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Substitute Bill Comparative Synopsis

Sub. H.B. 460

135th General Assembly

House Criminal Justice

Sarah A. Maki, Attorney

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

H.B. 460 (As Introduced)	Sub. H.B. 460 (I_135_1953-4)
Effective date	
Provides that an individual who is eligible to have criminal records automatically sealed can do so beginning three years after the effective date of the bill (<i>R.C. 2953.321(A), (C)(1), and (G)</i>).	Changes that date to four years after the effective date of the bill (<i>R.C. 2953.321(A)(1), (C)(1), and (G)</i>).
Eligibility for automatic sealing	
Provides that an individual who is eligible to have records of a case sealed or expunged under specified sections of the Revised Code is eligible to have those criminal records automatically sealed (<i>R.C. 2953.321(A), and 2953.32 to 2953.521 and 2953.61, not in the bill</i>).	Subject to the below provision, adds that an individual is eligible to have criminal records automatically sealed if either of the following apply: (1) the records of the case are eligible to be sealed on or after the bill's effective date, or (2) the records of the case would have been

H.B. 460 (As Introduced)	Sub. H.B. 460 (I_135_1953-4)
No provision.	<p>eligible to be sealed between January 1, 1995, and the effective date of this of the bill had the bill been effective at that time (<i>R.C. 2953.321(A)(1)(b)</i>).</p> <p>Specifies that an individual is no longer eligible to have criminal records automatically sealed if the individual’s criminal records have been automatically sealed two times before (<i>R.C. 2953.321(A)(2)</i>).</p>
Identification of records	
Requires the Bureau of Criminal Identification and Investigation (BCII) to identify records that are eligible for automatic sealing at least once every month (<i>R.C. 2953.321(C)</i>).	<p>Specifies that the records that BCII must identify for automatic sealing are as follows (<i>R.C. 2953.321(C)(1)</i>):</p> <ul style="list-style-type: none"> ▪ Records of the case that are eligible to be sealed on or after the effective date of the bill. BCII must identify these records continually each month. ▪ Records of the case that would have been eligible to be sealed between January 1, 1995, and the effective date of the bill had the bill existed during that time. BCII must identify 8.5% of these records each month over a one-year period.
Order of automatic sealing	
Provides that if, within 45 days after a record has been identified on a list provided to the court and prosecutor, the court has not received an objection to the sealing of the record from both BCII and the prosecutor, the court with jurisdiction over the record must order the record to be sealed and ensure the record is sealed as it would be if the court were to order a record sealed under the general sealing and expungement statute (<i>R.C. 2953.321(E)</i>).	Changes the number of days that BCII and prosecutor have to object to the automatic sealing to 90 days, and adds that the court must send a copy of the sealing order to the individual who is the subject of the sealing order at the individual’s last known address (<i>R.C. 2953.321(E)</i>).

H.B. 460 (As Introduced)	Sub. H.B. 460 (I_135_1953-4)
Provides that if, within 45 days after a record has been identified on a list provided to the court and prosecutor, the prosecutor and BCII object to the automatic sealing identified in the list, that record cannot be automatically sealed under the bill's provisions <i>(R.C. 2953.321(F))</i> .	Changes the number of days that BCII and prosecutor have to object to the automatic sealing to 90 days <i>(R.C. 2953.321(F))</i> .