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HOUSE BILL No. 118

Proposed Changes to introduced printing by AM111801

DIGEST OF PROPOSED AMENDMENT

Fines, fees, and court costs. Removes the requirement that a person pay outstanding fines, fees, and court costs as a prerequisite to expungement.

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-8-1-5, AS AMENDED BY P.L.240-2025,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 5. (a) This section does not apply to a candidate
4 for federal office.
5 (b) As used in this section, "felony" means a conviction for which
6 the convicted person might have been imprisoned for more than one (1)
7 year.
8 (c) A person is not disqualified under this section for:
9 (1) a felony conviction for which the person has been pardoned;
10 (2) a felony conviction that has been:
11 (A) reversed;
12 (B) vacated;
13 (C) set aside;
14 (D) not entered because the trial court did not accept the
15 person's guilty plea; or
16 (E) expunged under IC 35-38-9 (before its repeal) or
17 IC 35-38-9.5; or
18 (3) a person's plea of guilty or nolo contendere at a guilty plea
19 hearing that is not accepted and entered by a trial court.
20 (d) A person is disqualified from assuming or being a candidate

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1 for an elected office if:

2 (1) the person gave or offered a bribe, threat, or reward to
 3 procure the person's election, as provided in Article 2, Section 6
 4 of the Constitution of the State of Indiana;

5 (2) the person does not comply with IC 5-8-3 because of a
 6 conviction for a violation of the federal laws listed in that statute;

7 (3) in a:
 8 (A) jury trial, a jury publicly announces a verdict against the
 9 person for a felony;
 10 (B) bench trial, the court publicly announces a verdict
 11 against the person for a felony; or
 12 (C) guilty plea hearing, the person pleads guilty or nolo
 13 contendere to a felony;

14 (4) the person has been removed from the office the candidate
 15 seeks under Article 7, Section 11 or Article 7, Section 13 of the
 16 Constitution of the State of Indiana;

17 (5) the person is a member of the United States armed forces on
 18 active duty and prohibited by the United States Department of
 19 Defense from being a candidate;

20 (6) the person is subject to:
 21 (A) 5 U.S.C. 1502 (the Little Hatch Act); or
 22 (B) 5 U.S.C. 7321-7326 (the Hatch Act);
 23 and would violate either federal statute by becoming or
 24 remaining the candidate of a political party for nomination or
 25 election to an elected office or a political party office;
 26 (7) the person is a nonjudicial court employee who would violate
 27 Rule 4.6 of the Indiana Code of Judicial Conduct by being the
 28 candidate of a political party for nomination or election to an
 29 elected office or a political party office; or
 30 (8) the person is a full-time employee of the department of
 31 homeland security prohibited from participating in political
 32 activities under IC 10-14-3-26.

33 (e) The subsequent reduction of a felony to a Class A
 34 misdemeanor under IC 35 after the:
 35 (1) jury has announced its verdict against the person for a felony;
 36 (2) court has announced its verdict against the person for a
 37 felony; or
 38 (3) person has pleaded guilty or nolo contendere to a felony;
 39 does not affect the operation of subsection (d).

40 SECTION 2. IC 7.1-2-1-4, AS AMENDED BY P.L.285-2019,
 41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2026]: Sec. 4. To be eligible for appointment as a

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1 commissioner, a person shall possess the following qualifications:
 2 (1) The person must be at least thirty-one (31) years of age.
 3 (2) The person may not have a conviction within ten (10) years
 4 before the date of appointment of:
 5 (A) a federal crime having a sentence of at least one (1)
 6 year;
 7 (B) an Indiana Class A, Class B, or Class C felony (for a
 8 crime committed before July 1, 2014) or a Level 1, Level 2,
 9 Level 3, Level 4, or Level 5 felony (for a crime committed
 10 after June 30, 2014); or
 11 (C) a crime in a state other than Indiana having a penalty
 12 equal to the penalty for an Indiana Class A, Class B, or
 13 Class C felony (for a crime committed before July 1, 2014)
 14 or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony
 15 (for a crime committed after June 30, 2014).

16 However, this subdivision does not apply to a conviction that has
 17 been expunged under IC 35-38-9 (**before its repeal**) or
 18 **IC 35-38-9.5.**

19 (3) The person must be an Indiana resident for at least ten (10)
 20 years immediately preceding the person's appointment.

21 SECTION 3. IC 7.1-2-4-2, AS AMENDED BY P.L.285-2019,
 22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2026]: Sec. 2. An appointed member of a local board shall
 24 possess the following qualifications:

25 (1) The person must be at least twenty-one (21) years of age.
 26 (2) The person must be a bona fide resident of the county in
 27 which the person is to serve for at least five (5) years
 28 immediately preceding the person's appointment.

29 (3) The person may not have a conviction within ten (10) years
 30 before the date of appointment of:

31 (A) a federal crime having a sentence of at least one (1)
 32 year;
 33 (B) an Indiana Class A, Class B, or Class C felony (for a
 34 crime committed before July 1, 2014) or a Level 1, Level 2,
 35 Level 3, Level 4, or Level 5 felony (for a crime committed
 36 after June 30, 2014); or
 37 (C) a crime in a state other than Indiana having a penalty
 38 equal to the penalty for an Indiana Class A, Class B, or
 39 Class C felony (for a crime committed before July 1, 2014)
 40 or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony
 41 (for a crime committed after June 30, 2014).

42 However, this subdivision does not apply to a conviction that has



1 been expunged under IC 35-38-9 **(before its repeal) or**
 2 **IC 35-38-9.5.**

3 SECTION 4. IC 7.1-2-4-3, AS AMENDED BY P.L.285-2019,
 4 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2026]: Sec. 3. (a) The designated member of a local board
 6 shall meet the following requirements:

- 7 (1) The person must be an Indiana resident.
- 8 (2) The person must be familiar with Indiana alcoholic beverage
 9 law.
- 10 (3) The person may not have a conviction within ten (10) years
 11 before the date of appointment of:
 - 12 (A) a federal crime having a sentence of at least one (1)
 13 year;
 - 14 (B) an Indiana Class A, Class B, or Class C felony (for a
 15 crime committed before July 1, 2014) or a Level 1, Level 2,
 16 Level 3, Level 4, or Level 5 felony (for a crime committed
 17 after June 30, 2014); or
 - 18 (C) a crime in a state other than Indiana having a penalty
 19 equal to the penalty for an Indiana Class A, Class B, or
 20 Class C felony (for a crime committed before July 1, 2014)
 21 or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony
 22 (for a crime committed after June 30, 2014).

23 However, this subdivision does not apply to a conviction that has
 24 been expunged under IC 35-38-9 **(before its repeal) or**
 25 **IC 35-38-9.5.**

26 (b) The designated member may be an officer or employee of the
 27 commission.

28 SECTION 5. IC 7.1-3-4-2, AS AMENDED BY P.L.163-2025,
 29 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2026]: Sec. 2. (a) The commission shall not issue a beer
 31 retailer's permit, except as otherwise authorized in this title and subject
 32 to the other restrictions contained in this title, to the following persons:

- 33 (1) A person who does not have lawful status (as defined in
 34 IC 9-13-2-92.3).
- 35 (2) A person who is not of good repute in the community in
 36 which the person resides.
- 37 (3) A person who has been convicted within ten (10) years
 38 before the date of application of:
 - 39 (A) a federal crime having a sentence of at least one (1)
 40 year;
 - 41 (B) an Indiana Class A, Class B, or Class C felony (for a
 42 crime committed before July 1, 2014) or a Level 1, Level 2,



3 (C) a crime in a state other than Indiana having a penalty
4 equal to the penalty for an Indiana Class A, Class B, or
5 Class C felony (for a crime committed before July 1, 2014)
6 or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony
7 (for a crime committed after June 30, 2014).

8 However, this subdivision does not apply to a conviction that has
9 been expunged under IC 35-38-9 (**before its repeal**) or
10 **IC 35-38-9.5.**

11 (4) A person who does not own the premises to which the permit
12 will be applicable, or who does not have a bona fide lease on the
13 premises for the full period for which the permit is to be issued.
14 (5) A law enforcement officer or an officer who is not an elected
15 officer of a municipal corporation, or governmental subdivision,
16 or of Indiana, charged with any duty or function in the
17 enforcement of this title.

18 (6) An officer or employee of a person engaged in the alcoholic
19 beverage traffic, which person is a nonresident of Indiana, or is
20 engaged in carrying on any phase of the manufacture of, traffic
21 in, or transportation of alcoholic beverages without a permit
22 under this title when a permit is required by this title.

23 (7) If the permit applicant does not hold a brewer's permit, a
24 person who leases from a person, or an officer or agent of that
25 person, who holds a brewer's permit or a beer wholesaler's
26 permit.

27 (8) If the permit applicant does not hold a brewer's permit, a
28 person who is indebted to a person who holds a brewer's permit
29 or a beer wholesaler's permit, or an officer or agent of that
30 person, for a debt secured by a lien, mortgage, or otherwise,
31 upon the premises for which the beer retailer's permit is to be
32 applicable, or upon any of the property or fixtures on the
33 premises, or used, or to be used in connection with the premises.

34 (9) A person whose place of business is conducted by a manager
35 or agent, unless the manager or agent possesses the same
36 qualifications required for the issuance of a beer retailer's permit
37 to the person.

38 (10) A minor.

39 (11) A person non compos mentis.

40 (12) A person who has held a permit under this title and who has
41 had that permit revoked within one (1) year prior to the date of
42 application for a beer retailer's permit.

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1 (13) A person who has made an application for a permit of any
 2 type which has been denied less than one (1) year prior to the
 3 person's application for a beer retailer's permit unless the first
 4 application was denied by reason of a procedural or technical
 5 defect.

6 (14) A person who is not the proprietor of a restaurant located
 7 and being operated on the premises described in the application
 8 for the beer retailer's permit, or of a hotel, or of a club, owning,
 9 or leasing the premises as a part of it. The disqualification
 10 contained in this subdivision shall not apply to the qualifications
 11 for or affect the privileges to be accorded under a beer dealer's
 12 permit or a dining car beer permit.

13 (b) Subsection (a)(10) does not prevent a minor from being a
 14 stockholder in a corporation.

15 SECTION 6. IC 7.1-3-18.5-2.4, AS ADDED BY P.L.107-2024,
 16 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2026]: Sec. 2.4. (a) Subject to available resources, the
 18 commission shall not issue a tobacco sales certificate, except as
 19 otherwise authorized in this title and subject to the other restrictions
 20 contained in this title, to the following persons:

21 (1) A person who does not have lawful status (as defined in
 22 IC 9-13-2-92.3).

23 (2) A person who has been convicted within five (5) years before
 24 the date of application of:

25 (A) a federal crime having a sentence of at least one (1)
 26 year;

27 (B) a Level 1, Level 2, Level 3, Level 4, or Level 5 felony;
 28 or

29 (C) a crime in a state other than Indiana having a penalty
 30 equal to the penalty for an Indiana Level 1, Level 2, Level
 31 3, Level 4, or Level 5 felony.

32 However, this subdivision does not apply to a conviction that has
 33 been expunged under IC 35-38-9 (**before its repeal**) or
 34 IC 35-38-9.5.

35 (3) A person who does not meet at least one (1) of the following
 36 descriptions:

37 (A) The person owns the premises to which the certificate
 38 will be applicable.

39 (B) The person has a valid lease on the premises:

40 (i) at the time of the application for a certificate; and

41 (ii) for the duration of the period in which the person
 42 sells or distributes in the manner described in section



1 of this chapter.

2 (C) The person has a franchise agreement with a franchisor:

3 (i) that owns the premises to which the certificate will
4 be applicable; or

5 (ii) that has a bona fide lease on the premises for the
6 full period for which the certificate is to be issued.

7 (4) A person whose place of business is conducted by a manager
8 or agent, unless the manager or agent possesses the same
9 qualifications required for the issuance of a tobacco sales
10 certificate to the person.

11 (5) A minor.

12 (6) A person non compos mentis.

13 (7) A person who has held a permit or certificate under this title
14 and who has had that permit or certificate revoked within one (1)
15 year prior to the date of application for a tobacco sales
16 certificate.

17 (8) A person who has made an application for a permit or
18 certificate of any type under this title which has been denied less
19 than one (1) year prior to the person's application for a tobacco
20 sales certificate unless the first application was denied by reason
21 of a procedural or technical defect.

22 (b) Subsection (a)(5) does not prevent a minor from being a
23 stockholder in a corporation.

24 SECTION 7. IC 7.1-3-22-9, AS AMENDED BY P.L.172-2021,
25 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2026]: Sec. 9. (a) This section applies to any permit that is
27 subject to the quota provisions of this chapter unless the permit is
28 obtained by sale, assignment, or transfer under IC 7.1-3-24 and a
29 permit described in IC 7.1-3-20-16(j).

30 (b) Whenever a permit to which this chapter applies becomes
31 available, the commission shall offer an opportunity to bid for that
32 permit to all persons who are qualified to receive that permit and who
33 have indicated a desire to obtain that permit. The commission shall
34 receive bids at an auction that it conducts. The highest bidder at the
35 commission's auction who is qualified to receive the permit in all
36 respects, including a determination by the local board that the person:

37 (1) does not have a conviction described in IC 7.1-3-4-2(a)(3)
38 that has not been expunged under IC 35-38-9 (**before its repeal**)
39 **or IC 35-38-9.5**; and

40 (2) is of good repute in the community in which that person
41 resides;

42 is entitled to receive the permit. This bidder shall pay the amount of the



1 bid at the time the permit is issued as a special fee for initial issuance
 2 of the permit.

3 (c) The special fee for initial issuance of a permit that is prescribed
 4 by this section is in addition to any other fees imposed by this title.

5 (d) All fee revenues collected under this section are subject to
 6 IC 7.1-4-7-4.

7 (e) Thirty (30) days before a local board holds a hearing
 8 concerning an applicant for a permit described in IC 7.1-3-20-16(j), the
 9 commission shall provide notice of the hearing to the:

10 (1) city or town council; and

11 (2) mayor's office;

12 of the city or town in which the municipal lakefront development
 13 project is located.

14 (f) The commission shall post signs indicating when and where a
 15 hearing described in subsection (e) will take place.

16 (g) The commission shall adopt rules under IC 4-22-2 to
 17 implement this section.

18 SECTION 8. IC 22-2-17-4, AS ADDED BY P.L.210-2017,
 19 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2026]: Sec. 4. (a) Criminal history information for an
 21 employee or a former employee may not be introduced as evidence
 22 against an employer, an employer's agents, or an employer's employees
 23 in a civil action that is based on the conduct of the employee or the
 24 former employee if:

25 (1) the nature of the criminal history information of the
 26 employee or former employee does not bear a direct relationship
 27 to the facts underlying the civil action;

28 (2) before the acts giving rise to the civil action occurred:

29 (A) a court order sealed the record of the criminal case;

30 (B) the criminal conviction has been reversed or vacated;

31 (C) the employee or former employee received a pardon for
 32 the criminal conviction; or

33 (D) the criminal conviction has been expunged under
 34 IC 35-38-9 (before its repeal) or IC 35-38-9.5; or

35 (3) the criminal history information concerns an arrest or a
 36 charge that did not result in a criminal conviction.

37 (b) This section does not supersede any federal or state law
 38 requirement to:

39 (1) conduct a criminal history information background
 40 investigation; or

41 (2) consider criminal history information in hiring for particular
 42 types of employment.



1 SECTION 9. IC 31-39-8.5 IS ADDED TO THE INDIANA CODE
 2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2026]:

4 **Chapter 8.5. Expungement of Juvenile Arrest Records**

5 **Sec. 1. (a) This chapter applies to an expungement petition**
 6 **filed after June 30, 2026.**

7 **(b) This section applies only to a child who has been arrested**
 8 **or alleged to be a delinquent child, if:**

9 **(1) the arrest or juvenile delinquency allegation:**

10 **(A) did not result in a juvenile adjudication, even if the**
 11 **arrest or juvenile delinquency allegation resulted in an**
 12 **adjudication for an infraction; or**

13 **(B) resulted in a juvenile adjudication that was**
 14 **expunged or was later vacated; and**

15 **(2) the child is not currently participating in a pretrial**
 16 **diversion program, unless the prosecuting attorney**
 17 **authorizes the child to petition for an expungement under**
 18 **this section.**

19 **(c) This subsection applies to a child alleged to be a delinquent**
 20 **child after June 30, 2022. If:**

21 **(1) a court dismisses all juvenile delinquency allegations;**
 22 **filed and pending against a child;**

23 **(2) one (1) year has passed since juvenile delinquency**
 24 **allegations were filed against a child, and:**

25 **(A) there is no disposition or order of waiver; and**

26 **(B) the state is not actively prosecuting the allegations;**
 27 **or**

28 **(3) in a juvenile proceeding the court finds all allegations not**
 29 **true, or the juvenile's true finding is later vacated;**

30 **the court shall immediately order all records related to the juvenile**
 31 **delinquency allegations expunged. An expungement order that is**
 32 **issued based on nonprosecution under subdivision (2) goes into**
 33 **effect immediately. An expungement order issued under**
 34 **subdivision (1) or (3) may not go into effect earlier than sixty (60)**
 35 **days from the date of the dismissal or not true finding. However,**
 36 **upon motion by the prosecuting attorney, if the court finds that**
 37 **specific facts exist in the particular case which justify a delay, the**
 38 **court may delay implementation of an expungement order under**
 39 **subdivision (1) or (3) for up to one (1) year from the date of the**
 40 **dismissal, acquittal, or no true finding.**

41 **(d) This subsection applies to a child arrested after June 30,**
 42 **2022. If:**

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24 (1) the date of the arrest or juvenile delinquency allegation
25 and true finding (if applicable);
26 (2) the county in which the arrest occurred and the county in
27 which the juvenile delinquency allegations were filed, if
28 applicable;
29 (3) the law enforcement agency employing the arresting
30 officer, if known;
31 (4) the court in which the juvenile delinquency allegations
32 were filed, if applicable;
33 (5) any other known identifying information, such as:
34 (A) the name of the arresting officer;
35 (B) the case number or court cause number;
36 (C) any aliases or other names used by the petitioner;
37 (D) the petitioner's driver's license number; and
38 (E) a list of each delinquency allegation and its
39 disposition, if applicable;
40 (6) the date of the petitioner's birth; and
41 (7) the petitioner's Social Security number.

42 A child who files a petition under this section is not required to pay



1 **a filing fee.**

2 **(g) The court shall serve a copy of the petition for**
 3 **expungement on the prosecuting attorney.**

4 **(h) Upon receipt of a petition for expungement, the court:**

5 **(1) may summarily deny the petition if the petition does not**
 6 **meet the requirements of this section, or if the statements**
 7 **contained in the petition indicate that the petitioner is not**
 8 **entitled to relief; and**

9 **(2) shall grant the petition unless:**

10 **(A) the conditions described in subsection (b) have not**
 11 **been met; or**

12 **(B) delinquency allegations are pending against the**
 13 **child.**

14 **(i) Whenever the petition of a child under this section is**
 15 **granted, or if an expungement order is issued without a petition**
 16 **under subsection (c):**

17 **(1) no information concerning the arrest, juvenile**
 18 **delinquency allegation, or vacated juvenile delinquency**
 19 **adjudication (including information from a collateral action**
 20 **that identifies the petitioner), may be placed or retained in**
 21 **any state central repository for criminal history information**
 22 **or in any other alphabetically arranged criminal history**
 23 **information system maintained by a local, regional, or**
 24 **statewide law enforcement agency;**

25 **(2) the clerk of the supreme court shall seal or redact any**
 26 **records in the clerk's possession that relate to the arrest,**
 27 **juvenile delinquency allegation, or vacated juvenile**
 28 **delinquency adjudication; and**

29 **(3) the records of:**

30 **(A) the juvenile court;**
 31 **(B) a court that conducted a collateral action;**
 32 **(C) a court of appeals; and**
 33 **(D) the supreme court;**

34 **concerning the child shall be redacted or permanently sealed**
 35 **from public access.**

36 **(j) If the court issues an order granting a petition for**
 37 **expungement under this section, or issues an order for**
 38 **expungement without a petition under subsection (c), the order**
 39 **must include the information described in subsection (f).**

40 **(k) If a child whose records are expunged brings an action that**
 41 **might be defended with the contents of the expunged records, the**
 42 **defendant is presumed to have a complete defense to the action. In**



1 order for the plaintiff to recover, the plaintiff must show that the
 2 contents of the expunged records would not exonerate the
 3 defendant. The plaintiff may be required to state under oath
 4 whether the plaintiff had records in the juvenile justice system and
 5 whether those records were expunged. If the plaintiff denies the
 6 existence of the records, the defendant may prove their existence
 7 in any manner compatible with the law of evidence.

8 SECTION 10. IC 35-31.5-2-46.5, AS ADDED BY P.L.219-2019,
 9 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2026]: Sec. 46.5. "Collateral action", for purposes of:

- 11 (1) IC 35-38-9 (before its repeal), has the meaning set forth in
 12 IC 35-38-9-0.5 (before its repeal); and
- 13 (2) **IC 35-38-9.5 and IC 35-38-9.6, has the meaning set forth**
 14 **in IC 35-38-9.5-2.**

15 SECTION 11. IC 35-31.5-2-78, AS AMENDED BY
 16 P.L.175-2022, SECTION 5, IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2026]: Sec. 78. "Crime of domestic violence",
 18 for purposes of IC 5-2-6.1, IC 35-38-9 (before its repeal),
 19 **IC 35-38-9.5**, IC 35-47-2-1.5, and IC 35-47-4-7, means an offense or
 20 the attempt to commit an offense that:

- 21 (1) has as an element the:
 - 22 (A) use of physical force; or
 - 23 (B) threatened use of a deadly weapon; and
- 24 (2) is committed against a family or household member, as
 25 defined in section 128 of this chapter.

26 SECTION 12. IC 35-31.5-2-121, AS AMENDED BY
 27 P.L.219-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2026]: Sec. 121. "Episode of criminal conduct",
 29 for purposes of IC 35-38-9 (before its repeal), **IC 35-38-9.5**, and
 30 IC 35-50-1-2, has the meaning set forth in IC 35-50-1-2(b).

31 SECTION 13. IC 35-38-9 IS REPEALED [EFFECTIVE JULY 1,
 32 2026]. (Sealing and Expunging Conviction Records).

33 SECTION 14. IC 35-38-9.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2026]:

36 **Chapter 9.5. Expungement and Sealing of Conviction Records**
 37 **Sec. 1. (a) This chapter applies to an expungement petition**
 38 **filed after June 30, 2026.**

39 **(b) This chapter does not apply to:**

- 40 (1) **a person who has been convicted of:**
 - 41 (A) **two (2) or more unrelated felonies involving the**
 42 **unlawful use of a deadly weapon;**



Sec. 2. As used in this chapter, "collateral action" means an action or proceeding, including an administrative proceeding, that is factually or legally related to an arrest, a criminal charge, or a conviction. The term includes a proceeding or action concerning a seizure, a civil forfeiture, and a petition for specialized driving privileges.

33 Sec. 3. As used in this chapter, "conviction records" means all
34 records relating to or created in connection with a conviction,
35 including a collateral action.

36 Sec. 4. As used in this chapter, a "Level 6 felony" includes:



Sec. 5. As used in this chapter, "misdemeanor" includes:

(1) a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014), that is reduced to a misdemeanor pursuant to IC 35-38-1-1.5 or IC 35-50-2-7; and

(2) an Indiana offense punishable by an indeterminate sentence under a law other than IC 35-50, if the offense is a misdemeanor at the time the person files the petition for expungement.

Sec. 6. As used in this chapter, "moderate felony" means a felony that is:

- (1) not a Level 6 felony; and
- (2) otherwise expungeable under this chapter.

The term includes an Indiana offense punishable by an indeterminate sentence under a law other than IC 35-50, if at the time the person files the petition for expungement, the offense is not a misdemeanor or Level 6 felony, and is expungeable under this chapter.

Sec. 7. (a) This section applies only to a person convicted of a misdemeanor.

(b) Not earlier than five (5) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period) for the misdemeanor, a person convicted of a misdemeanor may petition a court to expunge all conviction records that relate to the misdemeanor conviction.

Sec. 8. (a) This section applies only to a person convicted of a Level 6 felony.

(b) Not earlier than eight (8) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period), a person convicted of a Level 6 felony may petition a court to expunge all conviction records that relate to the person's conviction.

Sec. 9. (a) This section applies only to a person convicted of a moderate felony.

(b) Not earlier than ten (10) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period), a person convicted of a moderate felony may petition a court to expunge all conviction records that relate to the conviction.

Sec. 10. (a) A person who files a petition to expunge conviction records shall file the petition in a circuit or superior court in the county of conviction.



(b) If a court has previously granted a person's expungement petition, the person may not file a petition to expunge any conviction that was entered after the date the person filed the previous petition to expunge (or the earliest previous petition to expunge, if the person has filed more than one (1) previous petition to expunge).

Sec. 11. If the court, after conducting a hearing, finds by a preponderance of the evidence that:

- (1) the appropriate waiting period required by this chapter has elapsed;
- (2) no charges are pending against the person;
- (3) the person has ~~paid all fines, fees, and court costs and~~ satisfied any restitution obligation placed on the person as part of the sentence; and
- (4) the person has not been convicted of a crime within the previous:
 - (A) five (5) years, in the case of a misdemeanor;
 - (B) eight (8) years, in the case of a Level 6 felony; or
 - (C) ten (10) years, in the case of a moderate felony;

(or within a shorter period agreed to by the prosecuting attorney if the prosecuting attorney has consented to a shorter period);

the court shall order any misdemeanor or Level 6 felony convictions expunged and may order any moderate felony convictions marked as expunged.

Sec. 12. (a) This section applies only to an order granting the expungement of a misdemeanor or Level 6 felony.

(b) The court shall do the following with respect to the specific records expunged by the court:

(1) Order:

- (A) the department of correction;
- (B) the bureau of motor vehicles; and
- (C) each:

(i) law enforcement agency; and

(ii) other person;

who incarcerated, prosecuted, provided treatment for, or provided other services for the person under an order of the court;

to prohibit the release of the person's records or information in the person's records to anyone without a court order, other than a law enforcement officer acting in the course of the law enforcement officer's official duty.



(2) Order the central repository for criminal history information maintained by the state police department to seal the person's expunged conviction records, including information related to:

(A) an arrest or offense:

- (i) in which no conviction was entered; and
- (ii) that was committed as part of the same episode of criminal conduct as the case ordered expunged; and

(B) any other references to any matters related to the case ordered expunged, including in a collateral action.

This subdivision does not require the state police department to seal any record the state police department does not have legal authority to seal.

(3) Records sealed under subdivision (2) may be disclosed only to:

(A) a prosecuting attorney, if:

(i) authorized by a court order; and

(ii) needed to carry out the official duties of the prosecuting attorney;

(B) a defense attorney, if:

(i) authorized by a court order; and

(ii) needed to carry out the professional duties of the defense attorney;

(C) a probation department, if:

(i) authorized by a court order; and

(ii) necessary to prepare a presentence report;

(D) the Federal Bureau of Investigation and the Department of Homeland Security, if disclosure is required to comply with an agreement relating to the sharing of criminal history information;

(E) the:

(i) supreme court;

(ii) members of the state board of law examiners;

(iii) executive c

examiners; and
(iv) employees of the state board of law examiners,
in accordance with rules adopted by the state board
of law examiners;

for the purpose of determining whether an applicant possesses the necessary good moral character for admission to the bar;

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1 (F) a person required to access expunged records to
 2 comply with the Secure and Fair Enforcement for
 3 Mortgage Licensing Act (12 U.S.C. 5101 et seq.) or
 4 regulations adopted under the Secure and Fair
 5 Enforcement for Mortgage Licensing Act;
 6 (G) the bureau of motor vehicles, the Federal Motor
 7 Carrier Administration, and the Commercial Driver's
 8 License Information System (CDLIS), if disclosure is
 9 required to comply with federal law relating to
 10 reporting a conviction for a violation of a traffic control
 11 law;
 12 (H) a school (as defined in IC 22-4-2-37), for the purpose
 13 of determining whether to:
 14 (i) employ a person seeking employment, including
 15 volunteer employment, with the school;
 16 (ii) continue a person's employment, including
 17 volunteer employment at the school; or
 18 (iii) grant access or admission to the school to an
 19 applicant contractor or a contractor;
 20 if the person, contractor, or applicant contractor is
 21 likely to have contact with a student enrolled in the
 22 school, regardless of the age of the student; and
 23 (I) the state police department, if disclosure is required
 24 for the purpose of expunging or marking as expunged
 25 records in the central repository for criminal history
 26 information.
 27 (4) Notify the clerk of the supreme court to seal any records
 28 in the clerk's possession that relate to the conviction,
 29 including any records concerning a collateral action.
 30 A probation department may provide an unredacted version of a
 31 presentence report disclosed under subdivision (3)(C) to any
 32 person authorized by law to receive a presentence report.
 33 (c) Except as provided in subsection (d), the records of:
 34 (1) the sentencing court;
 35 (2) a court that conducted a collateral action;
 36 (3) a juvenile court;
 37 (4) a court of appeals; and
 38 (5) the supreme court;
 39 concerning the person shall be permanently sealed. However, a
 40 petition for expungement granted under this section does not affect
 41 an existing or pending driver's license suspension.
 42 (d) If a petition to expunge conviction records is granted under



1 this section with respect to the records of a person who is named as
 2 an appellant or an appellee in an opinion or memorandum decision
 3 by the supreme court or the court of appeals, or who is identified
 4 in a collateral action, the court shall:

5 (1) redact the opinion or memorandum decision as it appears
 6 on the computer gateway administered by the office of
 7 technology so that it does not include the petitioner's name
 8 (in the same manner that opinions involving juveniles are
 9 redacted); and
 10 (2) provide a redacted copy of the opinion to any publisher
 11 or organization to whom the opinion or memorandum
 12 decision is provided after the date of the order of
 13 expungement.

14 The supreme court and court of appeals are not required to
 15 destroy or otherwise dispose of any existing copy of an opinion or
 16 memorandum decision that includes the petitioner's name.

17 (e) Notwithstanding subsection (c), a prosecuting attorney may
 18 submit a written application to a court that granted an
 19 expungement petition to gain access to any records that were
 20 permanently sealed under subsection (c), if the records are relevant
 21 in a new prosecution of the person. If a prosecuting attorney who
 22 submits a written application under this subsection shows that the
 23 records are relevant for a new prosecution of the person, the court
 24 that granted the expungement petition shall:

25 (1) order the records to be unsealed; and
 26 (2) allow the prosecuting attorney who submitted the written
 27 application to have access to the records.

28 If a court orders records to be unsealed under this subsection, the
 29 court shall order the records to be permanently resealed at the
 30 earliest possible time after the reasons for unsealing the records
 31 cease to exist. However, if the records are admitted as evidence
 32 against the person in a new prosecution that results in the person's
 33 conviction, or are used to enhance a sentence imposed on the
 34 person in a new prosecution, the court is not required to reseal the
 35 records.

36 (f) If a person whose conviction records are expunged is
 37 required to register as a sex offender based on the commission of
 38 an offense which has been expunged:

39 (1) the expungement does not affect the operation of the sex
 40 offender registry website, any person's ability to access the
 41 person's records, records required to be maintained
 42 concerning sex or violent offenders, or any registration



requirement imposed on the person; and
(2) the expunged conviction records must be clearly marked as expunged on the sex offender registry website.

(g) Expungement of a crime of domestic violence under section 7 of this chapter does not restore a person's right to possess a firearm. The right of a person convicted of a crime of domestic violence to possess a firearm may be restored only in accordance with IC 35-47-4-7.

(h) The court shall order any related records described in IC 35-38-9.6-1(i) sealed or redacted in the manner described in IC 35-38-9.6-1, unless the records described in IC 35-38-9.6-1(i) have been ordered sealed and redacted under this section.

(i) The court shall include in its order the information described in section 14(b) of this chapter.

(j) If the court issues an order granting a petition for expungement under this chapter, the court shall include in its order the information described in section 17(c) of this chapter.

Sec. 13. (a) This section applies only to an order granting the expungement of a moderate felony conviction.

(b) The court records and other public records relating to the arrest, conviction, or sentence of a person whose conviction records have been marked as expunged remain public records. However, the court shall order that the records be clearly and visibly marked or identified as being expunged. A petition for expungement granted under this section does not affect an existing or pending driver's license suspension.

(c) The state police department, the bureau of motor vehicles, and any other law enforcement agency in possession of records that relate to the conviction, including any records concerning a collateral action, ordered to be marked as expunged shall add an entry to the person's record of arrest, conviction, or sentence in the criminal history data base stating that the record is marked as expunged. Nothing in this chapter prevents the bureau of motor vehicles from reporting information about a conviction for a violation of a traffic control law to the Commercial Driver's License Information System (CDLIS) in accordance with federal law.

(d) If the court issues an order granting a petition for expungement under this section, the court shall include in its order the information described in section 14(b) of this chapter.

(e) If a court issues an order granting a petition for expungement under this section, the court shall also order any

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1 related records described in IC 35-38-9.6-1(i) marked as expunged,
 2 unless the records described in IC 35-38-9.6-1(i) have been ordered
 3 marked as expunged under this section.

4 (f) A person whose records have been ordered marked as
 5 expunged under this section is considered to have had the person's
 6 records expunged for all purposes other than the disposition of the
 7 records.

8 Sec. 14. (a) This section applies only to a petition to expunge
 9 conviction records under this chapter.

10 (b) Any person may seek an expungement under this chapter
 11 by filing a verified petition for expungement. The petition must
 12 include the following:

13 (1) The petitioner's full name and all other legal names or
 14 aliases by which the petitioner is or has been known.

15 (2) The petitioner's date of birth.

16 (3) The petitioner's addresses from the date of the offense to
 17 the date of the petition.

18 (4) The case number or court cause number, if available.

19 (5) The petitioner shall affirm that no criminal investigation
 20 or charges are pending against the petitioner.

21 (6) The petitioner shall affirm that the petitioner has not
 22 committed another felony or misdemeanor within the period
 23 required for expungement.

24 (7) The petitioner shall list all convictions, all collateral
 25 actions, the cause number of each conviction, if known, the
 26 date of the conviction, and any appeals from the conviction
 27 and the date any appellate opinion was handed down, if
 28 applicable.

29 (8) The petitioner shall include:

30 (A) the petitioner's Social Security number;

31 (B) the petitioner's driver's license number;

32 (C) the date of the petitioner's arrest, if applicable; and

33 (D) the date on which the petitioner was convicted.

34 (9) The petitioner shall affirm that the required period has
 35 elapsed or attach a copy of the prosecuting attorney's written
 36 consent to a shorter period.

37 (10) The petitioner shall describe any other petitions that the
 38 petitioner has filed under this chapter.

39 (c) The petitioner may include any other information that the
 40 petitioner believes may assist the court.

41 (d) A person who files a petition under this section is required
 42 to pay the filing fee required in civil cases. The court may reduce



1 or waive this fee if the person is indigent.

2 (e) The petitioner shall serve a copy of the petition upon the
 3 prosecuting attorney in accordance with the Indiana Rules of Trial
 4 Procedure.

5 (f) The prosecuting attorney shall inform the victim of the
 6 victim's rights under IC 35-40-6 by contacting the victim at the
 7 victim's last known address. However, if a court has no discretion
 8 in granting an expungement petition under this chapter, the
 9 prosecuting attorney is not required to inform the victim of the
 10 victim's rights under this subsection.

11 (g) The prosecuting attorney shall reply to the petition not
 12 later than thirty (30) days after receipt. If the prosecuting attorney
 13 fails to timely reply to the petition:

14 (1) the prosecuting attorney has waived any objection to the
 15 petition; and

16 (2) the court shall proceed to consider the petition under
 17 section 15 of this chapter.

18 Sec. 15. (a) If the prosecuting attorney does not object, or has
 19 waived objection to the petition under section 14 of this chapter,
 20 the court may grant the petition for expungement without a
 21 hearing.

22 (b) The court may summarily deny a petition, if the petition
 23 does not meet the requirements of section 14 of this chapter, or if
 24 the statements contained in the petition demonstrate that the
 25 petitioner is not entitled to relief.

26 (c) If the prosecuting attorney objects to the petition, the
 27 prosecuting attorney shall file the reasons for objecting to the
 28 petition with the court and serve a copy of the objections on the
 29 petitioner at the time the prosecuting attorney objects to the
 30 petition. The court shall set the matter for hearing not sooner than
 31 sixty (60) days after service of the petition on the prosecuting
 32 attorney.

33 (d) A victim of the offense for which expungement is sought
 34 may submit an oral or written statement in support of or in
 35 opposition to the petition at the time of the hearing. The petitioner
 36 must prove by a preponderance of the evidence that the facts
 37 alleged in the verified petition are true.

38 (e) The grant or denial of a petition is an appealable final
 39 order.

40 (f) If the court grants the petition for expungement, the court
 41 shall issue an order of expungement as described in sections 12 and
 42 13 of this chapter.



(g) The order granting the petition for expungement described in sections 12 and 13 of this chapter must include the information described in section 14(b) of this chapter.

(h) A petitioner may seek to expunge more than one (1) conviction at the same time. The petitioner shall consolidate all convictions that the petitioner wishes to expunge from the same county in one (1) petition. A petitioner who wishes to expunge convictions from separate counties must file a petition in each county in which a conviction was entered.

(i) A petitioner whose petition for expungement has been denied, in whole or in part, may refile that petition for expungement, in whole or in part, with respect to one (1) or more convictions included in the initial expungement petition that were not expunged. However, if the petition was denied due to the court's exercise of its discretion concerning the expungement of a moderate felony conviction, a petition for expungement may be refiled only after the elapse of three (3) years from the date on which the previous expungement petition was denied.

(j) If:

(1) the information required to be expunged, marked as expunged, or otherwise sealed or restricted under this chapter changes as the result of an amendment to this chapter; and

(2) a person whose petition for expungement was granted before the effective date of the amendment wishes to obtain the benefits of that amendment;

the person may file a petition for a supplemental order of expungement with the court that granted the petition for expungement. A petition for a supplemental order of expungement must include a copy of the expungement order, succinctly set forth the relief the petitioner seeks, and include any other information required by the court. If the court finds that the person was granted an order for expungement before the effective date of the amendment of this chapter and is otherwise entitled to relief, the court shall issue a supplemental order for expungement consistent with the amendment.

Sec. 16. (a) This section applies to a collateral action adjudicated or conducted in a county other than the county in which a court granted an expungement.

(b) Upon receipt of a request to expunge records related to a collateral action and a properly certified expungement order, a circuit or superior court in the county in which the collateral



1 action occurred shall:

2 (1) notify the prosecuting attorney of the county in which the
 3 court is located of the request to expunge records related to
 4 a collateral action and set the matter for hearing; or
 5 (2) if conclusively appears from the court's records that the
 6 person is entitled to expungement as described in subsection
 7 (c), order the records expunged without a hearing.

8 (c) The circuit or superior court in the county in which the
 9 collateral action was adjudicated or conducted shall order records
 10 of the collateral action expunged (for an expungement granted
 11 under section 12 of this chapter or under IC 35-38-9.6) or marked
 12 as expunged (for an expungement granted under section 13 of this
 13 chapter), unless the court finds that the collateral action does not
 14 relate to the expunged arrest or conviction.

15 (d) A request to expunge records of a collateral action may be
 16 made at any time after the original expungement order is issued.

17 (e) A request to expunge records shall be filed under the cause
 18 number of the collateral action, if applicable. A person who
 19 requests expungement of records of a collateral action under this
 20 section is not required to pay a filing fee, even if the request is filed
 21 under a new cause of action.

22 Sec. 17. (a) This section does not apply to a person to whom
 23 sealed records may be disclosed under this chapter. With respect
 24 to a person seeking employment with a law enforcement agency or
 25 a probation or community corrections department, including
 26 volunteer employment, subsections (b), (d), (e), and (f) do not apply
 27 to the law enforcement agency or the probation or community
 28 corrections department.

29 (b) It is unlawful discrimination for any person to:

30 (1) suspend;
 31 (2) expel;
 32 (3) refuse to employ;
 33 (4) refuse to admit;
 34 (5) refuse to grant or renew a license, permit, or certificate
 35 necessary to engage in any activity, occupation, or
 36 profession; or
 37 (6) otherwise discriminate against;

38 any person because of a conviction or arrest record expunged or
 39 sealed under this chapter.

40 (c) Except as provided in section 12(g) of this chapter, the civil
 41 rights of a person whose conviction has been expunged shall be
 42 fully restored, including the right to vote, to hold public office, to



1 be a proper person under IC 35-47-1-7(2), and to serve as a juror.

2 (d) In any application for employment, a license, or other right
 3 or privilege, a person may be questioned about a previous criminal
 4 record only in terms that exclude expunged convictions or arrests,
 5 such as: "Have you ever been arrested for or convicted of a crime
 6 that has not been expunged by a court?".

7 (e) A person whose record is expunged shall be treated as if the
 8 person had never been convicted of the offense. However, upon a
 9 subsequent arrest or conviction for an unrelated offense, the prior
 10 expunged conviction:

11 (1) may be considered by the court in determining the
 12 sentence imposed for the new offense;

13 (2) is a prior unrelated conviction for purposes of:

14 (A) a habitual offender enhancement; and

15 (B) enhancing the new offense based on a prior
 16 conviction; and

17 (3) may be admitted as evidence in the proceeding for a new
 18 offense as if the conviction had not been expunged.

19 [The expungement of records under this section does not affect the
 20 person's obligation to pay any remaining fines, fees, or court costs
 21 imposed as a result of a conviction.

22 (f) Any person that discriminates against a person as described
 23 in subsection (b) commits a Class C infraction and may be held in
 24 contempt by the court issuing the order of expungement or by any
 25 other court of general jurisdiction. Any person may file a written
 26 motion of contempt to bring an alleged violation of this section to
 27 the attention of a court. In addition, the person is entitled to
 28 injunctive relief.

29 (g) In any judicial or administrative proceeding alleging
 30 negligence or other fault, an order of expungement may be
 31 introduced as evidence of the person's exercise of due care in
 32 hiring, retaining, licensing, certifying, admitting to a school or
 33 program, or otherwise transacting business or engaging in activity
 34 with the person to whom the order of expungement was issued.

35 (h) A conviction, including any records relating to the
 36 conviction and any records concerning a collateral action, that has
 37 been expunged under this chapter is not admissible as evidence in
 38 an action for negligent hiring, admission, or licensure against a
 39 person or entity who relied on the order.

40 (i) An expungement case, and all documents filed in the case,
 41 becomes confidential when the court issues an expungement order.
 42 However, until the court issues an expungement order, documents



1 filed in the case are not confidential, and any hearing held in the
 2 case shall be open.

3 **Sec. 18. (a)** A person may not waive the right to expungement
 4 under this chapter as part of a plea agreement. Any purported
 5 waiver of the right to expungement in a plea agreement is invalid
 6 and unenforceable as against public policy.

7 **(b)** This section does not prohibit the finding of a waiver of the
 8 right to expungement based on a failure to comply with the
 9 provisions of this chapter.

10 **Sec. 19.** A criminal history provider (as defined in
 11 IC 24-4-18-2) that provides a criminal history report containing an
 12 expunged conviction is subject to the penalties described in
 13 IC 24-4-18-8.

14 SECTION 15. IC 35-38-9.6 IS ADDED TO THE INDIANA
 15 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2026]:

17 **Chapter 9.6. Expungement of Arrest Records**

18 **Sec. 1. (a)** This chapter applies to an expungement petition
 19 filed after June 30, 2026.

20 **(b)** This section applies only to a person who has been arrested
 21 or charged with an offense if:

22 **(1) the arrest or criminal charge:**

23 (A) did not result in a conviction, even if the arrest or
 24 criminal charge resulted in an adjudication for an
 25 infraction; or

26 (B) resulted in a conviction and the conviction was
 27 expunged under IC 35-38-9.5 or was later vacated; and

28 **(2) the person is not currently participating in a pretrial
 29 diversion program, unless the prosecuting attorney
 30 authorizes the person to petition for an expungement under
 31 this section.**

32 **(c) This subsection applies to a person charged with an offense
 33 after June 30, 2022. If:**

34 (1) a court dismisses all criminal charges filed and pending
 35 against a person; and

36 (2) in a criminal trial a defendant is acquitted of all charges,
 37 or the defendant's conviction is later vacated;

38 the court shall immediately order all records related to the
 39 criminal charges expunged. However, an expungement order
 40 issued under this subsection may not go into effect earlier than
 41 sixty (60) days from the date of the dismissal or acquittal.
 42 However, upon motion by the prosecuting attorney, if the court



1 finds that specific facts exist in the particular case which justify a
 2 delay, the court may delay implementation of an expungement
 3 order under this subsection for up to one (1) year from the date of
 4 the dismissal or acquittal.

5 (d) This subsection applies to a person arrested after June 30,
 6 2022. If:

- 7 (1) a person is arrested;
- 8 (2) one (1) year has elapsed since the date of the arrest; and
- 9 (3) no charges are pending against the person;

10 the person may petition a judge exercising criminal jurisdiction in
 11 the county (or a designated judge, if applicable) for expungement,
 12 setting forth these facts. Upon receipt of the petition, the judge
 13 shall immediately order the expungement of all records related to
 14 the arrest. Expungement under this subsection does not shorten the
 15 statute of limitations. A prosecuting attorney may still file a charge
 16 under this subsection.

17 (e) Not earlier than one (1) year after the date of arrest or
 18 criminal charge (whichever is later), if the person was not
 19 convicted, or the opinion vacating the conviction becomes final, the
 20 person may petition the court for expungement of the records
 21 related to the arrest or criminal charge. However, a person may
 22 petition the court for expungement at an earlier time if the
 23 prosecuting attorney agrees in writing to an earlier time.

24 (f) A petition for expungement of records must be verified and
 25 filed in a circuit or superior court in the county where the criminal
 26 charges were filed, or if no criminal charges were filed, in the
 27 county where the arrest occurred. The petition must set forth:

- 28 (1) the date of the arrest, criminal charges, and conviction (if
 29 applicable);
- 30 (2) the county in which the arrest occurred and the county in
 31 which the information or indictment was filed, if applicable;
- 32 (3) the law enforcement agency employing the arresting
 33 officer, if known;
- 34 (4) the court in which the criminal charges were filed, if
 35 applicable;
- 36 (5) any other known identifying information, such as:
 - 37 (A) the name of the arresting officer;
 - 38 (B) the case number or court cause number;
 - 39 (C) any aliases or other names used by the petitioner;
 - 40 (D) the petitioner's driver's license number; and
 - 41 (E) a list of each criminal charge and its disposition, if
 42 applicable;



- (6) the date of the petitioner's birth; and
- (7) the petitioner's Social Security number.

A person who files a petition under this section is not required to pay a filing fee.

(g) The court shall serve a copy of the petition for expungement on the prosecuting attorney.

(h) Upon receipt of a petition for expungement, the court:

(1) may summarily deny the petition if the petition does not meet the requirements of this section, or if the statements contained in the petition indicate that the petitioner is not entitled to relief; and

(2) shall grant the petition unless:

(A) the conditions described in subsection (b) have not been met; or

(B) criminal charges are pending against the person.

(i) Whenever the petition of a person under this section is granted, or if an expungement order is issued without a petition under subsection (c):

(1) no information concerning the arrest, criminal charges, or vacated conviction (including information from a collateral action that identifies the petitioner), may be placed or retained in any state central repository for criminal history information or in any other alphabetically arranged criminal history information system maintained by a local, regional, or statewide law enforcement agency;

(2) the clerk of the supreme court shall seal or redact any records in the clerk's possession that relate to the arrest, criminal charges, or vacated conviction;

(3) the records of:

- (A) the sentencing court;
- (B) a court that conducted a collateral action;
- (C) a court of appeals; and
- (D) the supreme court;

(D) the supreme court, concerning the person shall be redacted or permanently sealed from public access; and

(4) with respect to the records of a person who is named as an appellant or an appellee in an opinion or memorandum decision by the supreme court or the court of appeals, or who is identified in a collateral action, the court shall:

(A) redact the opinion or memorandum decision as it appears on the computer gateway administered by the office of technology so that it does not include the



1 petitioner's name (in the same manner that opinions
 2 involving juveniles are redacted); and

3 (B) provide a redacted copy of the opinion to any
 4 publisher or organization to whom the opinion or
 5 memorandum decision is provided after the date of the
 6 order of expungement.

7 The supreme court and the court of appeals are not required
 8 to redact, destroy, or otherwise dispose of any existing copy
 9 of an opinion or memorandum decision that includes the
 10 petitioner's name.

11 (j) If the court issues an order granting a petition for
 12 expungement under this section, or issues an order for
 13 expungement without a petition under subsection (c), the order
 14 must include the information described in subsection (f).

15 (k) If a person whose records are expunged brings an action
 16 that might be defended with the contents of the expunged records,
 17 the defendant is presumed to have a complete defense to the action.
 18 In order for the plaintiff to recover, the plaintiff must show that
 19 the contents of the expunged records would not exonerate the
 20 defendant. The plaintiff may be required to state under oath
 21 whether the plaintiff had records in the criminal justice system and
 22 whether those records were expunged. If the plaintiff denies the
 23 existence of the records, the defendant may prove their existence
 24 in any manner compatible with the law of evidence.

25 (l) Records expunged or sealed under this section must be
 26 removed or sealed in accordance with this section, but may not be
 27 deleted or destroyed. Records expunged or sealed under this
 28 section remain available to the court and criminal justice agencies
 29 as needed to carry out their official duties.

30 SECTION 16. IC 35-47-4-7, AS AMENDED BY P.L.181-2014,
 31 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2026]: Sec. 7. (a) Notwithstanding IC 35-47-2, IC 35-47-2.5,
 33 the restoration of the right to serve on a jury under IC 33-28-5-18, the
 34 restoration of the right to vote under IC 3-7-13-5, or the expungement
 35 of a crime of domestic violence under IC 35-38-9 (before its repeal)
 36 or IC 35-38-9.5, and except as provided in subsections (b), (c), and (f),
 37 a person who has been convicted of a crime of domestic violence may
 38 not possess a firearm.

39 (b) Not earlier than five (5) years after the date of conviction, a
 40 person who has been convicted of a crime of domestic violence may
 41 petition the court for restoration of the person's right to possess a
 42 firearm. In determining whether to restore the person's right to possess



1 a firearm, the court shall consider the following factors:

2 (1) Whether the person has been subject to:

3 (A) a protective order;

4 (B) a no contact order;

5 (C) a workplace violence restraining order; or

6 (D) any other court order that prohibits the person from

7 possessing a firearm.

8 (2) Whether the person has successfully completed a substance

9 abuse program, if applicable.

10 (3) Whether the person has successfully completed a parenting

11 class, if applicable.

12 (4) Whether the person still presents a threat to the victim of the

13 crime.

14 (5) Whether there is any other reason why the person should not

15 possess a firearm, including whether the person failed to satisfy

16 a specified condition under subsection (c) or whether the person

17 has committed a subsequent offense.

18 (c) The court may condition the restoration of a person's right to

19 possess a firearm upon the person's satisfaction of specified conditions.

20 (d) If the court denies a petition for restoration of the right to

21 possess a firearm, the person may not file a second or subsequent

22 petition until one (1) year has elapsed after the filing of the most recent

23 petition.

24 (e) A person has not been convicted of a crime of domestic

25 violence for purposes of subsection (a) if the person has been pardoned.

26 (f) The right to possess a firearm shall be restored to a person

27 whose conviction is reversed on appeal or on postconviction review at

28 the earlier of the following:

29 (1) At the time the prosecuting attorney states on the record that

30 the charges that gave rise to the conviction will not be refiled.

31 (2) Ninety (90) days after the final disposition of the appeal or

32 the postconviction proceeding.

33 SECTION 17. IC 35-50-2-6, AS AMENDED BY P.L.168-2014,

34 SECTION 116, IS AMENDED TO READ AS FOLLOWS

35 [EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A person who commits a

36 Class C felony (for a crime committed before July 1, 2014) shall be

37 imprisoned for a fixed term of between two (2) and eight (8) years, with

38 the advisory sentence being four (4) years. In addition, the person may

39 be fined not more than ten thousand dollars (\$10,000).

40 (b) A person who commits a Level 5 felony (for a crime

41 committed after June 30, 2014) shall be imprisoned for a fixed term of

42 between one (1) and six (6) years, with the advisory sentence being



1 three (3) years. In addition, the person may be fined not more than ten
 2 thousand dollars (\$10,000).

3 (c) Notwithstanding subsections (a) and (b), if a person commits
 4 nonsupport of a child as a Class C felony (for a crime committed before
 5 July 1, 2014) or a Level 5 felony (for a crime committed after June 30,
 6 2014) under IC 35-46-1-5, the sentencing court may convert the Class
 7 C felony conviction to a Class D felony conviction or a Level 5 felony
 8 conviction to a Level 6 felony conviction if, after receiving a verified
 9 petition as described in subsection (d) and after conducting a hearing
 10 in which the prosecuting attorney has been notified, the court makes
 11 the following findings:

12 (1) The person has successfully completed probation as required
 13 by the person's sentence.

14 (2) The person has satisfied other obligations imposed on the
 15 person as required by the person's sentence.

16 (3) The person has paid in full all child support arrearages due
 17 that are named in the information and no further child support
 18 arrearage is due.

19 (4) The person has not been convicted of another felony since
 20 the person was sentenced for the underlying nonsupport of a
 21 child felony.

22 (5) There are no criminal charges pending against the person.

23 (d) A petition filed under subsection (c) must be verified and set
 24 forth the following:

25 (1) A statement that the person was convicted of nonsupport of
 26 a child under IC 35-46-1-5.

27 (2) The date of the conviction.

28 (3) The date the person completed the person's sentence.

29 (4) The amount of the child support arrearage due at the time of
 30 conviction.

31 (5) The date the child support arrearage was paid in full.

32 (6) A verified statement that no further child support arrearage
 33 is due.

34 (7) Any other obligations imposed on the person as part of the
 35 person's sentence.

36 (8) The date the obligations were satisfied.

37 (9) A verified statement that there are no criminal charges
 38 pending against the person.

39 (e) A person whose conviction has been converted to a lower
 40 penalty under this section is eligible to seek expungement under:

41 (1) IC 35-38-9-3 (**before its repeal**), with the date of conversion
 42 used as the date of conviction to calculate time frames under



1 IC 35-38-9 (before its repeal); or
2 (2) IC 35-38-9.5-8, with the date of conversion used as the
3 date of conviction to calculate time frames under
4 IC 35-38-9.5.
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