

## GUIDELINES FOR MUNICIPAL CASE EXPUNGEMENTS

An individual may be eligible for the expungement process if he/she meets the following criteria:

1. The applicant is an "eligible offender". An eligible offender" is defined as anyone who has been convicted of an offense in this state or any other jurisdiction and *who has not more than five felony convictions, in this state or any other jurisdiction, and none of those offenses are an offence of violence or a felony sex offense.*
2. **One year must have passed from the last date of action on a Municipal case.** For example, if placed on probation, one year must have passed from the termination date of probation or if it was a pay out ticket or fines and costs, one year must have passed from the date the fines/costs were paid.
3. There can be no charges pending before the Court in Hamilton County or elsewhere.

**Under section 2953-31 thru 2953-36, an individual may not be eligible for expungement if:**

1. The conviction is a DUI, Leaving the Scene, Drag Racing, or any other serious traffic offense. These offenses will also disqualify the applicant from obtaining an expungement of any criminal conviction.
2. The applicant has been charged with a **first-degree misdemeanor** of a violent offense, which includes Domestic Violence (2919.25); Sexual Imposition (2907.06); Aggravated Menacing (2903.21); Menacing by Stalking (2903.211); Escape (2921.34); Arson (2909.03).
3. Any first degree misdemeanor in which the victim was under the age of 18 years (including Endangering/Neglect Child).

### **EXPUNGEMENT APPLICATION INFORMATION**

1. A non-refundable \$50 filing fee is to be paid at the Criminal Clerk's office at the time of application for expungement of a Conviction. No filing fee is required for Acquittals or Dismissals. The defendant must go to the Assignment Commissioner, Room 117, to get the court date.
2. If an individual is indigent, a Motion of Indigency must be filed with the Assignment Commissioner, Room 117, of the Justice Center.
3. A court appearance is required for an expungement.

**DESPITE THE ABOVE GUIDELINES, WHICH ARE PROVIDED TO ASSIST THOSE WHO ARE APPLYING FOR CRIMINAL CASE EXPUNGEMENTS, THERE ARE NO GUARANTEES THAT AN EXPUNGEMENT WILL BE GRANTED. THE CASE-BY-CASE DECISION TO ORDER AN EXPUNGEMENT IS THAT OF THE JUDGE ASSIGNED AND NO ONE ELSE.**

**THE HAMILTON COUNTY CLERK OF COURTS CANNOT MAKE A DETERMINATION OF WHETHER THE DEFENDANT IS ELIGIBLE FOR EXPUNGEMENT. IF YOU HAVE ANY QUESTIONS IN REGARD TO THIS MATTER, YOU MAY CONSULT AN ATTORNEY OR REVIEW O.R.C. 2953-31 TO 2953-36.**

**ADDITIONAL INFORMATION REGARDING EXPUNGEMENTS MAY ALSO BE OBTAINED ON THE CLERK OF COURTS WEBSITE AT: <http://www.courtclerk.org/>**