



Ohio Legislative Service Commission

Bill Analysis

David M. Gold

H.B. 448

131st General Assembly
(As Introduced)

Reps. Cupp, Grossman, S. O'Brien, Duffey, Amstutz, Brown, Koehler, Zeltwanger, Sprague, Schaffer, Slaby, Burkley, Green, Ginter, Becker, Terhar, Fedor, Romanchuk

BILL SUMMARY

- Prohibits a probate court from granting an application for a change of name of a person who is convicted of a felony the records of which may not be sealed.
- Requires a criminal records check of an applicant for a change of name.
- Requires the Bureau of Criminal Identification and Investigation to procure information on sexually oriented and child-victim oriented misdemeanors and requires specified law enforcement officers, correctional officials, and court clerks to report information on those offenses to the Bureau.

CONTENT AND OPERATION

Preclusion of name change

The bill requires a person who applies to a probate court for a change of name to state whether the person has been convicted of or pleaded guilty to either (1) a violation of any existing or former law or ordinance of Ohio that is or was a felony and the record of which may not be sealed under the general sealing provisions of the Revised Code or (2) a violation of any existing or former law or ordinance of another state or the United States that is or was substantially equivalent to an offense that, if committed in Ohio, would be a felony and the record of which would not be sealable.¹ The court may not order a change of name for a person who falls into either category.²

¹ R.C. 2717.01(A)(1)(c) and (d).

² R.C. 2717.01(D)(3) and (4).

Existing law, unchanged by the bill, requires an applicant for a change of name to state whether the applicant has been convicted of or been adjudicated a delinquent child for identity fraud or has a duty to register under the SORN Law for having been convicted of a sexually oriented or child-victim oriented offense.³ Under existing law, the court may not order a change of name for a person who falls into either category.⁴

Criminal records check on application for name change

Under the bill, a probate court that receives an application for a change of name must request a criminal records check of the person for whom the change is sought from the Bureau of Criminal Identification and Investigation (BCII). If the applicant does not present proof that the person has been a resident of Ohio for the five-year period immediately prior to the date the records check is requested, the court must ask the BCII to get information from the FBI as part of the records check. If the applicant does present proof of residency during the five-year period, the court may still request the FBI information.

The court must provide to the person subject to the records check under the bill's provisions a copy of the BCII records check request form and standard fingerprint impression sheet, obtain the completed form and impression sheet from the person, and forward both to the BCII. The court may not conduct a hearing or act on the application until it has received a report of the records check from the BCII. The court must deny the application of an applicant who fails to provide the information necessary to complete the form or to provide fingerprint impressions.

The bill requires the court to pay the statutory fee to the BCII for each criminal records check conducted under its provisions, but the court may charge the applicant a fee for the costs it incurs in obtaining the records check. At the time of the application, the court must notify the applicant of any fee and that the court will not grant the application if the fee is not paid.

A criminal records check conducted under the bill is not a public record and may not be made available to any person other than the person who is the subject of the records check or the person's representative and the probate court and court employees performing duties related to the application.⁵

³ R.C. 2717.01(A)(1)(a) and (b), as redesignated by the bill.

⁴ R.C. 2717.01(D)(1) and (2), as redesignated by the bill.

⁵ R.C. 2717.01(C).



Duty to procure or report information on certain misdemeanors

The bill adds misdemeanors described in R.C. 109.572(A)(13) to the list of offenses for which the BCII must procure, where procurable, and maintain fingerprints and other information pertinent to an offender. Misdemeanor sexually oriented and child-victim oriented offenses are the only misdemeanors described in that division. Existing law requires the BCII to obtain information on persons convicted of certain other misdemeanors and all felonies. The bill also:⁶

- Requires sheriffs and city police chiefs to take fingerprints of persons arrested for sexually oriented and child-victim oriented misdemeanors and to forward them, along with other information, to the BCII;
- Adds fingerprints and other material related to persons in custody on suspicion of having committed sexually oriented and child-victim oriented misdemeanors to the material that persons in charge of jails and other correctional facilities must provide to the BCII;
- Adds information on cases involving sexually oriented and child-victim oriented misdemeanors to the data that court clerks must submit to the BCII in their weekly reports.
- Adds fingerprints and other means of identification of persons arrested for sexually oriented and child-victim oriented misdemeanors to the complete system of criminal identification that the BCII Superintendent must cooperate with and assist sheriffs, police chiefs, and other law enforcement officers to establish.

The bill obligates the BCII to conduct a criminal records check on receipt of a request from a probate court in which an application for a change of name has been filed, together with a completed form requesting a records check and a set of fingerprint impressions. The bill requires that the report of the criminal records check include sexually oriented and child-victim oriented offenses, identity fraud, felonies committed in Ohio the records of which may not be sealed, and felonies committed under the law of other states or the United States the records of which would not be sealable if the offenses were committed in Ohio.⁷

⁶ R.C. 109.60(A)(1) and 109.57(A)(1), (2), and (3).

⁷ R.C. 109.572(A)(13) and (B)(1) and (4).



HISTORY

ACTION

DATE

Introduced

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