single application. The application must be under the Applicant's most recent case number and must contain all of the case numbers that the Applicant wishes to have sealed.

**PAY A FILING FEE TO THE HILLSBORO MUNICIPAL COURT  
IN THE AMOUNT OF \$100.00**

- The Court will set your case for a hearing and a notice will be mailed to you. Your presence at the hearing may or may not be required.
- The Prosecutor will be notified and provided time to notify victims, if any, and for either to file objections.

**IF THE APPLICATION IS APPROVED:**

- If all of these conditions have been satisfied, the Court shall order all official records and index references pertaining to the case sealed or expunged accordingly.
- A decision will be issued after the hearing and the Clerk's office will mail multiple certified copies to you. You should keep one copy for your files and forward the other copies to internet background check companies.

**SEALED RECORDS CAN BE OPENED:**

- Upon the conviction of a subsequent offense, the sealed record of a prior conviction or bail forfeiture may be considered by the Court in determining sentence or other appropriate disposition. Inspection of sealed records, including but not limited to, may be made by the following persons or for the following purposes:
- By a law enforcement officer or prosecutor, or the assistants of either;
- By probation or parole officer for the exclusive use of the officer in supervising the person;
- Upon application by the person who is the subject of the records;
- By the Bureau of Criminal Identification and Investigation or an authorized employee;
- By the Attorney General or an authorized employee;
- By a court or the registrar of motor vehicles.

### **THE EFFECT OF SEALING RECORDS:**

- An order to seal the record of a person's conviction(s) means that any electronic or paper records relating to the sealed conviction or arrest are kept separate and secured from general public access.

**Disclaimer: The Hillsboro Municipal Court office can only seal case records that are in the Clerk's office and on the Clerk's website.**

**The Clerk's office has no control on sealed case records that are out on other internet sites.**

### **THE EFFECT OF EXPUNGING RECORDS:**

- An order to expunge the record of a person's conviction(s) will destroy, delete, and erase a record as appropriate for the record's physical or electronic form so that the record is permanently irretrievable.

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# IN THE HILLSBORO MUNICIPAL COURT, HILLSBORO, OHIO

State of Ohio

Case No. \_\_\_\_\_

Case No. \_\_\_\_\_

vs.

Case No. \_\_\_\_\_

Case No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

Case No. \_\_\_\_\_

SSN: \_\_\_\_\_  
(last 4 digits ONLY)

DOB: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
Phone: \_\_\_\_\_

## **APPLICATION TO SEAL/EXPUNGE RECORD**

The defendant named above applies to the Court to seal all official records in this case because:

( ) Defendant qualifies as defined in Revised Code §2953.31(A)(1)(a) or as defined in Revised Code §2953.32(B).

Defendant was convicted in case number \_\_\_\_\_ of the crime(s)  
of \_\_\_\_\_

Defendant was convicted in case number \_\_\_\_\_ of the crime(s)  
of \_\_\_\_\_

Defendant was convicted in case number \_\_\_\_\_ of the crime(s)  
of \_\_\_\_\_

Defendant was convicted in case number \_\_\_\_\_ of the crime(s)  
of \_\_\_\_\_  
\_\_\_\_\_

( ) Defendant qualifies as an eligible offender due to non-conviction. Defendant was  
not convicted because defendant's case was (select one):

\_\_\_\_\_ Defendant was found not guilty

\_\_\_\_\_ Or the case was otherwise dismissed, and defendant meets the  
requirements to have the records sealed under Revised Code §2953.52.

Please indicate any other information you would like the Court to know in reviewing your  
application.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Attorney or Applicant

### **CERTIFICATE OF SERVICE**

I hereby certify a true and correct copy of the foregoing Application to Seal Record was  
mailed by regular U.S. Mail or hand delivered this \_\_\_\_\_ day of  
\_\_\_\_\_, \_\_\_\_\_ to Hillsboro Municipal Court Prosecuting Attorney.

\_\_\_\_\_  
Clerk/Deputy Clerk

