



## Ohio Revised Code

### Section 2953.31 Sealing or expungement of record of conviction or bail forfeiture - definitions.

Effective: October 3, 2023

Legislation: House Bill 33

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(A) As used in sections 2953.31 to 2953.521 of the Revised Code:

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

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

(3) "Official records" means all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to: the notation to the case in the criminal docket; all subpoenas issued in the case; all papers and documents filed by the defendant or the prosecutor in the case; all records of all testimony and evidence presented in all proceedings in the case; all court files, papers, documents, folders, entries, affidavits, or writs that pertain to the case; all computer, microfilm, microfiche, or microdot records, indices, or references to the case; all index references to the case; all fingerprints and photographs; all DNA specimens, DNA records, and DNA profiles; all records and investigative reports pertaining to the case that are possessed by any law enforcement officer or agency, except that any records or reports that are the specific investigatory work product of a law enforcement officer or agency are not and shall not be considered to be official records when they are in the possession of that officer or agency; all investigative records and reports other than those possessed by a law enforcement officer or agency pertaining to the case; and all records that are possessed by any public office or agency that relate to an application for, or the issuance or denial of, a certificate of qualification for employment under section 2953.25 of the Revised Code.

"Official records" does not include any of the following:



- (a) Records or reports maintained pursuant to section 2151.421 of the Revised Code by a public children services agency or the department of job and family services;
- (b) Any report of an investigation maintained by the inspector general pursuant to section 121.42 of the Revised Code, to the extent that the report contains information that pertains to an individual who was convicted of or pleaded guilty to an offense discovered in or related to the investigation and whose conviction or guilty plea was not overturned on appeal;
- (c) Records, reports, or audits maintained by the auditor of state pursuant to Chapter 117. of the Revised Code.
- (4) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code.
- (5) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.
- (6) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.
- (7) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code.
- (8) "Fingerprints filed for record" means any fingerprints obtained by the superintendent of the bureau of criminal identification and investigation pursuant to sections 109.57 and 109.571 of the Revised Code.
- (9) "Investigatory work product" means any records or reports of a law enforcement officer or agency that are excepted from the definition of "official records" and that pertain to a conviction or bail forfeiture, the records of which have been ordered sealed or expunged pursuant to division (D)(2) of section 2953.32 or division (F)(1) of section 2953.39 of the Revised Code, or that pertain to a conviction or delinquent child adjudication, the records of which have been ordered expunged pursuant to division (E) of section 2151.358, division (C)(2) of section 2953.35, or division (F) of section 2953.36 of the Revised Code.



(10) "Law enforcement or justice system matter" means an arrest, complaint, indictment, trial, hearing, adjudication, conviction, or correctional supervision.

(11) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense.

(12) "Victim of human trafficking" means a person who is or was a victim of a violation of section 2905.32 of the Revised Code, regardless of whether anyone has been convicted of a violation of that section or of any other section for victimizing the person.

(13) "No bill" means a report by the foreperson or deputy foreperson of a grand jury that an indictment is not found by the grand jury against a person who has been held to answer before the grand jury for the commission of an offense.

(14) "Court" means the court in which a case is pending at the time a finding of not guilty in the case or a dismissal of the complaint, indictment, or information in the case is entered on the minutes or journal of the court, or the court to which the foreperson or deputy foreperson of a grand jury reports, pursuant to section 2939.23 of the Revised Code, that the grand jury has returned a no bill.

(B)(1) As used in section 2953.32 of the Revised Code, "expunge" means the expungement process described in section 2953.32 of the Revised Code, including the authority described in division (D)(5) of that section.

(2) As used in sections 2953.33 to 2953.521 of the Revised Code, "expunge" means both of the following:

(a) The expungement process described in sections 2953.35, 2953.36, 2953.39, and 2953.521 of the Revised Code;

(b) To destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.