



OHIO LEGISLATIVE SERVICE COMMISSION

Bill Analysis

Jeff Hobday

H.B. 592

132nd General Assembly
(As Introduced)

Reps. Ramos, Sykes, West

BILL SUMMARY

- Expands eligibility for criminal record sealing when two or more offenses resulted from drug-seeking behavior and the person has completed drug treatment, if previously ordered, and has not tested positive for drugs in the past year.
 - Names the bill the "Ohio Second Chance Act."
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CONTENT AND OPERATION

Record sealing for drug-related offenses

The bill expands eligibility for the sealing of criminal records when a person's criminal acts resulted from "drug-seeking behavior." "Drug-seeking behavior" is conduct motivated by chemical dependency and the person's intent to obtain either a drug of abuse or the means to obtain a drug of abuse.¹ The bill expands the definition of "eligible offender" by providing that if a judge determines that two or more offenses result from drug-seeking behavior but do not result from the same act or offenses committed at the same time, they are to be counted as one conviction for purposes of record sealing, provided that the person has completed a drug treatment program, if previously ordered, and has not tested positive for drugs in the past year.²

¹ R.C. 2953.31(J).

² R.C. 2953.31(A).

Currently (see **COMMENT**), a person is an "eligible offender" and therefore eligible for record sealing only if either of the following apply:³

(1) The person has been convicted of one or more offenses, but not more than five felonies, in Ohio or any other jurisdiction, and all of the offenses in Ohio are fourth or fifth degree felonies or misdemeanors and none of those offenses are an offense of violence or a felony sex offense, or the same would apply to the offenses committed in another jurisdiction if they had been committed in Ohio.

(2) The first category does not apply, but the person has not more than one felony conviction, not more than two misdemeanor convictions, or not more than one felony and one misdemeanor conviction in Ohio or in any other jurisdiction. If two or more convictions relate to the same act or result from offenses committed at the same time, they are counted as one conviction. In addition, when two or three convictions result from the same charging document, plea of guilty, or official proceeding, and result from related criminal acts committed within a three-month period but do not result from the same act or from offenses committed at the same time, they are counted as one conviction, unless a court decides that it is not in the public interest for the two or three convictions to be counted as one.

The bill is entitled the "Ohio Second Chance Act."⁴

COMMENT

The bill was drafted and introduced prior to the passage of Am. Sub. S.B. 66 of the 132nd General Assembly, which modified the eligibility criteria for record sealing. R.C. 2953.31, as amended by this bill, may need to be updated to clarify how the bill's provisions would affect record sealing eligibility.

HISTORY

ACTION	DATE
Introduced	04-10-18

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³ *Id.*

⁴ Section 3 of the bill.

