

## **Sealing Record Application Packet**

Sealing a criminal record means the electronic and paper records of criminal charges are filed in a separate, secure location. The record will still exist, but will be inaccessible by most people. However, some limited employers, officials, and government agencies still may be able to see your sealed record. Those still able to see a sealed record include prosecutors, judges, law enforcement and state licensing agencies.

Sealing of a criminal record is limited by state statute. Limitations include the type and nature of the offense, whether the charge resulted in a conviction, how much time has passed since the case has been completed, and your entire criminal record. You cannot seal any conviction if you currently have a case pending, or if you have not completed your entire sentence including full payment of fines and restitution.

**Eligibility to have your record sealed is only the first step in the expungement process. Even if you are eligible to have your record expunged, the State has the right to oppose the sealing of your record and the judge has discretion on whether or not to seal the record.**

### **Adult Criminal Record**

Certain types of convictions cannot be expunged under Ohio law. Generally, the following type of offense are ineligible:

- Any first or second degree felony, or any offense with a mandatory prison term.
- Any first degree misdemeanor or felony offense where the victim was under the age of 16. (Except for non-support of dependents)
- Any offense of violence. (Convictions for misdemeanor assault are eligible)
- Any sexual-related offenses.
- Several automobile-related offenses
- All traffic convictions. (Traffic dismissals are eligible)

State law imposes a waiting period after the completion of a case for each conviction to be eligible for expungement. The following demonstrates the mandated wait periods:

- Fourth and Fifth degree felonies, misdemeanors and minor misdemeanors- 1 year
- Third degree felonies- 3 years
- One felony- 3 years
- Two felonies- 4 years
- Three to five felonies- 5 years
- Ignored cases (“No Bill”)- 2 years
- Dismissals or acquittals- no waiting period

If you were convicted on one or more charges, and other charges were dismissed, you cannot get the dismissed charges sealed unless you are eligible to seal the associated conviction(s) as well.

## Juvenile Adjudication Record

Generally juvenile adjudication records are inaccessible to the public. However, some offenses will appear and juvenile records are available to some employers and government agencies such as judges, prosecutors and law enforcement.

Sealed juvenile records are removed from a person's main criminal history file and secured in a separate file similar to an adult's case. These records will not appear on any background checks for employment or housing. An expunged juvenile record is totally destroyed, so the file is irretrievable.

**The only juvenile adjudications which cannot be sealed under Ohio law are: aggravated murder, murder and rape.**

**A person must wait six months after completion of the final discharge of the offense, including full payment of fees and fines to the court.**

In deciding whether to seal a juvenile record the court will consider multiple factors including the applicant's age at the time of the offense, the nature of the offense, and additional problems with the law.

A person may apply to have a record expunged at any time after a juvenile adjudication record has been sealed. If you do not apply for expungement, a sealed juvenile record will be expunged automatically after 5 years or after the age of 23, whichever occurs first. **This automatic expungement will not occur if the juvenile record has not previously been sealed first.**

If you believe you are eligible for your record to be expunged, please fill out and return the attached application to the Geauga County Public Defender Office located at:

211 Main Street  
Chardon, Ohio 44024  
Phone: (440) 279-1890  
Fax: (440) 286-4136

The office will do a preliminary check of your criminal record using the information that you provide, **please fill out the application as thoroughly and completely as you can so we can assess your eligibility properly.** Please also include a Financial Disclosure Form with you application, this can be found on the Geauga County Public Defender website.

If the office determines you are eligible for expungement, you will be contacted about next steps. If you are determined to be ineligible, the office will discuss alternative options with you.