RECORD SEALING UNDER THE GROW ACT

3 YEARS AFTER BILL'S EFFECTIVE DATE (REPEATED MONTHLY)

Ohio Bureau of Criminal Investigation compiles a list of records eligible for sealing and submits them to prosecutors and county courts.

PROSECUTORS HAVE 90 DAYS TO OBJECT TO THE SEALING OF INDIVIDUAL RECORDS

Prosecutors **may** object if:

- The case does not meet eligibility criteria.
- The individual has not paid court-ordered restitution to victims.
- There is reasonable belief of ongoing criminal activity by the individual.
- The individual is a defendant in a pending criminal case.

If prosecutor objects

If prosecutor does not object

AFTER 90 DAYS: COURT DETERMINATION

The court decides which is more significant:
The government's need to keep the records public, or the individual's need to have them sealed.

If the government's interest is greater

If the individual's interest is greater or equal

Record remains public

Record is sealed

IMPACT

- A sealed record is no longer publicly available and can only be accessed by law enforcement.
- Employers are immune from negligent hiring and negligent supervision charges arising from hiring individuals with sealed or expunged records.
- The Prosecutor's Office must provide timely notice of record sealing to a victim or victim's representative.