



Judicial Impact Statement

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HB 87 – Sealing an OVI Record

HB 87

Rep. Antani

Title Information

To allow for the sealing of charges dismissed through intervention in lieu of conviction when those charges are connected to a conviction for operating a vehicle under the influence.

Background

The Ohio Revised Code currently allows for sealing of charges dismissed through intervention in lieu of conviction, as long as the charges are not connected to a conviction for operating a vehicle under the influence. This aligns with the long-held policy of the state legislature to restrict sealing of OVI charges and with the practical application of sealing entire records as opposed to partial records. This bill would allow someone with an OVI or Physical Control conviction, along with other charges that were dismissed through ILC, to be able to seal the portion of their record that pertains to dismissed charges.

Judicial Impact

The bill, although adequately written to make its intent clear, may not be practical (and therefore nearly impossible to implement). Court records are indexed and searched by case number, not by individual charges, but the bill provides that individual charges, and not the entire case containing those charges, are to be sealed. The impact of the bill would be a *redaction* of part of a record (instead of “sealing” as it is currently understood and practiced) and this poses a significant burden on courts and their clerks.

Conclusion

One method of achieving the ends intended by HB 87 is for prosecutors to indict on the OVI separately with a separate case number, on the assumption that ILC will be sought on the other charges and those records will eventually be sealed. Another method is to make an OVI or Physical Control charge eligible for sealing, which under current law would allow someone to at least petition for sealing the record. Just as now, the judge still would make the final determination whether a record will be sealed or not. Judges are widely in agreement that, broadly speaking, Ohio’s sealing and expungement statutes are in dire need of revision and simplification.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio’s court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.