



OHIO LEGISLATIVE SERVICE COMMISSION

Sub. Bill Comparative Synopsis

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Sub. H.B. 56

132nd General Assembly
(H. Criminal Justice)

This table summarizes how the latest substitute version of the bill differs from the As Introduced 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.

Topic	Previous Version (As Introduced)	Sub. Version (L_132_0349-3)
Abeyance of juvenile court proceedings	No provision.	When a child is a victim of trafficking in persons, allows a judge to extend the period of time that juvenile court proceedings are held in abeyance until the court is satisfied that the child has complied with the conditions of abeyance and has completed diversion (<i>R.C. 2152.021(F)(1)(a) and (F)(4)</i>).
Sealable offenses for victims of human trafficking	No provision.	Provides that a person convicted of any of six specified sex offenses may apply for sealing of any record of conviction, other than certain "excluded offenses" (see below), if the person's participation in the offense was a result of the person having been a victim of human trafficking (<i>R.C. 2953.39(B)</i>).

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Sealing of first or second degree felony convictions	No provision.	<p>If a court determines that an applicant's participation in the offense that is the subject of the application was a result of having been a victim of human trafficking and if that subject offense is a first or second degree felony, other than an "excluded offense," requires the court to consider all of the following factors and, upon consideration of the factors, determine whether the applicant's interests in having the record of conviction sealed are outweighed by any legitimate needs of the government to maintain the record of conviction:</p> <p>(1) The degree of force, fear, duress, intimidation, or fraud under which the applicant acted in committing the subject offense, including the history of the use of force or threatened use of force against the applicant or another person, whether the applicant's judgment or control was impaired by the administration to the applicant of any intoxicant, drug, or controlled substance, and the threat of withholding from the applicant food, water, or any drug;</p> <p>(2) The seriousness of the subject offense;</p> <p>(3) The relative degree of physical harm done to any person in the commission of the subject offense;</p> <p>(4) The length of time that has expired since the commission of the subject offense;</p> <p>(5) Whether the prosecutor represents to the court that criminal proceedings are likely to still</p>



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		<p>be initiated against the applicant for a felony offense for which the period of limitations has not expired;</p> <p>(6) Whether the applicant at the time of the hearing is subject to supervision as a result of the subject offense. <i>(R.C. 2953.39(E)(2)).</i></p>
Excluded offenses	No provision.	<p>Lists the following "excluded offenses" for which a record of conviction may not be sealed under the provisions above: aggravated murder, murder, voluntary manslaughter, aggravated vehicular homicide, permitting child abuse when the offense results in the child's death, rape, aggravated arson, and six terrorism-related offenses <i>(R.C. 2953.39(A)(1)).</i></p>
Procedure for record sealing	No provision.	<p>Creates a procedure for a victim of human trafficking to seal conviction records that is substantially the same as the procedure for a human trafficking victim to expunge records, except that if the application is for sealing of a first or second degree felony, the court must also consider the factors described above in "Sealing of first or second degree felony convictions" <i>(R.C. 2953.39(B) to (H) and 2953.40(A)(2)).</i></p>
Effect of record sealing	No provision.	<p>Provides that the proceedings in a case subject to a sealing order under the bill are to be considered not to have occurred and the official records of conviction sealed, except that upon conviction of a subsequent offense, the sealed record of a prior</p>

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		<p>conviction may be considered by the court in determining the sentence or other appropriate disposition, including the relief provided for in existing record sealing law (R.C. 2953.39(G)).</p> <p>Creates a procedure for notifying public offices and agencies of the sealing order that mirrors existing record sealing law (R.C.2953.40(A), (B), and (C)).</p> <p>Specifies that an order to seal official records under the bill applies to every public office or agency that has a record of the case that is the subject of the order and provides that the persons who may access a record of conviction sealed under the bill and the purposes for which the records may be used are the same as under existing record sealing law (R.C. 2953.40(D) and (E)).</p>
Content of application for expungement	No provision.	Requires that an application from a victim of human trafficking for expungement of a record of conviction identify the case in which the conviction occurred, rather than the court in which the conviction occurred (R.C.2953.38(B)(1)).
Inquiries and reports by probation departments	No provision.	Provides that the court considering an application for expungement may request, rather than direct, a state probation officer or the department of probation of the county in which the applicant resides to make inquiries and written reports as the court requires concerning the applicant (R.C. 2953.38(D)).

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Findings required before sending notice of an order of expungement	No provision.	Clarifies that, before a court sends notice of an expungement order to public offices and agencies, the court must determine that the person was convicted of one of the six sex offenses specified in current law <i>and</i> the offense that is the subject of the application if it is not the same offense (R.C. 2953.38(G)(1)(a)).

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