



Ohio Revised Code

Section 2953.321 Expungement of marijuana or hashish possession offenses.

Effective: March 20, 2026

Legislation: Senate Bill 56 - 136th General Assembly

(A) As used in this section:

(1) "Expunge" means 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.

(2) "Official records" and "prosecutor" have the same meanings as in section 2953.31 of the Revised Code.

(B) If a person, prior to the effective date of this section, was the defendant named in a dismissed complaint, indictment, or information for or was convicted of or has pleaded guilty to either of the following, the person may file an application under this section requesting an expungement of the record of conviction or official records in the case:

(1) A violation of division (C)(3)(a) or (C)(7)(a) or (b) of section 2925.11 of the Revised Code;

(2) A violation of division (C)(7)(c) or (d) of section 2925.11 of the Revised Code involving possession of not more than fifteen grams of hashish.

(C) Any person who is eligible under division (B) of this section to file an application for expungement may apply to the sentencing court for the expungement of the record of conviction or expungement of the person's official records in the case. The person may file the application at any time on or after the effective date of this section. The application shall do all of the following:

(1) Identify the applicant, the offense for which the expungement is sought, the date of the conviction of, the plea of guilty to, or the dismissal of charges for that offense, and the court in which the conviction occurred, the plea of guilty was entered, or the charges were dismissed;

(2) Include evidence that the offense or charge was a violation of division (C)(3)(a) or (C)(7)(a) or



(b) of section 2925.11 of the Revised Code or a violation of division (C)(7)(c) or (d) of section 2925.11 of the Revised Code involving not more than fifteen grams of hashish and that the conviction, plea of guilty, or dismissal occurred prior to the effective date of this section ;

(3) Include a request for expungement of the record of conviction or official records of that offense under this section.

(D)(1) Upon the filing of an application under division (C) of this section and the payment of the fee described in division (G) of this section if applicable, the court shall set a date for a hearing and shall notify the prosecutor for the case of the hearing on the application. The prosecutor may object to the granting of the application by filing an objection with the court prior to the date set for the hearing. The prosecutor shall specify in the objection the reasons for believing a denial of the application is justified. The court shall direct its regular probation officer, a state probation officer, or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant. The court shall hold the hearing scheduled under this division.

(2) The court shall hold the hearing not less than forty-five days and not more than ninety days after the date of the filing of the application.

(E) At the hearing held under division (D) of this section, the court shall do all of the following:

(1) Determine whether the applicant has, prior to the effective date of this section, been a defendant named in a dismissed complaint, indictment, or information for or been convicted of or pleaded guilty to either of the following:

(a) A violation of division (C)(3)(a) or (C)(7)(a) or (b) of section 2925.11 of the Revised Code;

(b) A violation of division (C)(7)(c) or (d) of section 2925.11 of the Revised Code involving possession of not more than fifteen grams of hashish.

(2) If the prosecutor has filed an objection in accordance with division (D) of this section, consider the reasons against granting the application specified by the prosecutor in the objection;



(3) Weigh the interests of the applicant in having the record of conviction or official records expunged against the legitimate needs, if any, of the government to maintain those records.

(F) If the court, after complying with division (E) of this section, finds that the applicant has, prior to the effective date of this section, been named in a dismissed complaint, indictment, or information for or been convicted of or pleaded guilty to a violation of division (C)(3)(a) or (C)(7)(a) or (b) of section 2925.11 of the Revised Code or has been convicted of or pleaded guilty to a violation of division (C)(7)(c) or (d) of section 2925.11 of the Revised Code involving possession of not more than fifteen grams of hashish and that the interests of the applicant in having the record of conviction or official records sealed are not substantially outweighed by any legitimate governmental needs to maintain those records, both of the following apply:

(1) The court shall order the expungement of all official records pertaining to the case and the deletion of all index references to the case and, if it does order the expungement, shall send notice of the order to each public office or agency that the court has reason to believe may have an official record pertaining to the case if the court, after complying with division (E) of this section, determines that the applicant, prior to the effective date of this section, had been a defendant named in a dismissed complaint, indictment, or information for or convicted of or pleaded guilty to a violation of division (C)(3)(a) or (C)(7)(a) or (b) of section 2925.11 of the Revised Code or had been convicted of or pleaded guilty to a violation of division (C)(7)(c) or (d) of section 2925.11 of the Revised Code involving possession of not more than fifteen grams of hashish.

(2) The proceedings in the case that is the subject of an order issued under division (F) of this section shall be considered not to have occurred and the official records, conviction, or guilty plea of the person who is the subject of the proceedings shall be expunged. The records shall not be used for any purpose, including, but not limited to, a criminal records check under section 109.572 of the Revised Code. The applicant may, and the court shall, reply that no record exists with respect to the applicant upon any inquiry into the matter.

(G) Upon the filing of an application under this section, the applicant, unless indigent, shall pay a fee of fifty dollars. The court shall pay thirty dollars of the fee into the state treasury, with half of that amount credited to the attorney general reimbursement fund created by section 109.11 of the Revised



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Code, and shall pay twenty dollars of the fee into the county general revenue fund.