

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 618**

**Representatives Schuring, Reece**

---

**A BILL**

To amend sections 2953.51, 2953.52, 2953.53, 1  
2953.54, 2953.55, and 2953.61 of the Revised 2  
Code to provide for the expungement of official 3  
records related to the apprehension, arrest, 4  
criminal charging, or trial of a person based on 5  
mistaken identity. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 2953.51, 2953.52, 2953.53, 7  
2953.54, 2953.55, and 2953.61 of the Revised Code be amended to 8  
read as follows: 9

**Sec. 2953.51.** As used in sections 2953.51 to 2953.56 of 10  
the Revised Code: 11

(A) "No bill" means a report by the foreperson or deputy 12  
foreperson of a grand jury that an indictment is not found by 13  
the grand jury against a person who has been held to answer 14  
before the grand jury for the commission of an offense. 15

(B) "Prosecutor" has the same meaning as in section 16  
2953.31 of the Revised Code. 17

(C) "Court" means any of the following: 18

(1) Except as provided in division (C) (2) or (3) of this 19  
section, the court in which a case is pending at the time a 20  
finding of not guilty in the case or a dismissal of the 21  
complaint, indictment, or information in the case is entered on 22  
the minutes or journal of the court, or the court to which the 23  
foreperson or deputy foreperson of a grand jury reports, 24  
pursuant to section 2939.23 of the Revised Code, that the grand 25  
jury has returned a no bill; 26

(2) With respect to release of a person who was arrested 27  
as a result of mistaken identity, as described in division (A) 28  
(3) (a) of section 2953.52 of the Revised Code, the court in 29  
which a charge of the most serious offense with respect to which 30  
the person was arrested would have been filed, had that charge 31  
been filed against the person; 32

(3) With respect to the dismissal of a misdemeanor or 33  
felony charge against a person who was named in the charge as a 34  
result of mistaken identity, as described in division (A) (3) (b) 35  
of section 2953.52 of the Revised Code, the court in which the 36  
charge against the person was pending. 37

(D) (1) "Official records" means either of the following: 38

(a) Except with respect to records that are subject to 39  
division (D) (1) (b) of this section and except as provided in 40  
division (D) (2) of this section, all records that are possessed 41  
by any public office or agency that relate to a criminal case, 42  
including, but not limited to: the notation to the case in the 43  
criminal docket; all subpoenas issued in the case; all papers 44  
and documents filed by the defendant or the prosecutor in the 45  
case; all records of all testimony and evidence presented in all 46  
proceedings in the case; all court files, papers, documents, 47  
folders, entries, affidavits, or writs that pertain to the case; 48

all computer, microfilm, microfiche, or microdot records, 49  
indices, or references to the case; all index references to the 50  
case; all fingerprints and photographs; all DNA specimens, DNA 51  
records, and DNA profiles; all records and investigative reports 52  
pertaining to the case that are possessed by any law enforcement 53  
officer or agency, except that any records or reports that are 54  
the specific investigatory work product of a law enforcement 55  
officer or agency are not and shall not be considered to be 56  
official records when they are in the possession of that officer 57  
or agency; and all investigative records and reports other than 58  
those possessed by a law enforcement officer or agency 59  
pertaining to the case. ~~"Official";~~ 60

(b) Except as provided in division (D) (2) of this section, 61  
with respect to an order issued under division (C) of section 62  
2953.52 of the Revised Code for the expungement of official 63  
records that relate to the mistaken identity apprehension, 64  
arrest, charging, or trial of a person, all records possessed by 65  
any public office or agency that relate to the person's mistaken 66  
identity apprehension, arrest, charging, or trial, including 67  
records described in division (D) (1) (a) of this section that 68  
relate to that apprehension, arrest, charging, or trial. 69

(2) "Official records" does not include any of the 70  
following: 71

~~(1)~~ (a) Records or reports maintained pursuant to section 72  
2151.421 of the Revised Code by a public children services 73  
agency or the department of job and family services; 74

~~(2)~~ (b) Any report of an investigation maintained by the 75  
inspector general pursuant to section 121.42 of the Revised 76  
Code, to the extent that the report contains information that 77  
pertains to an individual who was convicted of or pleaded guilty 78

to an offense discovered in or related to the investigation and 79  
whose conviction or guilty plea was not overturned on appeal. 80

(E) "DNA database," "DNA record," "DNA specimen," and "law 81  
enforcement agency" have the same meanings as in section 109.573 82  
of the Revised Code. 83

(F) "Fingerprints filed for record" has the same meaning 84  
as in section 2953.31 of the Revised Code. 85

(G) "Expunge" means to destroy, delete, or erase a record 86  
as appropriate for the record's physical or electronic form or 87  
characteristic so that the record is permanently irretrievable. 88

(H) "Mistaken identity of a person with respect to the 89  
commission of an offense" and "mistaken identity of a person 90  
with respect to a charge of an offense" mean misidentification 91  
by a witness or law enforcement personnel as to the identity of 92  
the person who committed the offense, confusion on the part of a 93  
witness or law enforcement personnel as to the identity of the 94  
person who committed the offense, misinformation provided to law 95  
enforcement personnel as to the identity of the person who 96  
committed the offense, or any other mistake on the part of a 97  
witness or law enforcement personnel as to the identity of the 98  
person who committed the offense. 99

**Sec. 2953.52.** (A) (1) Any person, who is found not guilty 100  
of an offense by a jury or a court or who is the defendant named 101  
in a dismissed complaint, indictment, or information, may apply 102  
to the court for an order to seal the person's official records 103  
in the case. Except as provided in section 2953.61 of the 104  
Revised Code, the application may be filed at any time after the 105  
finding of not guilty or the dismissal of the complaint, 106  
indictment, or information is entered upon the minutes of the 107

court or the journal, whichever entry occurs first. 108

(2) Any person, against whom a no bill is entered by a 109  
grand jury, may apply to the court for an order to seal ~~his~~the 110  
person's official records in the case. Except as provided in 111  
section 2953.61 of the Revised Code, the application may be 112  
filed at any time after the expiration of two years after the 113  
date on which the foreperson or deputy foreperson of the grand 114  
jury reports to the court that the grand jury has reported a no 115  
bill. 116

(3) (a) If a person is arrested as a result of mistaken 117  
identity of the person with respect to the commission of an 118  
offense, no charges are filed against the person regarding that 119  
offense, and the person is released from custody or detention, 120  
the law enforcement agency that arrested the person, immediately 121  
upon the release, shall notify the prosecutor who would have 122  
handled the case involving a charge of the most serious offense 123  
with respect to which the person was arrested of the arrest 124  
based on mistaken identity of the person and of the person's 125  
release. Upon receipt of the notice, the prosecutor promptly 126  
shall notify the court in which that charge would have been 127  
filed, had that charge been filed against the person, of the 128  
arrest based on mistaken identity of the person and of the 129  
person's release, and upon receipt of the notice, the court 130  
shall proceed as specified in division (C) of this section. 131

(b) If a person is named in a charge of a misdemeanor or 132  
felony offense as a result of mistaken identity of the person 133  
with respect to the charge of the offense and the charge against 134  
the person is dismissed, the prosecutor in the case, immediately 135  
upon the dismissal, shall notify the court in which the charge 136  
was pending of the dismissal, and upon receipt of the notice the 137

court shall proceed as specified in division (C) of this 138  
section. 139

(B) (1) Upon the filing of an application pursuant to 140  
division (A) (1) or (2) of this section, the court shall set a 141  
date for a hearing and shall notify the prosecutor in the case 142  
of the hearing on the application. The prosecutor may object to 143  
the granting of the application by filing an objection with the 144  
court prior to the date set for the hearing. The prosecutor 145  
shall specify in the objection the reasons the prosecutor 146  
believes justify a denial of the application. 147

(2) ~~The~~ Following a hearing on an application filed under 148  
division (A) (1) or (2) of this section, the court shall do each 149  
of the following, except as provided in division (B) (3) of this 150  
section: 151

(a) (i) Determine whether the person was found not guilty 152  
in the case, or the complaint, indictment, or information in the 153  
case was dismissed, or a no bill was returned in the case and a 154  
period of two years or a longer period as required by section 155  
2953.61 of the Revised Code has expired from the date of the 156  
report to the court of that no bill by the foreperson or deputy 157  
foreperson of the grand jury; 158

(ii) If the complaint, indictment, or information in the 159  
case was dismissed, determine whether it was dismissed with 160  
prejudice or without prejudice and, if it was dismissed without 161  
prejudice, determine whether the relevant statute of limitations 162  
has expired; 163

(b) Determine whether criminal proceedings are pending 164  
against the person; 165

(c) If the prosecutor has filed an objection in accordance 166

with division (B) (1) of this section, consider the reasons 167  
against granting the application specified by the prosecutor in 168  
the objection; 169

(d) Weigh the interests of the person in having the 170  
official records pertaining to the case sealed against the 171  
legitimate needs, if any, of the government to maintain those 172  
records. 173

(3) If the court determines after complying with division 174  
(B) (2) (a) of this section that the person was found not guilty 175  
in the case, that the complaint, indictment, or information in 176  
the case was dismissed with prejudice, or that the complaint, 177  
indictment, or information in the case was dismissed without 178  
prejudice and that the relevant statute of limitations has 179  
expired, the court shall issue an order to the superintendent of 180  
the bureau of criminal identification and investigation 181  
directing that the superintendent seal or cause to be sealed the 182  
official records in the case consisting of DNA specimens that 183  
are in the possession of the bureau and all DNA records and DNA 184  
profiles. The determinations and considerations described in 185  
divisions (B) (2) (b), (c), and (d) of this section do not apply 186  
with respect to a determination of the court described in this 187  
division. 188

(4) The determinations described in this division are 189  
separate from the determination described in division (B) (3) of 190  
this section. If an application is filed pursuant to division 191  
(A) (1) or (2) of this section and the court determines, after 192  
complying with division (B) (2) of this section, that the person 193  
was found not guilty in the case, that the complaint, 194  
indictment, or information in the case was dismissed, or that a 195  
no bill was returned in the case and that the appropriate period 196

of time has expired from the date of the report to the court of 197  
the no bill by the foreperson or deputy foreperson of the grand 198  
jury; that no criminal proceedings are pending against the 199  
person; and that the interests of the person in having the 200  
records pertaining to the case sealed are not outweighed by any 201  
legitimate governmental needs to maintain such records, or if 202  
division (E) (2) (b) of section 4301.69 of the Revised Code 203  
applies, in addition to the order required under division (B) (3) 204  
of this section, the court shall issue an order directing that 205  
all official records pertaining to the case be sealed and that, 206  
except as provided in section 2953.53 of the Revised Code, the 207  
proceedings in the case be deemed not to have occurred. 208

(5) Any DNA specimens, DNA records, and DNA profiles 209  
ordered to be sealed under this section shall not be sealed if 210  
the person with respect to whom the order applies is otherwise 211  
eligible to have DNA records or a DNA profile in the national 212  
DNA index system. 213

(C) Upon the receipt of a notice from a prosecutor under 214  
division (A) (3) (a) or (b) of this section, the court shall issue 215  
an order directing that all official records containing any 216  
entry relating to the subject person's apprehension, arrest, 217  
charging, or trial with respect to the mistaken identity arrest 218  
or mistaken identity charge in question be expunged and that the 219  
proceedings with respect to that mistaken identity apprehension, 220  
arrest, charging, or trial be deemed not to have occurred. In 221  
addition, the court shall issue an order to the superintendent 222  
of the bureau of criminal identification and investigation 223  
directing that the superintendent expunge or cause to be 224  
expunged the official records that relate to the subject 225  
person's mistaken identity apprehension, arrest, charging, or 226  
trial consisting of DNA specimens that are in the bureau's 227



possession and all DNA records and DNA profiles. The issuance of 228  
the orders under this division shall be automatic upon receipt 229  
of the notice from the prosecutor, and the court shall not 230  
conduct a hearing before issuing the orders. 231

**Sec. 2953.53.** (A) The court shall send notice of any order 232  
to seal or expunge official records issued pursuant to division 233  
(B) (3) or (C) of section 2953.52 of the Revised Code to the 234  
bureau of criminal identification and investigation and shall 235  
send notice of any order to expunge official records issued 236  
pursuant to division (B) (3) or (C) of that section or any order 237  
to seal official records issued pursuant to division (B) (4) of 238  
that section to any public office or agency that the court knows 239  
or has reason to believe may have any record of the case or any 240  
record relating to the mistaken identity apprehension, arrest, 241  
charging, or trial regarding an order issued under division (C) 242  
of that section, whether or not it is an official record, that 243  
is the subject of the order. 244

(B) A person whose official records have been sealed or 245  
expunged pursuant to an order issued pursuant to section 2953.52 246  
of the Revised Code may present a copy of that order and a 247  
written request to comply with it, to a public office or agency 248  
that has a record of the case that is the subject of the order 249  
or a record relating to the mistaken identity apprehension, 250  
arrest, charging, or trial that is the subject of the order 251  
issued under division (C) of that section. 252

(C) An order to seal or expunge official records issued 253  
pursuant to section 2953.52 of the Revised Code applies to every 254  
public office or agency that has a record of the case that is 255  
the subject of the order or a record relating to the mistaken 256  
identity apprehension, arrest, charging, or trial that is the 257

subject of the order issued under division (C) of that section, 258  
regardless of whether it receives notice of ~~the a~~ hearing on the 259  
application for the order to seal the official records or 260  
receives a copy of the order to seal or expunge the official 261  
records pursuant to division (A) or (B) of this section. 262

(D) Upon receiving a copy of an order to seal or expunge 263  
official records pursuant to division (A) or (B) of this section 264  
or upon otherwise becoming aware of an applicable order to seal 265  
or expunge official records issued pursuant to section 2953.52 266  
of the Revised Code, a public office or agency shall comply with 267  
the order and, if applicable, with the provisions of section 268  
2953.54 of the Revised Code, except that it may maintain a 269  
record of the case that is the subject of the order or a record 270  
relating to the mistaken identity apprehension, arrest, 271  
charging, or trial that is the subject of the order issued under 272  
division (C) of section 2953.32 of the Revised Code if the 273  
record is maintained for the purpose of compiling statistical 274  
data only and does not contain any reference to the person who 275  
is the subject of the case or the mistaken identity 276  
apprehension, arrest, charging, or trial and the order. 277

~~A~~ With respect to an order to seal official records issued 278  
pursuant to division (B) (3) or (4) of section 2953.52 of the 279  
Revised Code, a public office or agency also may maintain an 280  
index of sealed official records, in a form similar to that for 281  
sealed records of conviction as set forth in division (F) of 282  
section 2953.32 of the Revised Code, access to which may not be 283  
afforded to any person other than the person who has custody of 284  
the sealed official records. The sealed official records to 285  
which such an index pertains shall not be available to any 286  
person, except that the official records of a case that have 287  
been sealed may be made available to the following persons for 288

the following purposes:	289
(1) To the person who is the subject of the records upon written application, and to any other person named in the application, for any purpose;	290 291 292
(2) To a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;	293 294 295
(3) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;	296 297 298 299
(4) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program under division (E)(2)(b) of section 4301.69 of the Revised Code.	300 301 302 303
<b>Sec. 2953.54.</b> (A) Except as otherwise provided in Chapter 2950. of the Revised Code, upon the issuance of an order by a court under division (B) <u>or (C)</u> of section 2953.52 of the Revised Code directing that all official records pertaining to a case be sealed <u>or that all official records related to a person's mistaken identity apprehension, arrest, charging, or trial be expunged</u> and that the proceedings in the case <u>or related to the apprehension, arrest, charging, or trial</u> be deemed not to have occurred:	304 305 306 307 308 309 310 311 312
(1) Every law enforcement officer possessing records or reports pertaining to the case <u>or related to the mistaken identity apprehension, arrest, charging, or trial</u> that are the officer's specific investigatory work product and that are excepted from the definition of "official records" contained in	313 314 315 316 317

section 2953.51 of the Revised Code shall immediately deliver 318  
the records and reports to the officer's employing law 319  
enforcement agency. Except as provided in division (A) (3) of 320  
this section, no such officer shall knowingly release, 321  
disseminate, or otherwise make the records and reports or any 322  
information contained in them available to, or discuss any 323  
information contained in them with, any person not employed by 324  
the officer's employing law enforcement agency. 325

(2) Every law enforcement agency that possesses records or 326  
reports pertaining to the case or related to the mistaken 327  
identity apprehension, arrest, charging, or trial that are its 328  
specific investigatory work product and that are excepted from 329  
the definition of "official records" contained in section 330  
2953.51 of the Revised Code, or that are the specific 331  
investigatory work product of a law enforcement officer it 332  
employs and that were delivered to it under division (A) (1) of 333  
this section shall, except as provided in division (A) (3) of 334  
this section, close the records and reports to all persons who 335  
are not directly employed by the law enforcement agency and 336  
shall, except as provided in division (A) (3) of this section, 337  
treat the records and reports, in relation to all persons other 338  
than those who are directly employed by the law enforcement 339  
agency, as if they did not exist and had never existed. Except 340  
as provided in division (A) (3) of this section, no person who is 341  
employed by the law enforcement agency shall knowingly release, 342  
disseminate, or otherwise make the records and reports in the 343  
possession of the employing law enforcement agency or any 344  
information contained in them available to, or discuss any 345  
information contained in them with, any person not employed by 346  
the employing law enforcement agency. 347

(3) A law enforcement agency that possesses records or 348

reports pertaining to the case or related to the mistaken 349  
identity apprehension, arrest, charging, or trial that are its 350  
specific investigatory work product and that are excepted from 351  
the definition of "official records" contained in division (D) 352  
of section 2953.51 of the Revised Code, or that are the specific 353  
investigatory work product of a law enforcement officer it 354  
employs and that were delivered to it under division (A)(1) of 355  
this section may permit another law enforcement agency to use 356  
the records or reports in the investigation of another offense, 357  
if the facts incident to the offense being investigated by the 358  
other law enforcement agency and the facts incident to an 359  
offense that is the subject of the case or the mistaken identity 360  
apprehension, arrest, charging, or trial are reasonably similar. 361  
The agency that provides the records and reports may provide the 362  
other agency with the name of the person who is the subject of 363  
the case or the mistaken identity apprehension, arrest, 364  
charging, or trial, if it believes that the name of the person 365  
is necessary to the conduct of the investigation by the other 366  
agency. 367

No law enforcement agency, or person employed by a law 368  
enforcement agency, that receives from another law enforcement 369  
agency records or reports pertaining to a case or relating to a 370  
mistaken identity apprehension, arrest, charging, or trial the 371  
records of which have been ordered sealed or expunged pursuant 372  
to division (B) or (C) of section 2953.52 of the Revised Code 373  
shall use the records and reports for any purpose other than the 374  
investigation of the offense for which they were obtained from 375  
the other law enforcement agency, or disclose the name of the 376  
person who is the subject of the records or reports except when 377  
necessary for the conduct of the investigation of the offense, 378  
or the prosecution of the person for committing the offense, for 379

which they were obtained from the other law enforcement agency. 380

(B) Whoever violates division (A) (1), (2), or (3) of this 381  
section is guilty of divulging confidential information, a 382  
misdemeanor of the fourth degree. 383

(C) ~~It~~ (1) Subject to division (C) (2) of this section, it 384  
is not a violation of this section for the bureau of criminal 385  
identification and investigation or any authorized employee of 386  
the bureau participating in the investigation of criminal 387  
activity to release, disseminate, or otherwise make available 388  
to, or discuss with, a person directly employed by a law 389  
enforcement agency DNA records collected in the DNA database or 390  
fingerprints filed for record by the superintendent of the 391  
bureau of criminal identification and investigation. 392

(2) Division (C) (1) of this section does not apply with 393  
respect to DNA records or fingerprints that are covered by an 394  
order to expunge official records related to a mistaken identity 395  
apprehension, arrest, charging, or trial issued pursuant to 396  
division (C) of section 2953.52 of the Revised Code. 397

**Sec. 2953.55.** (A) In any application for employment, 398  
license, or any other right or privilege, any appearance as a 399  
witness, or any other inquiry, a person may not be questioned 400  
with respect to any record that has been sealed or expunged 401  
pursuant to section 2953.52 of the Revised Code, and the record 402  
shall not be used for any purpose related to employment, 403  
license, any other right or privilege, or appearance as a 404  
witness, including a criminal records check under section 405  
109.57, 109.572, 109.578, or 109.579 of the Revised Code, a 406  
determination as to whether the person is authorized to obtain 407  
or possess a firearm, a determination under section 2923.125 or 408  
2923.1213 of the Revised Code of eligibility for a concealed 409

handgun license, or a determination as to whether the person is 410  
eligible to hold public office or to be an elector, a law 411  
enforcement officer, or a school employee. If an inquiry is made 412  
in violation of this section: 413

(1) Regarding an official record sealed pursuant to 414  
section 2953.52 of the Revised Code, the person whose official 415  
record was sealed may respond as if the arrest underlying the 416  
case to which the sealed official records pertain and all other 417  
proceedings in that case did not occur, and the person whose 418  
official record was sealed shall not be subject to any adverse 419  
action because of the arrest, the proceedings, or the person's 420  
response. 421

(2) Regarding an official record expunged pursuant to 422  
section 2953.52 of the Revised Code, the person whose official 423  
record was expunged may respond as if the mistaken identity 424  
apprehension, arrest, charging, or trial to which the expunged 425  
records pertain and all other proceedings related to that 426  
apprehension, arrest, charging, or trial did not occur, and the 427  
person whose official record was expunged shall not be subject 428  
to any adverse action because of the mistaken identity 429  
apprehension, arrest, charging, or trial, the proceedings, or 430  
the person's response. 431

(B) An officer or employee of the state or any of its 432  
political subdivisions who knowingly releases, disseminates, or 433  
makes available for any purpose involving employment, bonding, 434  
licensing, or education to any person or to any department, 435  
agency, or other instrumentality of the state, or of any of its 436  
political subdivisions, any information or other data concerning 437  
any arrest, complaint, indictment, information, trial, 438  
adjudication, or correctional supervision, the records of which 439

have been sealed or expunged pursuant to section 2953.52 of the 440  
Revised Code, is guilty of divulging confidential information, a 441  
misdemeanor of the fourth degree. 442

~~(C)~~ (1) Subject to division (C)(2) of this section, it 443  
is not a violation of this section for the bureau of criminal 444  
identification and investigation or any authorized employee of 445  
the bureau participating in the investigation of criminal 446  
activity to release, disseminate, or otherwise make available 447  
to, or discuss with, a person directly employed by a law 448  
enforcement agency DNA records collected in the DNA database or 449  
fingerprints filed for record by the superintendent of the 450  
bureau of criminal identification and investigation. 451

(2) Division (C)(1) of this section does not apply with 452  
respect to DNA records or fingerprints that are covered by an 453  
order to expunge official records related to a mistaken identity 454  
apprehension, arrest, charging, or trial issued pursuant to 455  
division (C) of section 2953.52 of the Revised Code. 456

**Sec. 2953.61.** (A) Except as provided in division (B)(1) or 457  
(C) of this section, a person charged with two or more offenses 458  
as a result of or in connection with the same act may not apply 459  
to the court pursuant to section 2953.32 or 2953.52 of the 460  
Revised Code for the sealing of the person's record in relation 461  
to any of the charges when at least one of the charges has a 462  
final disposition that is different from the final disposition 463  
of the other charges until such time as the person would be able 464  
to apply to the court and have all of the records pertaining to 465  
all of those charges sealed pursuant to section 2953.32 or 466  
2953.52 of the Revised Code. 467

(B)(1) When a person is charged with two or more offenses 468  
as a result of or in connection with the same act and the final 469



disposition of one, and only one, of the charges is a conviction 470  
under any section of Chapter 4507., 4510., 4511., or 4549., 471  
other than section 4511.19 or 4511.194 of the Revised Code, or 472  
under a municipal ordinance that is substantially similar to any 473  
section other than section 4511.19 or 4511.194 of the Revised 474  
Code contained in any of those chapters, and if the records 475  
pertaining to all the other charges would be eligible for 476  
sealing under section 2953.52 of the Revised Code in the absence 477  
of that conviction, the court may order that the records 478  
pertaining to all the charges be sealed. In such a case, the 479  
court shall not order that only a portion of the records be 480  
sealed. 481

(2) Division (B)(1) of this section does not apply if the 482  
person convicted of the offenses currently holds a commercial 483  
driver's license or commercial driver's license temporary 484  
instruction permit. 485

(C) Divisions (A) and (B) of this section apply only with 486  
respect to charges of offenses and the sealing of records 487  
pertaining to the charges. They do not apply with respect to the 488  
expungement of official records that relate to a mistaken 489  
identity apprehension, arrest, charging, or trial as described 490  
in division (A)(3)(a) or (b) of section 2953.52 of the Revised 491  
Code. 492

**Section 2.** That existing sections 2953.51, 2953.52, 493  
2953.53, 2953.54, 2953.55, and 2953.61 of the Revised Code are 494  
hereby repealed. 495