

S.B. 17  
As Introduced  
SC AM0998

**Topic:** Expungement of prior R.C. 2923.16 conviction that no longer 1  
would be a crime under the bill 2

\_\_\_\_\_ moved to amend as follows:

In line 10, after "2923.121," insert "2923.125,"; delete 3  
"and"; after "2923.16" insert ", 2953.321, 2953.33, and 2953.35 be 4  
amended and section 2953.37" 5

In line 11, delete "amended" and insert "enacted" 6

Between lines 106 and 107, insert: 7

"**Sec. 2923.125.** (A) Upon the request of a person who wishes 8  
to obtain a license to carry a concealed handgun or to renew a 9  
license to carry a concealed handgun, a sheriff, as provided in 10  
division (I) of this section, shall provide to the person free of 11  
charge an application form and the web site address at which the 12  
pamphlet described in division (B) of section 109.731 of the 13  
Revised Code may be found. A sheriff shall accept a completed 14  
application form and the fee, items, materials, and information 15  
specified in divisions (B)(1) to (5) of this section at the times 16  
and in the manners described in division (I) of this section. 17

(B) An applicant for a license to carry a concealed handgun 18  
shall submit a completed application form and all of the following 19  
to the sheriff of the county in which the applicant resides or to 20

the sheriff of any county adjacent to the county in which the applicant resides: 21  
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(1) (a) A nonrefundable license fee as described in either of the following: 23  
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(i) For an applicant who has been a resident of this state for five or more years, a fee of sixty-seven dollars; 25  
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(ii) For an applicant who has been a resident of this state for less than five years, a fee of sixty-seven dollars plus the actual cost of having a background check performed by the federal bureau of investigation. 27  
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(b) No sheriff shall require an applicant to pay for the cost of a background check performed by the bureau of criminal identification and investigation. 31  
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(c) A sheriff shall waive the payment of the license fee described in division (B) (1) (a) of this section in connection with an initial or renewal application for a license that is submitted by an applicant who is a retired peace officer, a retired person described in division (B) (1) (b) of section 109.77 of the Revised Code, or a retired federal law enforcement officer who, prior to retirement, was authorized under federal law to carry a firearm in the course of duty, unless the retired peace officer, person, or federal law enforcement officer retired as the result of a mental disability. 34  
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(d) The sheriff shall deposit all fees paid by an applicant under division (B) (1) (a) of this section into the sheriff's concealed handgun license issuance fund established pursuant to section 311.42 of the Revised Code. The county shall distribute the fees in accordance with section 311.42 of the Revised Code. 44  
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(2) A color photograph of the applicant that was taken within thirty days prior to the date of the application; 49  
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(3) One or more of the following competency certifications, 51  
each of which shall reflect that, regarding a certification 52  
described in division (B)(3)(a), (b), (c), (e), or (f) of this 53  
section, within the three years immediately preceding the 54  
application the applicant has performed that to which the 55  
competency certification relates and that, regarding a 56  
certification described in division (B)(3)(d) of this section, the 57  
applicant currently is an active or reserve member of the armed 58  
forces of the United States or within the six years immediately 59  
preceding the application the honorable discharge or retirement to 60  
which the competency certification relates occurred: 61

(a) An original or photocopy of a certificate of completion 62  
of a firearms safety, training, or requalification or firearms 63  
safety instructor course, class, or program that was offered by or 64  
under the auspices of the national rifle association and that 65  
complies with the requirements set forth in division (G) of this 66  
section; 67

(b) An original or photocopy of a certificate of completion 68  
of a firearms safety, training, or requalification or firearms 69  
safety instructor course, class, or program that satisfies all of 70  
the following criteria: 71

(i) It was open to members of the general public. 72

(ii) It utilized qualified instructors who were certified by 73  
the national rifle association, the executive director of the Ohio 74  
peace officer training commission pursuant to section 109.75 or 75  
109.78 of the Revised Code, or a governmental official or entity 76  
of another state. 77

(iii) It was offered by or under the auspices of a law 78  
enforcement agency of this or another state or the United States, 79  
a public or private college, university, or other similar 80  
postsecondary educational institution located in this or another 81

state, a firearms training school located in this or another 82  
state, or another type of public or private entity or organization 83  
located in this or another state. 84

(iv) It complies with the requirements set forth in division 85  
(G) of this section. 86

(c) An original or photocopy of a certificate of completion 87  
of a state, county, municipal, or department of natural resources 88  
peace officer training school that is approved by the executive 89  
director of the Ohio peace officer training commission pursuant to 90  
section 109.75 of the Revised Code and that complies with the 91  
requirements set forth in division (G) of this section, or the 92  
applicant has satisfactorily completed and been issued a 93  
certificate of completion of a basic firearms training program, a 94  
firearms requalification training program, or another basic 95  
training program described in section 109.78 or 109.801 of the 96  
Revised Code that complies with the requirements set forth in 97  
division (G) of this section; 98

(d) A document that evidences both of the following: 99

(i) That the applicant is an active or reserve member of the 100  
armed forces of the United States, was honorably discharged from 101  
military service in the active or reserve armed forces of the 102  
United States, is a retired trooper of the state highway patrol, 103  
or is a retired peace officer or federal law enforcement officer 104  
described in division (B)(1) of this section or a retired person 105  
described in division (B)(1)(b) of section 109.77 of the Revised 106  
Code and division (B)(1) of this section; 107

(ii) That, through participation in the military service or 108  
through the former employment described in division (B)(3)(d)(i) 109  
of this section, the applicant acquired experience with handling 110  
handguns or other firearms, and the experience so acquired was 111  
equivalent to training that the applicant could have acquired in a 112

course, class, or program described in division (B)(3)(a), (b), or 113  
(c) of this section. 114

(e) A certificate or another similar document that evidences 115  
satisfactory completion of a firearms training, safety, or 116  
requalification or firearms safety instructor course, class, or 117  
program that is not otherwise described in division (B)(3)(a), 118  
(b), (c), or (d) of this section, that was conducted by an 119  
instructor who was certified by an official or entity of the 120  
government of this or another state or the United States or by the 121  
national rifle association, and that complies with the 122  
requirements set forth in division (G) of this section; 123

(f) An affidavit that attests to the applicant's satisfactory 124  
completion of a course, class, or program described in division 125  
(B)(3)(a), (b), (c), or (e) of this section and that is subscribed 126  
by the applicant's instructor or an authorized representative of 127  
the entity that offered the course, class, or program or under 128  
whose auspices the course, class, or program was offered. 129

(4) A certification by the applicant that the applicant has 130  
read the pamphlet prepared by the Ohio peace officer training 131  
commission pursuant to section 109.731 of the Revised Code that 132  
reviews firearms, dispute resolution, and use of deadly force 133  
matters. 134

(5) A set of fingerprints of the applicant provided as 135  
described in section 311.41 of the Revised Code through use of an 136  
electronic fingerprint reading device or, if the sheriff to whom 137  
the application is submitted does not possess and does not have 138  
ready access to the use of such a reading device, on a standard 139  
impression sheet prescribed pursuant to division (C)(2) of section 140  
109.572 of the Revised Code. 141

(C) Upon receipt of an applicant's completed application 142  
form, supporting documentation, and, if not waived, license fee, a 143

sheriff, in the manner specified in section 311.41 of the Revised Code, shall conduct or cause to be conducted the criminal records check and the incompetency records check described in section 311.41 of the Revised Code.

(D) (1) Except as provided in division (D) (3) or (4) of this section, within forty-five days after a sheriff's receipt of an applicant's completed application form for a license to carry a concealed handgun, the supporting documentation, and, if not waived, the license fee, the sheriff shall make available through the law enforcement automated data system in accordance with division (H) of this section the information described in that division and, upon making the information available through the system, shall issue to the applicant a license to carry a concealed handgun that shall expire as described in division (D) (2) (a) of this section if all of the following apply:

(a) The applicant is legally living in the United States, has been a resident of this state for at least forty-five days, and has been a resident of the county in which the person seeks the license or a county adjacent to the county in which the person seeks the license for at least thirty days. For purposes of division (D) (1) (a) of this section:

(i) If a person is absent from the United States, from this state, or from a particular county in this state in compliance with military or naval orders as an active or reserve member of the armed forces of the United States and if prior to leaving this state in compliance with those orders the person was legally living in the United States and was a resident of this state, the person, solely by reason of that absence, shall not be considered to have lost the person's status as living in the United States or the person's residence in this state or in the county in which the person was a resident prior to leaving this state in compliance

with those orders, without regard to whether or not the person  
 intends to return to this state or to that county, shall not be  
 considered to have acquired a residence in any other state, and  
 shall not be considered to have become a resident of any other  
 state.

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(ii) If a person is present in this state in compliance with  
 military or naval orders as an active or reserve member of the  
 armed forces of the United States for at least forty-five days,  
 the person shall be considered to have been a resident of this  
 state for that period of at least forty-five days, and, if a  
 person is present in a county of this state in compliance with  
 military or naval orders as an active or reserve member of the  
 armed forces of the United States for at least thirty days, the  
 person shall be considered to have been a resident of that county  
 for that period of at least thirty days.

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(b) The applicant is at least twenty-one years of age.

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(c) The applicant is not a fugitive from justice.

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(d) The applicant is not under indictment for or otherwise  
 charged with a felony; an offense under Chapter 2925., 3719., or  
 4729. of the Revised Code that involves the illegal possession,  
 use, sale, administration, or distribution of or trafficking in a  
 drug of abuse; a misdemeanor offense of violence; or a violation  
 of section 2903.14 or 2923.1211 of the Revised Code.

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(e) Except as otherwise provided in division (D)(5) of this  
 section, the applicant has not been convicted of or pleaded guilty  
 to a felony or an offense under Chapter 2925., 3719., or 4729. of  
 the Revised Code that involves the illegal possession, use, sale,  
 administration, or distribution of or trafficking in a drug of  
 abuse; has not been adjudicated a delinquent child for committing  
 an act that if committed by an adult would be a felony or would be  
 an offense under Chapter 2925., 3719., or 4729. of the Revised

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Code that involves the illegal possession, use, sale, 206  
administration, or distribution of or trafficking in a drug of 207  
abuse; and has not been convicted of, pleaded guilty to, or 208  
adjudicated a delinquent child for committing a violation of 209  
section 2903.13 of the Revised Code when the victim of the 210  
violation is a peace officer, regardless of whether the applicant 211  
was sentenced under division (C) (3) of that section. 212

(f) Except as otherwise provided in division (D) (5) of this 213  
section, the applicant, within three years of the date of the 214  
application, has not been convicted of or pleaded guilty to a 215  
misdemeanor offense of violence other than a misdemeanor violation 216  
of section 2921.33 of the Revised Code or a violation of section 217  
2903.13 of the Revised Code when the victim of the violation is a 218  
peace officer, or a misdemeanor violation of section 2923.1211 of 219  
the Revised Code; and has not been adjudicated a delinquent child 220  
for committing an act that if committed by an adult would be a 221  
misdemeanor offense of violence other than a misdemeanor violation 222  
of section 2921.33 of the Revised Code or a violation of section 223  
2903.13 of the Revised Code when the victim of the violation is a 224  
peace officer or for committing an act that if committed by an 225  
adult would be a misdemeanor violation of section 2923.1211 of the 226  
Revised Code. 227

(g) Except as otherwise provided in division (D) (1) (e) of 228  
this section, the applicant, within five years of the date of the 229  
application, has not been convicted of, pleaded guilty to, or 230  
adjudicated a delinquent child for committing two or more 231  
violations of section 2903.13 or 2903.14 of the Revised Code. 232

(h) Except as otherwise provided in division (D) (5) of this 233  
section, the applicant, within ten years of the date of the 234  
application, has not been convicted of, pleaded guilty to, or 235  
adjudicated a delinquent child for committing a violation of 236



section 2921.33 of the Revised Code.	237
(i) The applicant has not been adjudicated as a mental defective, has not been committed to any mental institution, is not under adjudication of mental incompetence, has not been found by a court to be a mentally ill person subject to hospitalization by court order, and is not an involuntary patient other than one who is a patient only for purposes of observation. As used in this division, "mentally ill person subject to hospitalization by court order" and "patient" have the same meanings as in section 5122.01 of the Revised Code.	238 239 240 241 242 243 244 245 246
(j) The applicant is not currently subject to a civil protection order, a temporary protection order, or a protection order issued by a court of another state.	247 248 249
(k) The applicant certifies that the applicant desires a legal means to carry a concealed handgun for defense of the applicant or a member of the applicant's family while engaged in lawful activity.	250 251 252 253
(l) The applicant submits a competency certification of the type described in division (B) (3) of this section and submits a certification of the type described in division (B) (4) of this section regarding the applicant's reading of the pamphlet prepared by the Ohio peace officer training commission pursuant to section 109.731 of the Revised Code.	254 255 256 257 258 259
(m) The applicant currently is not subject to a suspension imposed under division (A) (2) of section 2923.128 of the Revised Code of a license to carry a concealed handgun, or a temporary emergency license to carry a concealed handgun, that previously was issued to the applicant under this section or section 2923.1213 of the Revised Code.	260 261 262 263 264 265
(2) (a) A license to carry a concealed handgun that a sheriff	266

issues under division (D)(1) of this section on or after March 14, 267  
2007, shall expire five years after the date of issuance. A 268  
license to carry a concealed handgun that a sheriff issued under 269  
division (D)(1) of this section prior to March 14, 2007, shall 270  
expire four years after the date of issuance. 271

If a sheriff issues a license under this section, the sheriff 272  
shall place on the license a unique combination of letters and 273  
numbers identifying the license in accordance with the procedure 274  
prescribed by the Ohio peace officer training commission pursuant 275  
to section 109.731 of the Revised Code. 276

(b) If a sheriff denies an application under this section 277  
because the applicant does not satisfy the criteria described in 278  
division (D)(1) of this section, the sheriff shall specify the 279  
grounds for the denial in a written notice to the applicant. The 280  
applicant may appeal the denial pursuant to section 119.12 of the 281  
Revised Code in the county served by the sheriff who denied the 282  
application. If the denial was as a result of the criminal records 283  
check conducted pursuant to section 311.41 of the Revised Code and 284  
if, pursuant to section 2923.127 of the Revised Code, the 285  
applicant challenges the criminal records check results using the 286  
appropriate challenge and review procedure specified in that 287  
section, the time for filing the appeal pursuant to section 119.12 288  
of the Revised Code and this division is tolled during the 289  
pendency of the request or the challenge and review. If the court 290  
in an appeal under section 119.12 of the Revised Code and this 291  
division enters a judgment sustaining the sheriff's refusal to 292  
grant to the applicant a license to carry a concealed handgun, the 293  
applicant may file a new application beginning one year after the 294  
judgment is entered. If the court enters a judgment in favor of 295  
the applicant, that judgment shall not restrict the authority of a 296  
sheriff to suspend or revoke the license pursuant to section 297

2923.128 or 2923.1213 of the Revised Code or to refuse to renew 298  
 the license for any proper cause that may occur after the date the 299  
 judgment is entered. In the appeal, the court shall have full 300  
 power to dispose of all costs. 301

(3) If the sheriff with whom an application for a license to 302  
 carry a concealed handgun was filed under this section becomes 303  
 aware that the applicant has been arrested for or otherwise 304  
 charged with an offense that would disqualify the applicant from 305  
 holding the license, the sheriff shall suspend the processing of 306  
 the application until the disposition of the case arising from the 307  
 arrest or charge. 308

(4) If the sheriff determines that the applicant is legally 309  
 living in the United States and is a resident of the county in 310  
 which the applicant seeks the license or of an adjacent county but 311  
 does not yet meet the residency requirements described in division 312  
 (D) (1) (a) of this section, the sheriff shall not deny the license 313  
 because of the residency requirements but shall not issue the 314  
 license until the applicant meets those residency requirements. 315

(5) If an applicant has been convicted of or pleaded guilty 316  
 to an offense identified in division (D) (1) (e), (f), or (h) of 317  
 this section or has been adjudicated a delinquent child for 318  
 committing an act or violation identified in any of those 319  
 divisions, and if a court has ordered the sealing or expungement 320  
 of the records of that conviction, guilty plea, or adjudication 321  
 pursuant to sections 2151.355 to 2151.358 ~~or~~, sections 2953.31 to 322  
 2953.36, or section 2953.37 of the Revised Code or a court has 323  
 granted the applicant relief pursuant to section 2923.14 of the 324  
 Revised Code from the disability imposed pursuant to section 325  
 2923.13 of the Revised Code relative to that conviction, guilty 326  
 plea, or adjudication, the sheriff with whom the application was 327  
 submitted shall not consider the conviction, guilty plea, or 328

adjudication in making a determination under division (D) (1) or 329  
(F) of this section or, in relation to an application for a 330  
temporary emergency license to carry a concealed handgun submitted 331  
under section 2923.1213 of the Revised Code, in making a 332  
determination under division (B) (2) of that section. 333

(E) If a license to carry a concealed handgun issued under 334  
this section is lost or is destroyed, the licensee may obtain from 335  
the sheriff who issued that license a duplicate license upon the 336  
payment of a fee of fifteen dollars and the submission of an 337  
affidavit attesting to the loss or destruction of the license. The 338  
sheriff, in accordance with the procedures prescribed in section 339  
109.731 of the Revised Code, shall place on the replacement 340  
license a combination of identifying numbers different from the 341  
combination on the license that is being replaced. 342

(F) (1) A licensee who wishes to renew a license to carry a 343  
concealed handgun issued under this section shall do so not 344  
earlier than ninety days before the expiration date of the license 345  
or at any time after the expiration date of the license by filing 346  
with the sheriff of the county in which the applicant resides or 347  
with the sheriff of an adjacent county an application for renewal 348  
of the license obtained pursuant to division (D) of this section, 349  
a certification by the applicant that, subsequent to the issuance 350  
of the license, the applicant has reread the pamphlet prepared by 351  
the Ohio peace officer training commission pursuant to section 352  
109.731 of the Revised Code that reviews firearms, dispute 353  
resolution, and use of deadly force matters, a nonrefundable 354  
license renewal fee in an amount determined pursuant to division 355  
(F) (4) of this section unless the fee is waived, and one of the 356  
following: 357

(a) If the licensee previously has not renewed a license to 358  
carry a concealed handgun issued under this section, proof that 359

the licensee at one time had a competency certification of the  
type described in division (B)(3) of this section. A valid  
license, expired license, or any other previously issued license  
that has not been revoked is prima-facie evidence that the  
licensee at one time had a competency certification of the type  
described in division (B)(3) of this section.

(b) If the licensee previously has renewed a license to carry  
a concealed handgun issued under this section, a renewed  
competency certification of the type described in division (G)(4)  
of this section.

(2) A sheriff shall accept a completed renewal application,  
the license renewal fee, and information specified in division  
(F)(1) of this section at the times and in the manners described  
in division (I) of this section. Upon receipt of a completed  
renewal application, of certification that the applicant has  
reread the specified pamphlet prepared by the Ohio peace officer  
training commission, of proof of a prior competency certification  
for an initial renewal or of a renewed competency certification  
for a second or subsequent renewal, and of a license renewal fee  
unless the fee is waived, a sheriff, in the manner specified in  
section 311.41 of the Revised Code shall conduct or cause to be  
conducted the criminal records check and the incompetency records  
check described in section 311.41 of the Revised Code. The sheriff  
shall renew the license if the sheriff determines that the  
applicant continues to satisfy the requirements described in  
division (D)(1) of this section, except that the applicant is not  
required to meet the requirements of division (D)(1)(1) of this  
section. A renewed license that is renewed on or after March 14,  
2007, shall expire five years after the date of issuance, and a  
renewed license that is renewed prior to March 14, 2007, shall  
expire four years after the date of issuance. A renewed license is

subject to division (E) of this section and sections 2923.126 and 391  
 2923.128 of the Revised Code. A sheriff shall comply with 392  
 divisions (D) (2) to (4) of this section when the circumstances 393  
 described in those divisions apply to a requested license renewal. 394  
 If a sheriff denies the renewal of a license to carry a concealed 395  
 handgun, the applicant may appeal the denial, or challenge the 396  
 criminal record check results that were the basis of the denial if 397  
 applicable, in the same manner as specified in division (D) (2) (b) 398  
 of this section and in section 2923.127 of the Revised Code, 399  
 regarding the denial of a license under this section. 400

(3) A renewal application submitted pursuant to division (F) 401  
 of this section shall only require the licensee to list on the 402  
 application form information and matters occurring since the date 403  
 of the licensee's last application for a license pursuant to 404  
 division (B) or (F) of this section. A sheriff conducting the 405  
 criminal records check and the incompetency records check 406  
 described in section 311.41 of the Revised Code shall conduct the 407  
 check only from the date of the licensee's last application for a 408  
 license pursuant to division (B) or (F) of this section through 409  
 the date of the renewal application submitted pursuant to division 410  
 (F) of this section. 411

(4) An applicant for a renewal license to carry a concealed 412  
 handgun shall submit to the sheriff of the county in which the 413  
 applicant resides or to the sheriff of any county adjacent to the 414  
 county in which the applicant resides a nonrefundable license fee 415  
 as described in either of the following: 416

(a) For an applicant who has been a resident of this state 417  
 for five or more years, a fee of fifty dollars; 418

(b) For an applicant who has been a resident of this state 419  
 for less than five years, a fee of fifty dollars plus the actual 420  
 cost of having a background check performed by the federal bureau 421

of investigation. 422

(G) (1) Each course, class, or program described in division 423  
 (B) (3) (a), (b), (c), or (e) of this section shall provide to each 424  
 person who takes the course, class, or program the web site 425  
 address at which the pamphlet prepared by the Ohio peace officer 426  
 training commission pursuant to section 109.731 of the Revised 427  
 Code that reviews firearms, dispute resolution, and use of deadly 428  
 force matters may be found. Each such course, class, or program 429  
 described in one of those divisions shall include at least twelve 430  
 hours of training in the safe handling and use of a firearm that 431  
 shall include all of the following: 432

(a) At least ten hours of training on the following matters: 433

(i) The ability to name, explain, and demonstrate the rules 434  
 for safe handling of a handgun and proper storage practices for 435  
 handguns and ammunition; 436

(ii) The ability to demonstrate and explain how to handle 437  
 ammunition in a safe manner; 438

(iii) The ability to demonstrate the knowledge, skills, and 439  
 attitude necessary to shoot a handgun in a safe manner; 440

(iv) Gun handling training. 441

(b) At least two hours of training that consists of range 442  
 time and live-fire training. 443

(2) To satisfactorily complete the course, class, or program 444  
 described in division (B) (3) (a), (b), (c), or (e) of this section, 445  
 the applicant shall pass a competency examination that shall 446  
 include both of the following: 447

(a) A written section on the ability to name and explain the 448  
 rules for the safe handling of a handgun and proper storage 449  
 practices for handguns and ammunition; 450

(b) A physical demonstration of competence in the use of a handgun and in the rules for safe handling and storage of a handgun and a physical demonstration of the attitude necessary to shoot a handgun in a safe manner.

(3) The competency certification described in division (B) (3) (a), (b), (c), or (e) of this section shall be dated and shall attest that the course, class, or program the applicant successfully completed met the requirements described in division (G) (1) of this section and that the applicant passed the competency examination described in division (G) (2) of this section.

(4) A person who previously has received a competency certification as described in division (B) (3) of this section, or who previously has received a renewed competency certification as described in this division, may obtain a renewed competency certification pursuant to this division. If the person previously has received a competency certification or previously has received a renewed competency certification, the person may obtain a renewed competency certification from an entity that offers a course, class, or program described in division (B) (3) (a), (b), (c), or (e) of this section by passing a test that demonstrates that the person is range competent. In these circumstances, the person is not required to attend the course, class, or program or to take the competency examination described in division (G) (2) of this section for the renewed competency certification in order to be eligible to receive a renewed competency certification. A renewed competency certification issued under this division shall be dated and shall attest that the person has demonstrated range competency.

(H) Upon deciding to issue a license, deciding to issue a replacement license, or deciding to renew a license to carry a



concealed handgun pursuant to this section, and before actually  
issuing or renewing the license, the sheriff shall make available  
through the law enforcement automated data system all information  
contained on the license. If the license subsequently is suspended  
under division (A) (1) or (2) of section 2923.128 of the Revised  
Code, revoked pursuant to division (B) (1) of section 2923.128 of  
the Revised Code, or lost or destroyed, the sheriff also shall  
make available through the law enforcement automated data system a  
notation of that fact. The superintendent of the state highway  
patrol shall ensure that the law enforcement automated data system  
is so configured as to permit the transmission through the system  
of the information specified in this division.

(I) A sheriff shall accept a completed application form or  
renewal application, and the fee, items, materials, and  
information specified in divisions (B) (1) to (5) or division (F)  
of this section, whichever is applicable, and shall provide an  
application form or renewal application to any person during at  
least fifteen hours a week and shall provide the web site address  
at which the pamphlet described in division (B) of section 109.731  
of the Revised Code may be found at any time, upon request. The  
sheriff shall post notice of the hours during which the sheriff is  
available to accept or provide the information described in this  
division."

In line 556, after "(H)" insert "(1)"

Between lines 560 and 561, insert:

"(2)(a) If a person is convicted of, was convicted of, pleads  
guilty to, or has pleaded guilty to a violation of division (E) of  
this section as it existed prior to the effective date of this  
amendment and if the conduct that was the basis of the violation  
no longer would be a violation of division (E) of this section on  
or after the effective date of this amendment, the person may file

an application under section 2953.37 of the Revised Code 513  
requesting the expungement of the record of conviction. 514

If a person is convicted of, was convicted of, pleads guilty 515  
to, or has pleaded guilty to a violation of division (B) or (C) of 516  
this section as the division existed prior to the effective date 517  
of this amendment and if the conduct that was the basis of the 518  
violation no longer would be a violation of division (B) or (C) of 519  
this section on or after the effective date of this amendment due 520  
to the application of division (F)(5) of this section as it exists 521  
on and after the effective date of this amendment, the person may 522  
file an application under section 2953.37 of the Revised Code 523  
requesting the expungement of the record of conviction. 524

(b) The attorney general shall develop a public media 525  
advisory that summarizes the expungement procedure established 526  
under section 2953.37 of the Revised Code and the offenders 527  
identified in division (H)(2)(a) of this section who are 528  
authorized to apply for the expungement. Within thirty days after 529  
the effective date of this amendment, the attorney general shall 530  
provide a copy of the advisory to each daily newspaper published 531  
in this state and each television station that broadcasts in this 532  
state. The attorney general may provide the advisory in a tangible 533  
form, an electronic form, or in both tangible and electronic 534  
forms." 535

Between lines 649 and 650, insert: 536

"Sec. 2953.321. (A) As used in this section, "investigatory 537  
work product" means any records or reports of a law enforcement 538  
officer or agency that are excepted from the definition of 539  
"official records" contained in section 2953.51 of the Revised 540  
Code and that pertain to a case the records of which have been 541  
ordered sealed pursuant to division (C)(2) of section 2953.32 of 542  
the Revised Code or have been ordered expunged pursuant to 543

division (D) (2) of section 2953.37 of the Revised Code. 544

(B) Upon the issuance of an order by a court pursuant to 545  
division (C) (2) of section 2953.32 of the Revised Code directing 546  
that all official records pertaining to a case be sealed or an 547  
order by a court pursuant to division (D) (2) of section 2953.37 of 548  
the Revised Code directing that all official records pertaining to 549  
a case be expunged: 550

(1) Every law enforcement officer who possesses investigatory 551  
work product immediately shall deliver that work product to the 552  
law enforcement officer's employing law enforcement agency. 553

(2) Except as provided in division (B) (3) of this section, 554  
every law enforcement agency that possesses investigatory work 555  
product shall close that work product to all persons who are not 556  
directly employed by the law enforcement agency and shall treat 557  
that work product, in relation to all persons other than those who 558  
are directly employed by the law enforcement agency, as if it did 559  
not exist and never had existed. 560

(3) A law enforcement agency that possesses investigatory 561  
work product may permit another law enforcement agency to use that 562  
work product in the investigation of another offense if the facts 563  
incident to the offense being investigated by the other law 564  
enforcement agency and the facts incident to an offense that is 565  
the subject of the case are reasonably similar. The agency that 566  
permits the use of investigatory work product may provide the 567  
other agency with the name of the person who is the subject of the 568  
case if it believes that the name of the person is necessary to 569  
the conduct of the investigation by the other agency. 570

(C) (1) Except as provided in division (B) (3) of this section, 571  
no law enforcement officer or other person employed by a law 572  
enforcement agency shall knowingly release, disseminate, or 573  
otherwise make the investigatory work product or any information 574

contained in that work product available to, or discuss any 575  
 information contained in it with, any person not employed by the 576  
 employing law enforcement agency. 577

(2) No law enforcement agency, or person employed by a law 578  
 enforcement agency, that receives investigatory work product 579  
 pursuant to division (B)(3) of this section shall use that work 580  
 product for any purpose other than the investigation of the 581  
 offense for which it was obtained from the other law enforcement 582  
 agency, or disclose the name of the person who is the subject of 583  
 the work product except when necessary for the conduct of the 584  
 investigation of the offense, or the prosecution of the person for 585  
 committing the offense, for which it was obtained from the other 586  
 law enforcement agency. 587

(3) It is not a violation of division (C)(1) or (2) of this 588  
 section for the bureau of criminal identification and 589  
 investigation or any authorized employee of the bureau 590  
 participating in the investigation of criminal activity to 591  
 release, disseminate, or otherwise make available to, or discuss 592  
 with, a person directly employed by a law enforcement agency DNA 593  
 records collected in the DNA database or fingerprints filed for 594  
 record by the superintendent of the bureau of criminal 595  
 identification and investigation. 596

(D) Whoever violates division (C)(1) or (2) of this section 597  
 is guilty of divulging confidential investigatory work product, a 598  
 misdemeanor of the fourth degree. 599

**Sec. 2953.33.** (A) ~~Except~~ An order issued under section 600  
2953.37 of the Revised Code to expunge the record of a person's 601  
conviction or, except as provided in division (G) of section 602  
 2953.32 of the Revised Code, an order issued under that section to 603  
 seal the record of a person's conviction restores the person who 604

is the subject of the order to all rights and privileges not 605  
 otherwise restored by termination of the sentence or community 606  
 control sanction or by final release on parole or post-release 607  
 control. 608

(B) (1) In any application for employment, license, or other 609  
 right or privilege, any appearance as a witness, or any other 610  
 inquiry, except as provided in division (E) of section 2953.32 and 611  
 in section 3319.292 of the Revised Code and subject to division 612  
(B) (2) of this section, a person may be questioned only with 613  
 respect to convictions not sealed, bail forfeitures not expunged 614  
 under section 2953.42 of the Revised Code as it existed prior to 615  
 June 29, 1988, and bail forfeitures not sealed, unless the 616  
 question bears a direct and substantial relationship to the 617  
 position for which the person is being considered. 618

(2) A person may not be questioned in any application, 619  
appearance, or inquiry of a type described in division (B) (1) of 620  
this section with respect to any conviction expunged under section 621  
2953.37 of the Revised Code. 622

**Sec. 2953.35.** (A) Except as authorized by divisions (D), (E), 623  
 and (F) of section 2953.32 of the Revised Code or by Chapter 2950. 624  
 of the Revised Code, any officer or employee of the state, or a 625  
 political subdivision of the state, who releases or otherwise 626  
 disseminates or makes available for any purpose involving 627  
 employment, bonding, or licensing in connection with any business, 628  
 trade, or profession to any person, or to any department, agency, 629  
 or other instrumentality of the state, or any political 630  
 subdivision of the state, any information or other data concerning 631  
 any arrest, complaint, indictment, trial, hearing, adjudication, 632  
 conviction, or correctional supervision the records with respect 633  
 to which the officer or employee had knowledge of were sealed by 634

an existing order issued pursuant to sections 2953.31 to 2953.36 635  
of the Revised Code, were expunged by an order issued pursuant to 636  
section 2953.37 of the Revised Code, or were expunged by an order 637  
issued pursuant to section 2953.42 of the Revised Code as it 638  
existed prior to June 29, 1988, is guilty of divulging 639  
confidential information, a misdemeanor of the fourth degree. 640

(B) Any person who, in violation of section 2953.32 of the 641  
Revised Code, uses, disseminates, or otherwise makes available any 642  
index prepared pursuant to division (F) of section 2953.32 of the 643  
Revised Code is guilty of a misdemeanor of the fourth degree. 644

(C) It is not a violation of this section for the bureau of 645  
criminal identification and investigation or any authorized 646  
employee of the bureau participating in the investigation of 647  
criminal activity to release, disseminate, or otherwise make 648  
available to, or discuss with, a person directly employed by a law 649  
enforcement agency DNA records collected in the DNA database or 650  
fingerprints filed for record by the superintendent of the bureau 651  
of criminal identification and investigation. 652

Sec. 2953.37. (A) As used in this section: 653

(1) "Expunge" means to destroy, delete, and erase a record as 654  
appropriate for the record's physical or electronic form or 655  
characteristic so that the record is permanently irretrievable. 656

(2) "Official records" has the same meaning as in section 657  
2953.51 of the Revised Code. 658

(3) "Prosecutor" has the same meaning as in section 2953.31 659  
of the Revised Code. 660

(4) "Record of conviction" means the record related to a 661  
conviction of or plea of guilty to an offense. 662

(B) Any person who is convicted of, was convicted of, pleads 663

guilty to, or has pleaded guilty to a violation of division (B), 664  
(C), or (E) of section 2923.16 of the Revised Code as the division 665  
existed prior to the effective date of this section and who is 666  
authorized by division (H) (2) (a) of that section to file an 667  
application under this section for the expungement of the 668  
conviction record may apply to the sentencing court for the 669  
expungement of the record of conviction. The person may file the 670  
application at any time on or after the effective date of this 671  
section. The application shall do all of the following: 672

(1) Identify the applicant, the offense for which the 673  
expungement is sought, the date of the conviction of or plea of 674  
guilty to that offense, and the court in which the conviction 675  
occurred or the plea of guilty was entered; 676

(2) Include evidence that the offense was a violation of 677  
division (B), (C), or (E) of section 2923.16 of the Revised Code 678  
as the division existed prior to the effective date of this 679  
section and that the applicant is authorized by division (H) (2) (a) 680  
of that section to file an application under this section; 681

(3) Include a request for expungement of the record of 682  
conviction of that offense under this section. 683

(C) Upon the filing of an application under division (B) of 684  
this section and the payment of the fee described in division 685  
(D) (3) of this section if applicable, the court shall set a date 686  
for a hearing and shall notify the prosecutor for the case of the 687  
hearing on the application. The prosecutor may object to the 688  
granting of the application by filing an objection with the court 689  
prior to the date set for the hearing. The prosecutor shall 690  
specify in the objection the reasons for believing a denial of the 691  
application is justified. The court shall direct its regular 692  
probation officer, a state probation officer, or the department of 693  
probation of the county in which the applicant resides to make 694

inquiries and written reports as the court requires concerning the 695  
applicant. The court shall hold the hearing scheduled under this 696  
division. 697

(D) (1) At the hearing held under division (C) of this 698  
section, the court shall do each of the following: 699

(a) Determine whether the applicant has been convicted of or 700  
pleaded guilty to a violation of division (E) of section 2923.16 701  
of the Revised Code as the division existed prior to the effective 702  
date of this section and whether the conduct that was the basis of 703  
the violation no longer would be a violation of that division on 704  
or after the effective date of this section; 705

(b) Determine whether the applicant has been convicted of or 706  
pleaded guilty to a violation of division (B) or (C) of section 707  
2923.16 of the Revised Code as the division existed prior to the 708  
effective date of this section and whether the conduct that was 709  
the basis of the violation no longer would be a violation of that 710  
division on or after the effective date of this section due to the 711  
application of division (F) (5) of that section as it exists on and 712  
after the effective date of this section; 713

(c) If the prosecutor has filed an objection in accordance 714  
with division (C) of this section, consider the reasons against 715  
granting the application specified by the prosecutor in the 716  
objection; 717

(d) Weigh the interests of the applicant in having the 718  
records pertaining to the applicant's conviction or guilty plea 719  
expunged against the legitimate needs, if any, of the government 720  
to maintain those records. 721

(2)(a) The court may order the expungement of all official 722  
records pertaining to the case and the deletion of all index 723  
references to the case and, if it does order the expungement, 724



shall send notice of the order to each public office or agency 725  
that the court has reason to believe may have an official record 726  
pertaining to the case if the court, after complying with division 727  
(D) (1) of this section, determines both of the following: 728

(i) That the applicant has been convicted of or pleaded 729  
guilty to a violation of division (E) of section 2923.16 of the 730  
Revised Code as it existed prior to the effective date of this 731  
section and the conduct that was the basis of the violation no 732  
longer would be a violation of that division on or after the 733  
effective date of this section, or that the applicant has been 734  
convicted of or pleaded guilty to a violation of division (B) or 735  
(C) of section 2923.16 of the Revised Code as the division existed 736  
prior to the effective date of this section and the conduct that 737  
was the basis of the violation no longer would be a violation of 738  
that division on or after the effective date of this section due 739  
to the application of division (F) (5) of that section as it exists 740  
on and after the effective date of this section; 741

(ii) That the interests of the applicant in having the 742  
records pertaining to the applicant's conviction or guilty plea 743  
expunged are not outweighed by any legitimate needs of the 744  
government to maintain those records. 745

(b) The proceedings in the case that is the subject of an 746  
order issued under division (D) (2) (a) of this section shall be 747  
considered not to have occurred and the conviction or guilty plea 748  
of the person who is the subject of the proceedings shall be 749  
expunged. The record of the conviction shall not be used for any 750  
purpose, including, but not limited to, a criminal records check 751  
under section 109.572 of the Revised Code or a determination under 752  
section 2923.125 or 2923.1212 of the Revised Code of eligibility 753  
for a license or temporary emergency license to carry a concealed 754  
handgun. The applicant may, and the court shall, reply that no 755

record exists with respect to the applicant upon any inquiry into the matter. 756  
757

(3) 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 and shall pay twenty dollars of the fee into the county general revenue fund. 758  
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In line 650, after "2923.121," insert "2923.125,"; delete "and" 763  
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In line 651, after "2923.16" insert ", 2953.321, 2953.33, and 2953.35" 765  
766

In line 1 of the title, after "2923.121," insert "2923.125,"; delete "and"; after "2923.16" insert ", 2953.321, 2953.33, and 2953.35 and to enact section 2953.37" 767  
768  
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In line 7 of the title, delete "and" and insert a comma 770

In line 9 of the title, after "licensees" insert ", and to authorize the expungement of a prior conviction of improperly handling firearms in a motor vehicle that no longer would be a crime under the bill" 771  
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The motion was \_\_\_\_\_ agreed to.