



Ohio Judicial Conference

The Voice of Ohio Judges

October 29, 2019

The Honorable Sean O'Brien
Ohio Senate
1 Capitol Square, 2nd Floor
Columbus, OH 43215

The Honorable Michael Rulli
Ohio Senate
1 Capitol Square, Ground Floor
Columbus, OH 43215

Re: S.B. 160

Dear Senators O'Brien and Rulli:

The Court Administration Committee of the Ohio Judicial Conference has reviewed your bill, S.B. 160, which would expand record expungement in Ohio. The Committee has a concern with how the application fee is to be distributed, and I write to request a simple amendment to address that concern.

The bill provides, at lines 1241-1245, that, of the \$50 fee for an expungement application, the court is to pay \$30 to the state treasury and \$20 to the county general revenue fund. We suggest amending this language so that it mirrors the existing fee distribution for applications to seal records, with \$30 going to the state, and \$20 going to the county if the conviction to be sealed is a state offense, or to the municipality if the conviction to be sealed is pursuant to a municipal ordinance. See R.C. 2953.32(C)(3). Because under S.B. 160, a person could apply to have a conviction of a municipal ordinance sealed, it makes little sense that \$20 of the application fee would go to the county, and not to the municipality. We therefore respectfully request that lines 1241-1245 be amended to mirror the fee distribution for records sealing applications, as found in R.C. 2953.32(C)(3).

Additionally, I would also like to point out that the new waiting periods established in the bill may not actually reflect the amount of time a person will have to wait in order to be eligible to apply for expungement. For example, a person must wait 10 years before seeking to expunge a misdemeanor or felony of the third, fourth, or fifth degree. That timeline does not start running until all community or post-release control is complete, and that may include restitution paid in increments each month. A person may be out of prison for years before the 10 years even start counting towards the shortest amount of time necessary for expungement eligibility. While this is a matter of policy squarely within the purview of the legislature, it is worth noting that the timelines in the bill

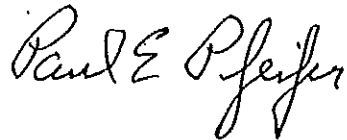
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may, when applied in practice, actually amount to many more years from release from prison before an offender is eligible to seek expungement.

Thank you for considering the feedback of the Ohio Judicial Conference. If you have any questions, please do not hesitate to contact me or Josh Williams, OJC Deputy Legislative Counsel, at (614) 387-9767 or Joshua.Williams@sc.ohio.gov.

Sincerely,

A handwritten signature in black ink that reads "Paul E Pfeifer". The signature is written in a cursive style with a large, prominent "P" at the beginning.

Paul E. Pfeifer
Executive Director