

### Is there a waiting period?

Yes. For misdemeanor convictions, you may apply one year after final discharge. There is no waiting period if you were not found guilty.

### If I get a record sealed and have not been convicted again of another crime, can I really say to an employer that I have a clean record?

The law says that if there is not a “direct and substantial relationship” between the position you are applying for and your past conviction, you can generally answer “no” to this question. An example of a “direct and substantial relationship” would be if you are applying for a position at a bank and you have had a conviction for theft sealed. In this case, you should tell the employer. However, if you are unsure if your conviction is directly related to the job you are applying for, it is generally best to be completely honest with the prospective employer.

### What if I was found not guilty or the charges were dismissed?

If you were found not guilty of any charge, you may apply for your record to be sealed immediately.

### Does it cost money to get my record sealed?

Yes. The filing fee is \$50 for convictions, **Non-refundable**. There is no fee for non-convictions.

### Can I apply for my record to be sealed without an attorney?

Yes. You must fill out the Application for Record Sealing and turn it into the Clerk of Courts office with the filing fee, if applicable.

The Clerk will then schedule your court hearing date at that time and you must bring any applicable information with you to the hearing.

Before the hearing, a thorough background check will be completed by the Lockland Police Department. The findings will be reported to the Prosecutor for review.

The final decision to grant or deny a record sealing is in the discretion of the judge.

# RECORD SEALING

## Getting an Adult Record Sealed:

### Are you Eligible?



Lockland Mayor's Court

101 N. Cooper Avenue

Lockland, OH 45215

[www.lockland.com](http://www.lockland.com)

While it is believed the following information is accurate, you should consider consulting an Ohio attorney to help you with the record sealing process.

## What does it mean to get my record sealed?

If you have a criminal record, you may be eligible. The sealing of a criminal record is so it is not publicly available. The statutes authorizing sealing of records are Ohio Revised Code sections 2953.32 & 2953.52.

Getting your criminal record sealed can sometimes make it easier for you to get a job, housing or certain types of employment licenses.

Sealing your criminal record means that your prior conviction is sealed from public record and will not appear in a criminal background check that searches law enforcement and government databases.

## How do I know if I can get a record sealed?

Not everyone can get their criminal record sealed. The record sealing process is aimed at non-violent, lower-level offenses. To be eligible for your record to be sealed, you must meet very specific criteria.

- A. Eligible Offender – a person who has been convicted of an offense in this state or any other jurisdiction and who has not more than one felony conviction, not more than two misdemeanor convictions, or not more than one felony conviction and one misdemeanor conviction.
- B. When two or three convictions result from the same indictment, information, or complaint, from the same plea of guilty, or from the same official proceeding, and result from related criminal acts that were committed at the same time, they shall be counted as one conviction, provided that a court may decide that it is not in the public interest for the two or three convictions to be counted as one conviction.

If you were convicted of any of the following offenses, you are **NOT** eligible to get your record sealed:

Rape  
Sexual Battery  
Unlawful sexual conduct with minor  
Gross sexual imposition  
Sexual imposition  
Pandering obscenity involving a minor  
Pandering sexually oriented matter involving a minor  
Illegal use of minor in nudity-oriented material or performance  
Importuning  
Domestic Violence

If you were convicted of any of these offenses **AND** the victim was a minor, you are **NOT** eligible. (If the victim was not a minor, this rule does not apply to you.)

Voyeurism  
Public Indecency  
Compelling prostitution  
Promoting prostitution  
Procuring  
Disseminating matter harmful to juveniles  
Displaying matter harmful to juveniles  
Pandering obscenity  
Deception to obtain matter harmful to juveniles

## Frequently Asked Questions:

### My crime is eligible to be sealed. Does this automatically mean the judge will grant it?

No. A judge can deny a petition for a record to be sealed for a variety of reasons. The court must find that you are “sufficiently rehabilitated.” However, this should not stop you from applying.

### Can my record really be completely destroyed?

Not necessarily. Law enforcement, prosecutors, and other agencies will have access to sealed records. If you are convicted of another crime, your sealed offense can still be used against you in sentencing. **PLEASE NOTE:** The internet has made it easy for anyone to access criminal records. Private background check agencies, newspapers, and other sources are not required to delete your record from their database if a record sealing is granted. Even if your record is sealed, it is possible for employers or landlords to discover your record on the Internet.

### Can I get a misdemeanor sealed?

There is no limit to the number of minor misdemeanors, bail forfeitures or dismissals you may seal.

For other misdemeanor offenses, it must be your first conviction for either a misdemeanor or a felony. Also, misdemeanors of the first degree where the victim was under the age of 18 and misdemeanors of the first degree that are violent (excluding assault, inciting to violence and inducing panic) cannot ever be sealed.