

## SB 337 Juvenile Provisions

### Sealing and Expungement of Juvenile Records: Fact Sheet

On September 28, 2012, the provisions of SB 337 go into effect. This fact sheet covers the provisions in the law regarding changes to the sealing of juvenile records in ORC § 2151.356.

Note: Although SB 337 does not specifically address the expungement provisions in ORC § 2151.358, youth must go through the sealing process (where the record is secured in a separate file and is accessible only to the juvenile court) before they can have a record expunged (permanently destroyed). Therefore, under the changes in SB 337, more youth will be eligible to have their records expunged.

How does the old law on sealing compare to the new law under S.B. 337?: SB 337 changed the juvenile court sealing laws in six ways:

1. *Reduces the number of offenses that can never be sealed from 5 to 3:* Under prior law, 5 offenses in juvenile court could never be sealed; S.B. 337 limits the offenses that can never be sealed to the 3 offenses listed below. ORC § 2151.356(C)(1).

#### Offenses that Can Not Be Sealed

Prior Law	Post-SB 337
2903.01 – Aggravated Murder	2903.01 – Aggravated Murder
2903.02 – Murder	2903.02 – Murder
2907.02 – Rape	2907.02 – Rape
2907.03 – Sexual Battery	
2907.05 – Gross Sexual Imposition	

2. *Eliminates any fees for sealing:* Under prior law, a youth could be charged a fee for an application to seal their juvenile court records. S.B. 337 eliminates this fee, allowing a youth to apply to have their record sealed without a fee. ORC § 2151.356(C)(1).
3. *Reduces the time a youth must wait before their record is sealed:* Under prior law, a youth had to wait 2 years after any of the triggering events listed in § 2151.356(C)(1) occurred. S.B. 337 reduces this wait time to 6 months after one of the listed events occurs. ORC § 2151.356(C)(1).
4. *Allows youth to apply after any triggering event:* Prior law required that a youth wait to apply for sealing until after the later of the triggering events listed in § 2151.356(C)(1) occurred. S.B. 337 allows youth to apply for sealing after any of the events listed in that section occur. ORC § 2151.356(C)(1).
5. *For sexually based offenses, allows youth to apply for sealing if they no longer have to register:* Under prior law, no provision existed that specifically addressed when a youth adjudicated of a sexually based offense could apply for sealing and how sealing related to sex offender registration. S.B.337 specifically states that a youth can apply for sealing 6 months after when the court enters a court order that determines the child is no longer a juvenile offender registrant through ORC § 2152.84 [hearing to review effectiveness of disposition and treatment] or ORC § 2152.85 [reclassification or declassification petition]. ORC § 2151.356(C)(1)(c).
6. *For sexually based offenses, allows courts to consider the youth's sex offender classification or declassification:* Under prior law, no provision existed that allowed a court to consider a youth's juvenile offender registry status during a sealing hearing. S.B. 337 explicitly provides that a court considering whether a youth has been rehabilitated (and therefore can have their record sealed) can take into account whether the youth was reclassified on or declassified from the juvenile offender registry. ORC § 2151.356(C)(2)(e)(v).

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### Sealing and Expungement of Juvenile Records: Case Examples

#### **Case Examples:**

**Case #1: Facts:** A youth is adjudicated delinquent of gross sexual imposition under § 2907.05 and is given a disposition that includes serving time in a DYS facility and registering as a juvenile sex offender registrant. The youth is released from DYS and put on parole for 8 months. The youth is released from parole 8 months later and is discharged from DYS custody. When discharged from DYS custody, the youth is reclassified to a Tier 1 sex offender during an ORC § 2152.84 hearing and must continue to register. Three years later, the youth has an ORC § 2152.85 hearing and is declassified from the registry.

*Sealing under prior law:* The youth could never apply to seal his record.

*Sealing under SB 337:* The youth can apply to have his record sealed 6 months after DYS discharge and, if unsuccessful, 6 months after he is declassified from the registry.

**Case #2: Facts:** A youth is adjudicated delinquent of pandering obscenity involving a minor under § 2907.321 and is given a disposition that includes serving time in a DYS facility and registering as a juvenile sex offender registrant. The youth is released from DYS and put on parole for 8 months. The youth is released from parole 8 months later and is discharged from DYS custody. When discharged from DYS custody, the youth is reclassified to a Tier 1 sex offender during an ORC § 2152.84 hearing and must continue to register. Three years later, the youth has an ORC § 2152.85 hearing and is declassified from the registry.

*Sealing under prior law:* Although this scenario was not addressed in prior law, the youth could likely apply to seal her record 2 years after registry declassification.

*Sealing under SB 337:* The youth can apply to have his record sealed 6 months after DYS discharge and, if unsuccessful, 6 months after she is declassified from the registry.

**Case #3: Facts:** A youth is adjudicated delinquent of assault and is given a disposition of 1 year of probation. The youth successfully completes his 1 year of probation and the court informs him he must pay a filing fee in order to seal his record.

*Sealing under prior law:* The youth could apply to seal his record 2 years after completing the year of probation and would be required to pay the filing fee to seal his record.

*Sealing under SB 337:* The youth can apply to have his record sealed 6 months after completing the year of probation and cannot be required to pay the filing fee.