OHIO
CRIMINAL SENTENCING COMMISSION

Adult Rights Restoration & Record Sealing

The charts that follow detail the methods by which an individual may seek to have rights restored or the collateral consequences of criminal charges ameliorated through sealing, expungement, or other types of relief. It includes the provisions of recent legislative enactments regarding state-issued employment licenses which have historically been denied on the basis of criminal convictions. Information regarding Certificates of Qualification for Employment (CQE) is also included.

Prepared in Collaboration with the Ohio Judicial Conference

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Contents

A. Sealing Records of Conviction 1

Records of a defendant's conviction may be sealed at the sentencing court's discretion, and are then subject to limited access. Sealing requires that 1) The convictions requested to be sealed are eligible offenses [R.C. 2953.32] and 2) The necessary waiting period from final discharge of the case has passed.

B. Sealing Records of Dismissal. 3

Records relating to dismissals, not guilty verdicts, no bills, and records relating to successful completion of Intervention in Lieu of Conviction may be sealed at the discretion of the court and are subject to fewer disclosures than sealed conviction records.

C. Relief from Weapons Disability 4

Certain criminal convictions render a person unable to legally possess a firearm in the state. Individuals may seek relief from that disability as detailed below.

D. Expungement – Applicant a Victim of Human Trafficking 5

Records of a defendant's conviction or dismissal may be expunged at the sentencing court's discretion for victims of human trafficking, and are then made permanently irretrievable. Expungement requires the convictions requested to be expunged are eligible offenses [R.C. 2953.521 and R.C. 2953.36].

E. Expungement – Records of Conviction 6

Records of a defendant's conviction may be expunged at the sentencing court's discretion, and are then subject to limited access. Expungement requires that 1) The convictions requested to be expunged are eligible offenses [R.C. 2953.32] and 2) The necessary waiting period has passed.

F. Prosecutor Initiated Sealing and Expungement 8

Prosecutors may request the sealing or expungement of a record. The prosecutor's request is limited to fourth-degree and minor misdemeanor substance abuse offenses in Chapter 2925.

G. Post-Conviction DNA Testing 9

Convicted offenders may apply under limited circumstances for additional DNA testing of the evidence involved in their case.

H. Professional Licensure Applications
(Limitations Related to Licensing Refusal). 10

*The "Fresh Start Act" (2020 Sub. H.B. 263) prohibits any state licensing authority from refusing to issue an individual, a professional, or occupational license or other authorization based on criminal convictions, criminal charges not resulting in a conviction, or nonspecific qualifications such as "moral turpitude" or lack of "moral character." Agencies must list specific disqualifying offenses but must consider applicants with those offenses **only** after a statutory waiting period.*

Contents, *Continued*

I. Certificates of Qualification for Employment (CQE) 11

Certificates of Qualification for employment are a mechanism for offenders with felony or misdemeanor convictions to have collateral sanctions on employment alleviated, with eligibility determined after application to the Ohio Department of Rehabilitation and Correction, and approval of a Common Pleas Court judge.

J. Executive Clemency – Pardon, Commutation, Reprieve 12

Ohio's governor, through a recommendation from the Ohio Parole Board, can grant clemency for criminal convictions by pardon of a criminal conviction, commutation of a sentence, or reprieve from execution of that sentence. Clemency can result in relief from the collateral consequences of conviction including sealing of records.

This publication was prepared in collaboration with the Ohio Judicial Conference.

A. Sealing Records of Conviction [R.C. 2953.32][1]

1. Who is Eligible?	Any person can seek to have the records of any number of convictions sealed, provided the offenses are eligible for sealing. [R.C. 2953.32(A)][2]
2. Exceptions	Offenses not eligible for sealing are: • All traffic offenses, including OVI or DUS; [R.C. 2953.32(A)(1)(a)] • Felony offenses of violence that are not a sexually oriented offense; [R.C. 2953.32(A)(1)(b)] • Sexually oriented offenses when the defendant was subject to Chapter 2950 as a result of the conviction; [R.C. 2953.32(A)(1)(c)] • Any offense with a victim under 13, except for non-support; [R.C. 2953.32(A)(1)(d)] • F1s and F2s; [R.C. 2953.32(A)(1)(e)] • Domestic Violence (M1/M2) [R.C. 2953.32(A)(1)(f)] - M3/M4 Domestic Violence convictions and Violation of Protection Orders are eligible to be sealed pursuant to R.C. 2953.32(A)(2) • F3s if the offender has more than one other felony conviction or if the offender has exactly two F3 convictions, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions. [R.C. 2953.32(A)(1)(h)] • Theft in Office (R.C. 2921.41)
3. Timing for Eligibility	• F3: 3 years after final discharge; [R.C. 2953.32(B)(1)(a)(i)] • F4 or F5: 1 year after final discharge; [R.C. 2953.32(B)(1)(a)(ii)] • Misdemeanors: 1 year after final discharge; [R.C. 2953.32(B)(1)(a)(ii)] • Convictions for violations of R.C. 2921.43 : 7 years after final discharge; [R.C. 2953.32(B)(1)(a)(iii)] • Offenses where the defendant was subject to Chapter 2950: 5 years after the duty to register under R.C. 2950.07 has expired or been terminated;[1] [R.C. 2953.32(B)(1)(a)(iv)]. This is specific to sex offenses described in R.C. 2907.04; or • Minor Misdemeanors: 6 months after final discharge. [R.C. 2953.32(B)(1)(a)(v)]
4. Timing for Hearing	• The court shall hold the hearing no less than 45 days and no more than 90 days from the date of the filing of the application; • The prosecutor's objection, if any, shall be filed no later than 30 days prior to the date set for the hearing; and • The prosecutor must provide notice of the application and the date for the hearing to the victim of the offense. [R.C. 2953.32(C)] - When there is a victim, the court shall notify the prosecutor no less than 60 days prior to the hearing. [R.C. 2930.171(A)]
5. What Else May Prevent Relief?	Pending criminal charges. [R.C. 2953.32(D)(2)]

1 *State v. J.B.*, Slip Opinion No. 2026-Ohio1405. Analysis of R.C. 2953.32.

2 Eligible offenders convicted of unlawful sexual conduct with minor offenses committed while under the age of 21 may apply under the Conviction Record Sealing Law if the court issues an order to terminate the offender's SORN Law duties pursuant to R.C. 2950.151 and the offender otherwise satisfies existing criteria to be an eligible offender. [R.C. 2953.36(A)(3)]

Under R.C. 2950.151, a court can review and modify or terminate sex offender registration if an offender convicted under R.C. 2907.04 (unlawful sexual contact with a minor): (1) is found to be low-risk for re-offending; (2) did not get a prison term, got community control sanctions and completed them (3) was younger than 21 at time of offense; (4) and the victim was at least 14 at time of offense; (5) the offense was consensual with no evidence of threat, duress, force or imbalance of authority; and (6) the offender has no similar convictions.

Note: The term "final discharge" is not defined by statute. The Supreme Court of Ohio has issued decisions that provide courts guidance on determining whether or not an applicant has achieved "final discharge" for purposes of record sealing and expungement. See *State v. P.J.F.*, 2022-Ohio-4152.

6. Considerations Required of the Court	• Objections of the prosecutor; [2953.32(D)(1)(d)] and • Objections of the victim. [R.C. 2953.32(D)(1)(e)]
7. Findings Required of the Court	• Rehabilitation of the applicant to the satisfaction of the court; [R.C. 2953.32(D)(1)(c)] • If the needs of the government to maintain the record outweigh the interests of the applicant to seal the record; [2953.32(D)(1)(f)] and • If the applicant is an eligible offender of the type described in R.C. 2953.36(A)(3), as it existed prior to April 4, 2023, whether the offender has been rehabilitated to a satisfactory degree. [R.C. 2953.32(D)(1)(g)]
8. What Happens to the Record?	Kept in a separate file, but not permanently deleted. All index references are to be deleted. The proceedings are deemed not to have occurred. Law enforcement and government officials have access to the record for new criminal investigations; employers in law enforcement, schools, health care, etc. can see sealed records. Criminal record checks for teachers are limited to the list of offenses dictated by the Ohio Department of Education. Records related to violations of R.C. 2921.43 where the offender has been forever disqualified from public office may be maintained. "Official records" are all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to: • The notation in the criminal docket; • All subpoenas issued; • All papers and documents filed by the defendant or the prosecutor; • All records of all testimony and evidence presented; • All court files, papers, documents, folders, entries, affidavits, or writs that pertain to the case; • All computer, microfilm, microfiche, or microdot records, indices, or references to the case; • All index references to the case; • All fingerprints and photographs; • All DNA and DNA records; and • All records that are possessed by any public office or agency that relate to a CQE. (R.C. 2953.25) "Official records" are NOT: • Any records or reports that are the specific investigatory work product of a law enforcement officer or agency when in the possession of that officer or agency; • Records or reports maintained pursuant to R.C. 2151.421 by a public children services agency or the department of job and family services; • Any report of an investigation maintained by the inspector general pursuant to section 121.42; and • Records, reports, or audits maintained by the auditor of state pursuant to Chapter 117. The clerk of court should notify the BMV (LicenseVerification@dps.ohio.gov) and the BCII (Expungement.Submissions@ohioattorneygeneral.gov) about orders to seal records.
9. Filling Fee	• $50.00 regardless of the number of records the applicant requests to have sealed or expunged in the application.[3] [R.C. 2953.32(D)(3)] • The fee can be waived if the applicant presents a poverty affidavit showing that the applicant is indigent. [R.C. 2953.32(D)(3)]

3 The applicant may also be required to pay a local court fee of not more than $50. [R.C. 2953.32(D)(3)]

B. Sealing Records of Dismissal [R.C. 2953.33]

1. Who is Eligible?	• Anyone found not guilty of an offense, any defendant named in a dismissed complaint, indictment, or information, any defendant who has successfully completed an intervention in lieu of conviction program pursuant to [R.C. 2951.041], or any person who is granted an absolute and entire pardon, a partial pardon, or a pardon upon conditions precedent or subsequent by the governor. • May also request expungement, except for offenses listed in R.C. 2953.33(C) which may only be sealed.
2. Exceptions	If multiple charges resulting from or in connection with the same act have different dispositions (e.g. a conviction on one charge and a dismissal on another), in order for the dismissal to be eligible for sealing, the conviction also must be eligible for sealing, UNLESS the conviction is a single, non-OVI traffic offense. In that circumstance, the court MAY seal the entire record after consideration of the factors in sections 6 and 7 below.[4] [R.C. 2953.61]
3. Timing for Eligibility	• Findings of not guilty, dismissals with prejudice, dismissals without prejudice,[5] or successful completion of intervention in lieu of conviction: at any time; • No bills: after 2 years; or • Absolute and entire pardons, partial pardons, or pardons upon conditions precedent or subsequent: at any time after an absolute and entire pardon or a partial pardon is granted or at any time after all of the conditions precedent or subsequent to the pardon are met.
4. Timing for Hearing	• The court shall hold the hearing no less than 45 days and no more than 90 days from the date of the filing of the application; and • The prosecutor's written objection, if any, must be filed no later than 30 days prior to the date set for the hearing. [R.C. 2953.33(B)(1)]
5. What Else May Prevent Relief?	Pending criminal charges. [R.C. 2953.52(B)(2)(b)]
6. Considerations Required of the Court	Objections of the prosecutor; [R.C. 2953.33(B)(2)(c)]
7. Findings Required of the Court	• If the needs of the government to maintain the record outweigh the interests of the applicant to seal the record; [R.C. 2953.33(B)(2)(d) and (B)(4)] and • If the person was granted a pardon upon conditions precedent or subsequent, whether all of those conditions have been met. [R.C. 2953.33(B)(2)(d)]
8. What Happens to the Record?	Kept in a separate file, but not permanently deleted. Accessible by an officer, or by law enforcement for civil actions relating to the officer's involvement in the case, as well as by prosecuting attorneys to determine a defendant's eligibility for pretrial diversion pursuant to R.C. 2935.36 and R.C. 4301.69. [R.C. 2953.34(H)]

4 R.C. 2953.61 allows a court the discretion to seal a conviction for a non-OVI traffic offense that otherwise would be unsealable, but only when that non-OVI traffic conviction is the sole impediment to the sealing of dismissed charges that otherwise would be permissible under R.C. 2953.52.

5 See *State v. Dye*, 152 Ohio St. 3d 11, 2017-Ohio-7823.

C. Relief from Weapons Disability [R.C. 2923.14]

1. Who is Eligible?	Someone who has full discharge from prison or community supervision or release on bail, no other prohibition from owning a firearm, and law abidance with likelihood of continued law abidance. If disability resulted from a factor other than a conviction or indictment, that factor must have been resolved.
2. Exceptions	May be revoked at any time for good cause shown and with notice; is automatically void if an offense of violence or drug trafficking is committed by applicant.
3. Timing for Eligibility	At any time after full discharge from imprisonment, community control [R.C. 2929.15], post-release control [R.C. 2967.28], or parole, or being released on bail or recognizance; or at any time after the factor that led to the disability no longer applies.
4. What Else May Prevent Relief?	• Firearms that are illegally acquired, possessed, or used. • Domestic violence convictions.[6]
5. Considerations Required of the Court	The applicant meets the criteria described in section 1 of this chart.
6. What Happens to the Record?	No change to records.

6 *State ex rel. Suwalski v. Peeler*, 167 Ohio St.3d 38, 2021-Ohio-4061.

D. Expungement – Applicant a Victim of Human Trafficking [R.C. 2953.36 and R.C. 2953.521]

1. Who is Eligible?	• (1) A person with a conviction under R.C. 2907.24, 2907.241, or 2907.25 (soliciting, soliciting when HIV+, loitering to solicit, loitering to solicit when HIV+, prostitution, or prostitution when HIV+) if the person's participation in the offense was a result of having been a victim of human trafficking; [R.C. 2953.36] or • (2) A person who is found to be a victim of human trafficking and has been found not guilty of a charge or named in a dismissed complaint, indictment, or information. [R.C. 2953.521] • (3) If the person does not have a conviction under (1) above, then Misdemeanor, Felony of the Fourth Degree or Felony of the Fifth Degree if the person's participation in the offense was a result of having been a victim of human trafficking [R.C. 2953.36(2)]
2. Exceptions	Murder, aggravated murder, and rape convictions cannot be expunged. [R.C. 2953.36(A)]
3. Timing for Eligibility	At any time.
4. What Else May Prevent Relief?	• For records of conviction: failure to assert grounds on which relief can be granted. [R.C. 2953.36(B)] • For records of a not guilty finding or dismissal: pending criminal charges. [R.C. 2953.521(E)(4)]
5. Considerations Required of the Court	• Objections of the prosecutor; [R.C. 2953.36(D)(1)(a)] • May request multiple offenses, but court must consider each offense separately; [R.C. 2953.36(A)(3)]
6. Findings Required of the Court	• Applicant must show by a preponderance of the evidence that the offense was a result of being a victim of human trafficking; [R.C. 2953.36(E)] and • For all F1 and F2 convictions, the court must determine whether the needs of the government to maintain the record outweigh the interests of the applicant to expunge the record. [R.C. 2953.36(D)(2)] • Additional factors listed in R.C. 2953.36(D)(2)
7. What Happens to the Record?	The record should be destroyed, deleted, and erased as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable. [R.C. 2953.31(B)(2)] The record cannot be used for any purpose, including a criminal background check; all index references are to be deleted; proceedings shall be considered not to have occurred. [R.C. 2953.36(F)(2)] and [R.C. 2953.521(G)]
8. Filing Fee	• The filing fee for an application under this section is $50.00. • The fee can be waived if the applicant presents a poverty affidavit showing that the applicant is indigent. [R.C. 2953.36(G)]

E. Expungement – Records of Conviction [R.C. 2953.32]

1. Who is Eligible?	Any person can seek to have the records of any number of convictions expunged, provided that they are offenses that are eligible for expungement. [R.C. 2953.32(A)]
2. Exceptions	• All traffic offenses, including OVI or DUS; [R.C. 2953.32(A)(1)(a)] • Felony offenses of violence that are not a sexually oriented offense; [R.C. 2953.32(A)(1)(b)] • Sexually oriented offenses when the defendant was subject to Chapter 2950 as a result of the conviction; [R.C. 2953.32(A)(1)(c)] • Any offense with a victim under 13, except for non-support; [R.C. 2953.32(A)(1)(d)] • R.C. 2921.41 Theft in Office [R.C. 2953.32(A)(1)(e)] • F1s and F2s; [R.C. 2953.32(A)(1)(f)] • R.C. 2919.25 Domestic Violence (M1/M2); and [R.C. 2953.32(A)(1)(g)] • F3s if the offender has more than one other felony conviction or if the offender has exactly two F3 convictions, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions. [R.C. 2953.32(A)(1)(h)]
3. Timing for Eligibility	• Felonies: 10 years after the offense was eligible for record sealing pursuant to R.C. 2953.32(B)(1)(a). [R.C. 2953.32(B)(1)(b)(iii)] - F3s: 13 years after final discharge; - F4s or F5s: 11 years after final discharge. • Misdemeanors: 1 year after final discharge. [R.C. 2953.32(B)(1)(b)(i)] • Minor misdemeanors: 6 months after final discharge. [R.C. 2953.32(B)(1)(b)(ii)]
4. Timing for Hearing	• The court shall hold the hearing no less than 45 days and no more than 90 days from the date of the filing of the application; • The prosecutor's objection, if any, shall be filed no later than 30 days prior to the date set for the hearing; and • The prosecutor must provide notice of the application and the date for the hearing to the victim of the offense. [R.C. 2953.32(C)] - Note: R.C. 2930.171(A) requires that, when there is a victim, the court shall notify the prosecutor no less than 60 days prior to the hearing for sealing. R.C. 2930.171(A) does not mandate that this notice shall be given in cases involving a hearing for expungement, but best practice suggests the court still give the advanced 60-day notice to the prosecutor.
5. What Else May Prevent Relief?	Pending criminal charges. [R.C. 2953.32(D)(2)]
6. Considerations Required of the Court	• Objections of the prosecutor; [R.C. 2953.32(D)(1)(d)] and • Objections of the victim; [R.C. 2953.32(D)(1)(e)]
7. Findings Required of the Court	• Rehabilitation of the applicant to the satisfaction of the court; [R.C. 2953.32(D)(1)(c)] • If the needs of the government to maintain the record outweigh the interests of the applicant to seal the record; [R.C. 2953.32(D)(1)(f)] and • If the applicant is an eligible offender of the type described in R.C. 2953.36(A)(3), as it existed prior to April 4, 2023, whether the offender has been rehabilitated to a satisfactory degree. [R.C. 2953.32(D)(1)(g)]

8. What Happens to the Record?	The official records should be destroyed, deleted, and erased as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable. [R.C. 2953.32(D)(5)] All index references are to be deleted. The proceedings are considered not to have occurred. [R.C. 2953.32(D)(2)] BCI shall maintain the records to be used for the sole purpose of determining a person's eligibility for employment in law enforcement. [R.C. 2953.32(D)(5)] "Official records" are all records that are possessed by any public office or agency that relate to a criminal case, including, but not limited to: the notation in the criminal docket; all subpoenas issued; • All papers and documents filed by the defendant or the prosecutor; all records of all testimony and evidence presented; • All court files, papers, documents, folders, entries, affidavits, or writs that pertain to the case; • All computer, microfilm, microfiche, or microdot records, indices, or references to the case; • All index references to the case; • All fingerprints and photographs; • All DNA and DNA records; and • All records that are possessed by any public office or agency that relate to a CQE. (R.C. 2953.25) "Official records" are NOT: • Any records or reports that are the specific investigatory work product of a law enforcement officer or agency when in the possession of that officer or agency; • Records or reports maintained pursuant to R.C. 2151.421 by a public children services agency or the department of job and family services; a • Any report of an investigation maintained by the inspector general pursuant to section 121.42; • Records, reports, or audits maintained by the auditor of state pursuant to Chapter 117. The clerk of court should notify the BMV (LicenseVerification@dps.ohio.gov) and the BCII (Expungement.Submissions@ohioattorneygeneral.gov) about orders to expunge records.
9. Filing Fee	• $50.00 regardless of the number of records the applicant requests to have sealed or expunged in the application.[7] [R.C. 2953.32(D)(3)] • The fee can be waived if the applicant presents a poverty affidavit showing that the applicant is indigent. [R.C. 2953.32(D)(3)]

7 The applicant may also be required to pay a local court fee of not more than $50. [R.C. 2953.32(D)(3)]

F. Prosecutor Initiated Sealing and Expungement [R.C. 2953.39]

1. Who is Eligible?	Any person convicted of a low-level controlled substance offense. [R.C. 2953.39(A)(3)]
2. Exceptions	These applications are only applicable to convictions for fourth-degree or minor misdemeanor violations of Chapter 2925 or violations of an ordinance of a municipal corporation that are substantially equivalent to violations of any provision of Chapter 2925. and that, if charged under Chapter 2925, would be fourth-degree or minor misdemeanor violations. [R.C. 2953.39(A)(2)]
3. Timing for Eligibility	• Fourth-Degree Misdemeanors: 1 year after final discharge. [R.C. 2953.39(B)(1)] and [R.C. 2953.32(B)(1)(b)(i)] • Minor Misdemeanors: 6 months after final discharge. [R.C. 2953.39(B)(1)] and [R.C. 2953.32(B)(1)(b)(ii)]
4. Timing for Hearing	• The court shall hold the hearing no less than 45 days and no more than 90 days from the date of the filing of the application. [R.C. 2953.39(D)(2)] • The court shall notify the applicant prosecutor of the date, time, and location of the hearing no later than 60 days prior to the hearing. [R.C. 2953.39(D)(1)]
5. What Else May Provide Relief?	Pending criminal charges. [R.C. 2953.39(E)(2)(a)]
6. Considerations Required of the Court	• Objections of the subject offender; [R.C. 2953.39(E)(2)(c)] and • Objections of the victim. [R.C. 2953.39(E)(2)(d)]
7. Findings Required of the Court	• Rehabilitation of the subject offender to the satisfaction of the court; [R.C. 2953.39(E)(2)(b)] and • If the needs of the government to maintain the record outweigh the interests of the applicant to seal the record. [R.C. 2953.39(E)(2)(e)]
8. What Happens to the Record?	If expunged, the record should be destroyed, deleted, and erased as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable. [R.C. 2953.39(G)] and [R.C. 2953.31(B)(2)]
9. Filing Fee	No more than $50.00, unless the court directs the clerk of the court to waive some or all of the fee. [R.C. 2953.39(B)(3)]

G. Post-Conviction DNA Testing [R.C. 2953.71-.81]

1. Who is Eligible?	An offender sentenced to death, to a prison term, to a community-control sanction, or to SORN registration for a felony and currently is in prison, on parole, on probation, on post-release control, on community control, or on the SORN registry regarding that felony. [R.C. 2953.72(C)] An offender is not eligible if dead. [R.C. 2953.72(C)(3)]
2. Exceptions	The application cannot be in regard to any offense for which the offender pleaded guilty or no contest.
3. Timing for Eligibility	At any time after conviction.
4. What Else May Prevent Relief?	Specific considerations at R.C. 2953.74;[8] generally, the offender could not have had a prior "definitive"[9] DNA test and must show that a DNA test, which results in an exclusion, would have been outcome determinative at trial.
5. Considerations Required of the Court	Review is expedited. [R.C. 2953.73(D)] Under R.C. 2953.74(C), all of the following must apply: • Biological material must have been collected and a parent sample must still exist; • A testing authority must determine that testing can still take place; • The identity of the person who committed the crime must have been at issue at trial; • The defense must have asserted a theory at trial that would have made a DNA exclusion outcome determinative; • The court must decide that a DNA exclusion would have been outcome determinative; and • The court must validate the chain of custody of the DNA parent and extracted sample.
6. What Happens to the Record?	The state must maintain the results of the testing and the samples used; the result of the testing remains state's evidence. [R.C. 2953.81(A)]

8 Under R.C. 2953.74(A), there can have been no prior definitive DNA test. Under R.C. 2953.74(B), either (1) no DNA test was taken at the trial stage, the offender shows that a DNA exclusion would have been outcome determinative, and the DNA test was not taken because DNA testing was unavailable, the DNA was inadmissible, or DNA evidence was not generally accepted at the time; or (2) a DNA test was done at the trial stage, but the offender can show that in context of all available admissible evidence, the test would have been outcome determinative.

9 "Definitive DNA test" means a DNA test that clearly establishes that biological material from the perpetrator of the crime was recovered from the crime scene and also clearly establishes whether or not the biological material is that of the eligible offender. A prior DNA test is not definitive if the eligible offender proves by a preponderance of the evidence that because of advances in DNA technology, there is a possibility of discovering new biological material from the perpetrator that the prior DNA test may have failed to discover. Prior testing may have been a prior "definitive DNA test" as to some biological evidence, but may not have been a prior "definitive DNA test" as to other biological evidence. R.C. 2953.71(U)

H. Professional Licensure Applications (Limitations Related to Licensing Refusal)

1. Who is Eligible?	• Limitations are placed on a state licensing authority's ability to deny a license and apply to every profession or occupation that requires a license. • A licensing authority cannot refuse an initial license to an individual based solely or in part on a conviction of, judicial finding of guilt of, or plea of guilty to an offense; a criminal charge that does not result in a conviction, judicial finding of guilt, or plea of guilty; a nonspecific qualification such as "moral turpitude" or lack of "moral character"; or a disqualifying offense included on the list of specific offenses if consideration of that offense occurs after the applicable statutory waiting period. [R.C. 9.79(C)(1)] • Changes generally effective Oct. 1, 2021.
2. Exceptions	• Limitations do not apply to exempt occupations.[10] [See R.C. 9.79(I)] • Any individual may be disqualified if they are convicted of, found guilty pursuant to a judicial finding of, or plead guilty to a disqualifying offense included on the state licensing authority's list of specific disqualifying criminal offenses. [R.C. 9.79(B)] • Applies to initial licensure only and does not affect any law related to renewing a license. However, a licensing authority cannot refuse to renew a license based on a conviction of, judicial finding of guilt, or guilty plea to an offense if the licensing authority issued the initial license after considering the conviction, judicial finding of guilt, or guilty plea. [R.C. 9.79(K)]
3. Timing for Eligibility	If an individual has been convicted of, found guilty pursuant to a judicial finding of, or pleaded guilty to a disqualifying offense included in the state licensing authority's list, the licensing authority may consider the disqualifying offense only during certain time periods: • For an offense not involving breach of fiduciary duty that is not a sex offense or offense of violence: within 5 years of the date of conviction, release, or sanction; • For an offense that is a breach of fiduciary duty but not a sex offense or offense of violence: within 10 years of the date of conviction, release, or sanction; and • For sex offenses and offenses of violence: any time. [R.C. 9.79(D)(2)]
4. What Else May Prevent Relief?	A licensing authority may consider past discipline when deciding whether to issue a license to an individual. [R.C. 9.79(J)]
5. Considerations Required of the Court	The licensing authority must consider: • The nature and seriousness of the offense; • The passage of time since the individual committed the offense; • The relationship of the offense to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of the occupation; • Any mitigating evidence of rehabilitation or treatment undertaken by the individual, including whether the individual has been issued a certificate of qualification for employment or a certificate of achievement and employability; and • Whether the denial of a license is reasonably necessary to ensure public safety. [R.C. 9.79(D)(1)]
6. What Happens to the Record?	Licensing Authorities must provide the Department of Administrative Services (DAS) detailed annual reports related to licensing procedure, which will be compiled by DAS and published as a searchable website. [R.C. 9.78(C)]

10 Registrations issued by the Joint Legislative Ethics Committee (legislative agents and lobbyists) are exempted from these limitations [R.C. 4798.01(A)]; [9.78(A)(1)]; [9.79(A)(1)] by Am.Sub. House Bill 110 (2021).

I. Certificates of Qualification for Employment (CQE) [R.C. 2953.25]

1. Who is Eligible?	• Individuals with felony or misdemeanor convictions who are subject to one or more collateral sanctions as defined in R.C. 2953.25(A)(1). • More information on CQE application is available on ODRC's website.
2. Exceptions	Pursuant to R.C. 2953.25(C)(7) relief cannot be granted for: • SORN requirements imposed under R.C. 2950; • Suspension of a driver's license or commercial driver's license for specified offenses where other relief is available; • Restrictions on employment as a prosecuting attorney or law enforcement officer or at a pain clinic; and • Health care professional licensure decisions: - For offenders granted intervention in lieu of conviction under R.C. 2951.041 for offenses specified in R.C. 2953.25(C)(7)(d); - For individuals found to be addicted to or illegally distributing controlled substances under R.C. 3719.121; and - For individuals in default on child support orders under R.C. 3123.43 (license suspension is mandatory).
3. Timing for Eligibility	• For felony convictions: If sent to prison, one year after final release from incarceration and any postrelease supervision. If placed on community control, one year after final release from all community control sanctions. Some individuals may be eligible to apply early under O.A.C. 5120-15-1(C). • For misdemeanor convictions: If incarcerated, six months after final release from incarceration and all supervision after release, If not incarcerated, six months after the offender is released from all sanctions imposed.
4. What Else May Prevent Relief?	Failure to include in the petition all information required under R.C. 2953.25(F).
5. Considerations Required of the Court	A court has discretion to grant an application under [R.C. 2953.25(C)(3)] if it finds by a preponderance of the evidence that: • The petition would materially assist the individual in finding a job or obtaining a license for employment; • There is a substantial need for the CQE in order for the petitioner to lead a law-abiding life; or • A grant of the petition would not pose an unreasonable risk to the safety of the public or any individual. There is a rebuttable presumption in favor of granting the CQE for petitions filed in accordance with the timing requirements once three years have passed since a felony petitioner's final release or one year has passed from a misdemeanor petitioner's final release. [R.C. 2953.25(C)(5)] A denial of such an application requires proof by clear and convincing evidence that the applicant has not been rehabilitated. [R.C. 2953.25(C)(6)] Effective Sept. 30, 2021, applicants have no duty to include or disclose information contained in a sealed record, and courts are prohibited from questioning applicants about or reviewing information in sealed records. [R.C. 2953.25(C)](1)] The Court must file written notice of a petition denial and may include in that notice conditions necessary for any subsequent CQE petition. The denial may be appealed if abuse of discretion is alleged. [R.C. 2953.25(C)(8)]
6. What Happens to the Record?	The record of the criminal conviction remains intact; however, a granted application lifts most automatic bars to employment or licensure based on the conviction, and the hiring or licensure entity may then consider the applicant without reconsideration of any R.C. 2953.25(C)(3) factors. A CQE is not a guarantee of employment or licensure. [R.C. 2953.25(D)] • If a criminal record is later sealed, all records related to a CQE application, issuance, or denial for that record are also sealed. [R.C. 2953.31(D)] • Hiring of individuals with CQE provides limited civil immunity for an employer. [R.C. 2953.25(G)] • A subsequent felony conviction results in revocation of the CQE. [R.C. 2953.25(H)]

J. Executive Clemency [R.C. 2967.03]

1. Who is Eligible?	Individuals with felony or misdemeanor convictions may apply to the Ohio Adult Parole Authority (APA) for consideration. The APA processes the application for consideration by the parole board. The parole board then may schedule a hearing and make recommendations for the governor's consideration. More information on the clemency process, including application information, is available at drc.ohio.gov/clemency. In December 2019, Ohio Gov. Mike DeWine created the Ohio Governor's Expedited Pardon Project, an effort with The Ohio State University Moritz College of Law and the University of Akron School of Law to provide for application assistance and accelerated parole board review of pardon applications from individuals who completed their sentence and lived a law-abiding life for 10 years since that time. More information on the expedited pardon project is at ohioexpeditedpardon.org.
2. Exceptions	Anyone may apply to the parole board for clemency, including capital and non-capital defendants serving sentences at ODRC. Additional information on parole board clemency policies is available here. The only exceptions are for convictions for treason or cases of impeachment; treason cases may be referred by the governor to the General Assembly for clemency consideration, pursuant to the Ohio Constitution, Article III, Section 11. The Ohio Governor's Expedited Pardon Project publishes a list of convictions excluded from consideration under the program.
3. Timing for Eligibility	There are no timing restrictions on traditional clemency applications. However, pursuant to O.A.C. 5120:1-1-15(I), an individual whose application was denied must wait two years to re-apply, unless the application contains "significant new information." The Ohio Governor's Expedited Pardon Project requires applicants to have lived a law-abiding life (no criminal convictions other than traffic offenses) for 10 years since their sentence was completed.
4. What Else May Prevent Relief?	Both the traditional clemency process and the Expedited Pardon Project require written application and thorough documentation of all criminal convictions, employment history, and other required information. Notice (60 days prior) must be provided by the parole board of any hearing on a clemency application to victims, prosecutors, and the sentencing court. The governor has final discretion over recommendations made by the parole board; even a favorable clemency recommendation may be denied and neither parole board recommendations, nor the governor's decision, is subject to review.
5. Considerations Required of the Parole Board	In making a recommendation on a clemency application, the parole board considers: • Whether there is reason to believe that clemency would both "further the interests of justice and be consistent with the welfare and security of society"; • The applicant's supporting information in their application, including their stated reasons for requesting clemency, letters of support, and other relevant information; • Written statements or testimony of the victim, victim's representative, or family members of the victim; and • Statements of fact of the case and circumstances relevant to the clemency consideration requested from the trial court or prosecuting attorney, including their recommendation on whether clemency should be granted. The parole board generates a report indicating a favorable or unfavorable recommendation for clemency that is provided to the governor for final consideration.

6. What are the Effects of a Grant of Clemency?	Clemency may come in three forms: • Pardon – Relief from some or all consequences of the criminal conviction. • Commutation – A grant of a reduction of the punishment imposed for a criminal conviction. For example, this can • take the form of a reduced term of imprisonment or conversion of a capital sentence to life without parole. • Reprieve – A temporary postponement of the sentence imposed for a criminal conviction. For example, this can take the form of a delay of the execution date for a capital sentence. Commutations or pardons may be conditional or unconditional, meaning that the governor may require the applicant to accept certain conditions before the commutation or pardon is granted. [R.C. 2967.04(A)] Upon receiving an unconditional pardon or completion of all conditions imposed for a conditional pardon, the individual is relieved of "… all disabilities arising out of the conviction or convictions for which it is granted." [R.C. 2967.04(B)] This includes, but is not limited to: • Relieving occupational prohibitions based on the conviction; • Allowing the grantee to serve as a volunteer where previously prohibited by the conviction; • Relieving the bar on holding public office; and • Allowing the grantee to legally purchase and possess firearms. Pardons do not seal or expunge the records of the criminal convictions involved. However, beginning Sept. 30, 2021, the governor may include a condition of the pardon that records related to the offense be sealed and issue a writ for the same. [R.C. 2967.04(C)]