

Ohio Criminal Record Relief Options

Any type of criminal record can result in negative impacts for individuals. For example, even a single misdemeanor arrest or conviction can make it difficult to get a job or find housing. Ohio law offers several record relief mechanisms that aim to reduce the negative impacts of a criminal record. Among the most prominent are pardon, record sealing and expungement, the certificate of qualification for employment (CQE), and the certificate of qualification for housing (CQH).

Understanding available relief options

WHAT IS A CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT (CQE)?

The CQE was created to help individuals with criminal history get jobs. It currently does so by removing automatic occupational licensing bans, providing a stamp of good character from an Ohio court, and by giving employers negligent hiring immunity.

WHAT IS A CERTIFICATE OF QUALIFICATION FOR HOUSING (CQH)?

The CQH is the newest addition to the record relief mechanisms available to Ohioans. It is aimed at removing barriers to housing for individuals with criminal history. Landlords who accept tenants with a CQH will receive protections against liability for those tenants' actions. Additionally, individuals that obtain a CQH may also be eligible to apply for public housing in the state of Ohio.

WHAT ARE RECORD SEALING AND EXPUNGEMENT?

While the terms record sealing and expungement are often used interchangeably, these remedies are distinct under Ohio law. Expungement offers almost complete destruction of a record, with law enforcement often being the only entity retaining access. Sealing removes the record from public view so that it no longer appears on most background checks, though some government and law enforcement agencies can continue to access it for certain purposes.

WHAT IS A PARDON?

A pardon can remove all restrictions that arise from any conviction. Additionally, the Governor can order pardoned convictions to be sealed, even if the convictions were not eligible for sealing.



Rights Restoration Services Provided by the Drug Enforcement and Policy Center

Service Projects

OPPORTUNITY PORT

Opportunity Port is an online portal that connects those with criminal records in Ohio with free legal help to complete record sealing and expungement applications. The process begins with the completion of a 5-minute survey on the website about one's criminal record history. Eligible applicants then work with an attorney to complete the application at no cost to them. Once filed, the court confirms the applicant's eligibility, schedules a hearing, and the applicant attends a court hearing in front of a judge.

To learn more about Opportunity Port, visit opportunityport.org.

OHIO GOVERNOR'S EXPEDITED PARDON PROJECT

The Ohio Governor's Expedited Pardon Project aims to expedite the process by which people apply for a pardon under Ohio's laws. The project seeks to reduce challenges surrounding pardon applications in Ohio for people meeting certain criteria who can show that they have been rehabilitated and have contributed positively to their communities. Accepted clients receive free legal support to complete and submit a full pardon application in Ohio.

To learn more about the Ohio Governor's Expedited Pardon Project, visit ohioexpeditedpardon.org.

Additional Resources

DETERMINING YOUR ELIGIBILITY FOR SEALING OR EXPUNGEMENT IN OHIO

The Ohio Justice & Policy Center has published a helpful guide to adult conviction sealing and expungement in Ohio. The document outlines the process for determining eligibility.

Download the document at go.osu.edu/ojpc-sealing.

FINDING YOUR CRIMINAL RECORDS IN OHIO

Ohio Legal Help provides a step-by-step tutorial on how to find your criminal records in Ohio.

Access the tutorial at go.osu.edu/olh-records.

APPLYING FOR PRIVATE HOUSING OR EMPLOYMENT WITH A CRIMINAL RECORD IN OHIO GUIDE

These guides aim to provide general guidance and tips to people with criminal history who are looking to access private housing or are seeking employment.

Access the housing and employment guides at go.osu.edu/ohio-rights-restoration.



Overview of Eligibility and Application Processes for Ohio Rights Restoration Mechanisms

Remedy	Who is eligible?	How long to do you have to wait?	How do you apply?	How much does it cost?
Certificate of Qualification for Employment (CQE) go.osu.edu/depc_cqe	Anyone who has been convicted of a felony or misdemeanor in the state of Ohio.	<u>Misdemeanor</u> : 6 months after all sanctions have ended. <u>Felony</u> : 12 months after all sanctions have ended.	A CQE application is filed with the Ohio common pleas court in your county of residence, or, if you live out of state, in the county where the offense occurred. Detailed information can be found on the Ohio Department of Rehabilitation and Correction (ODRC) website: search for "CQE."	\$50 filing fee plus court costs.
Certificate of Qualification for Housing (CQH) go.osu.edu/depc_cqh	Anyone who has been convicted of a felony or misdemeanor in the state of Ohio.	<u>Misdemeanor</u> : 6 months after all sanctions have ended. <u>Felony</u> : 12 months after all sanctions have ended. A CQH may also be available to those who acquire a certificate of achievement and employability and complete a tenant education, training, and readiness program while incarcerated (See ORC Section 2961.25).	A CQH application is filed with the Ohio common pleas court in your county of residence, or, if you live out of state, in the county where the offense occurred, or, if incarcerated, by completing certain programming. Detailed information can be found by contacting the Ohio Department of Rehabilitation and Correction (ODRC). For incarcerated individuals who wish to seek a CQH, see ORC Section 2961.25.	\$50 filing fee plus court costs.
Record Sealing/Expungement go.osu.edu/depc_sealing go.osu.edu/depc_op	Determining whether your cases are eligible for record sealing or expungement can be complex. We recommend you seek legal assistance to help you determine your eligibility and to help you file your application. Many counties and cities have legal aid providers who offer free, in-person record sealing/expungement assistance, or try Opportunity Port for online assistance with record sealing/expungement.	<u>Felony of 3rd degree</u> : 3 years after final discharge for sealing, 13 years for expungement. <u>Felony of 4th or 5th degree</u> : 1 year after final discharge for sealing, 11 years for expungement. <u>Misdemeanor</u> : 1 year after final discharge for both sealing and expungement. <u>Minor misdemeanor</u> : 6 months after final discharge for sealing and expungement. <u>Not guilty on all charges or dismissed charges</u> : Any time after the finding of not guilty or dismissal for both record sealing and expungement.	An application to seal or expunge your record has to be filed with the court that adjudicated your case. If you have cases in multiple jurisdictions, you will have to file multiple applications. Each court has their own application and their own process. Contact the clerk of courts to receive the most up-to-date information on which application to use. Opportunity Port is also available to all Ohio residents with Ohio criminal records to assist with determining eligibility and completing applications for record sealing and expungement.	\$50 filing fee plus \$50 in court costs.
Pardon go.osu.edu/depc_pardon go.osu.edu/depc_ogep	<u>Traditional pardon process</u> : open to anyone with an Ohio conviction. <u>Expedited pardon process</u> : 10 years since completion of sentence, no disqualifying offenses, record of community service and employment. For additional details, including disqualifying offenses, visit Ohio Governor's Expedited Pardon Project (OGEP) website.	<u>Traditional pardon process</u> : technically, there is no prescribed wait time, however, the Governor looks for "substantial" length of crime free record. <u>Expedited pardon process</u> : 10 years since completion of sentence, including probation.	<u>Traditional pardon process</u> : application is submitted to the Ohio Parole Board (OPB). OPB issues a recommendation to the Governor, who decides whether a pardon is granted. The application and instructions can be found on the ODRC website: search for "pardon." Can take 18 months to 3 years for a final decision. <u>Expedited pardon process</u> : application is first submitted to the OGEPP. Accepted clients get free legal assistance with the filing of a pardon application. Can take 6 to 18 months for a final decision.	There is no filing fee for pardon applications.

