

# Record Sealing and Expungement in Ohio

A guide for adult convictions - **UPDATED: March 2025**



## STEP 1: WHAT OFFENSES CANNOT BE SEALED OR EXPUNGED?

**Ohio Revised Code (R.C.) 2953.32 and 2953.34 do not apply to any of the following:**

- 1st or 2nd degree felonies
- A 3rd degree felony if applicant has (2) or more felonies of any degree
- A 3rd degree felony if applicant has exactly (2) 3rd degree felonies + (2) misdemeanors + any other conviction
- Traffic convictions
- Theft in Office convictions
- Felony offenses of violence that are not sexually oriented offenses
- Sexually oriented offenses when the applicant is subject to the requirements of Chapter 2950 of R.C. (sex offender registry)
- Offenses in which the victim was less than 13 years old (**Note: does not apply to nonsupport of dependents.**)
- Domestic Violence convictions (**Note: 3rd/4th degree misdemeanor sealing allowed.**)
- Violating Protection Order convictions (**Note: sealing allowed.**)

### Sexually Oriented Offenses (per R.C. 2950.01)

|                |   |            |   |
|----------------|---|------------|---|
| 2905.02(B)     | Abduction   | 2907.321   | Pandering obscenity involving a minor or impaired person                |
| 2903.01        | Aggravated murder*  | 2907.322   | Pandering sexually oriented matter involving a minor or impaired person |
| 2907.21        | Compelling prostitution   | 2907.22    | Promoting prostitution  |
| 2905.05(B)     | Criminal child enticement                                       | 2907.09    | Public indecency*   |
| 2919.22(B)(5)  | Endangering children  | 2907.02    | Rape  |
| 2903.11        | Felonious assault*  | 2907.03    | Sexual battery  |
| 2907.05        | Gross sexual imposition   | 2907.06    | Sexual imposition   |
| 2907.323       | Illegal use of minor in nudity-oriented material or performance | 2905.32    | Trafficking in persons*   |
| 2907.07        | Importuning   | 2905.03(B) | Unlawful restraint  |
| 2903.04(A)     | Involuntary manslaughter*                                       | 2907.04    | Unlawful sexual conduct with minor*                                     |
| 2905.01        | Kidnapping*   | 2903.03(B) | Voluntary manslaughter  |
| 2903.211(A)(3) | Menacing by stalking  | 2907.08    | Voyeurism   |
| 2903.02        | Murder*   |            |   |
| 2907.32        | Pandering obscenity   |            |   |

**\*Check R.C. 2950.01 for extended definition.**

### Offenses of Violence (per R.C. 2901.01)

|                                 |  |
|---------------------------------|--|
| 2905.01                         | Abduction                                    |
| 2909.02                         | Aggravated arson                             |
| 2903.12                         | Aggravated assault                           |
| 2911.11                         | Aggravated burglary                          |
| 2903.21                         | Aggravated menacing                          |
| 2903.01                         | Aggravated murder                            |
| 2917.02                         | Aggravated riot                              |
| 2911.01                         | Aggravated robbery                           |
| 2909.03                         | Arson  |
| 2903.13                         | Assault                                      |
| 2911.12 (A)(1), (2), or (3)     | Burglary                                     |
| 2919.25                         | Domestic violence                            |
| 2919.22(B)(1), (2), (3), or (4) | Endangering children                         |
| 2921.34                         | Escape                                       |
| 2905.11                         | Extortion                                    |
| 2903.11                         | Felonious assault                            |
| 2907.12                         | (former) Felonious sexual penetration        |
| 2907.05                         | Gross sexual imposition                      |
| 2923.161                        | Improperly discharging firearm               |
| 2917.01                         | Inciting to violence                         |
| 2917.31                         | Inducing panic                               |
| 2921.03                         | Intimidation                                 |
| 2921.04                         | Intimidation of attorney, victim, or witness |
| 2903.04                         | Involuntary Manslaughter                     |
| 2905.01                         | Kidnapping                                   |
| 2903.22                         | Menacing                                     |
| 2903.211                        | Menacing by stalking                         |
| 2903.02                         | Murder                                       |
| 2903.34(A)(1)                   | Patient Abuse or Neglect                     |
| 2903.15                         | Permitting child abuse                       |
| 2907.02                         | Rape   |
| 2917.03                         | Riot   |
| 2911.02                         | Robbery                                      |
| 2907.03                         | Sexual battery                               |
| 2903.18                         | Strangulation or suffocation                 |
| 2917.321                        | Swatting                                     |
| 2909.24                         | Terrorism                                    |
| 2905.32                         | Trafficking in Persons                       |
| 2903.03                         | Voluntary Manslaughter                       |

## STEP 2: HAVE YOU SATISFIED THE WAITING PERIOD?

### SEALING WAITING PERIODS:

- If applying to seal a **minor misdemeanor** → Wait six months after discharge.
- If applying to seal a **misdemeanor** → Wait one year after the misdemeanor\* is discharged.
- If applying to seal a **fourth or fifth degree felony** → Wait one year after the fourth or fifth degree felony\* is discharged.
- If applying to seal one or two **third degree felonies** → Wait three years after the third degree felony\* is discharged.
- If applicant subject to Chapter 2950 (**sex offender registry**) → Wait five years after requirements have ended.

\*So long as none of the offenses is a violation of R.C. 2921.43. If the record includes a violation of R.C. 2921.43, applicant must wait seven years.

### EXPUNGEMENT WAITING PERIODS:

- If applying to expunge a **minor misdemeanor** → Wait six months after discharge.
- If applying to expunge a **misdemeanor** → Wait one year after the misdemeanor is discharged.
- If applying to expunge a **fourth or fifth degree felony** → Wait eleven years after fourth or fifth degree felony is discharged.
- If applying to seal one or two **third degree felonies** → Wait thirteen years after the third degree felony is discharged.

A case is "discharged" when a person has fully completed any jail or prison sentence, any terms of probation or parole, and all payments of fines or fees that were a penalty for the conviction. Court costs are not part of a sentence, and unpaid court costs should not block an application.

### STEP 3: WHEN CAN A PERSON APPLY?

**Are there pending criminal charges?** The court will not seal or expunge any record if the applicant is facing pending charges. Applicants should wait until any pending cases have resolved. Depending on where in Ohio their records are, that could include completing requirements like probation.

**Is the applicant unlikely to re-offend?** Applicants must be able to show that they have been “rehabilitated to the satisfaction of the court.” Applicants must also show that their interest in sealing a record is greater than any legitimate government needs to maintain those records.

### STEP 4: HOW DOES A PERSON APPLY?

For each offense, complete an application in each court where there is a case to be sealed or expunged.

Every court has its own application forms and processes, so contact the Clerk of Courts to find out what documents to file and how to file them. The Clerk of Courts can usually disclose a person’s case number, name and degree of the offense, date of conviction, and date of case discharge.

The filing fee will be \$50. A person can ask the court to waive this fee by completing a poverty affidavit (sometimes called an “affidavit of indigence”). If a hearing is scheduled, the applicant must attend.

### NOTE: DIFFERENCE BETWEEN “SEALING” & “EXPUNGEMENT”

“Sealing” and “expungement” are words that certain places sometimes use interchangeably, but they have different legal effects. A granted expungement deletes and destroys a record and treats it as if it never occurred—sealing does not do this. Sealed records are removed from most public access, which is helpful for many employment and housing opportunities. If you were granted an expungement prior to 2023, you were likely granted a sealing, not true expungement.

### NOTE: CONVICTION CLUMPING PROVISION

For purposes of determining third-degree felony eligibility, conviction clumping may be possible. When two or more convictions result from or are connected with the same act or result from offenses committed at the same time, they shall be counted as one conviction. When two or three convictions result from the same indictment/complaint, plea of guilty, or the same official proceeding, and result from related criminal acts that were committed within a three-month period but do not result from the same act or from offenses committed at the same time, they shall be counted as one conviction, **unless a court decides that it is not in the public interest** for the convictions to be counted as one conviction.

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If you have questions about eligibility or want to learn about how to overcome barriers of a criminal conviction, register for OJPC’s Second Chance Legal Clinic at [www.ohiojpc.org](http://www.ohiojpc.org).

**Disclaimer: This guide is a general source of information about criminal record sealing. It is not a substitute for individualized legal advice. For answers to specific questions, it is best to consult an attorney.**

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