
HOUSE BILL No. 1118

AM111804 has been incorporated into introduced printing.

Synopsis: Expungement.

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2026

IN 1118—LS 6489/DI 106



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Introduced

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

HOUSE BILL No. 1118

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

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- 1 (E) expunged under IC 35-38-9 (**before its repeal**) or
 2 **IC 35-38-9.5**; or
 3 (3) a person's plea of guilty or nolo contendere at a guilty plea
 4 hearing that is not accepted and entered by a trial court.
 5 (d) A person is disqualified from assuming or being a candidate
 6 for an elected office if:
 7 (1) the person gave or offered a bribe, threat, or reward to
 8 procure the person's election, as provided in Article 2, Section 6
 9 of the Constitution of the State of Indiana;
 10 (2) the person does not comply with IC 5-8-3 because of a
 11 conviction for a violation of the federal laws listed in that statute;
 12 (3) in a:
 13 (A) jury trial, a jury publicly announces a verdict against the
 14 person for a felony;
 15 (B) bench trial, the court publicly announces a verdict
 16 against the person for a felony; or
 17 (C) guilty plea hearing, the person pleads guilty or nolo
 18 contendere to a felony;
 19 (4) the person has been removed from the office the candidate
 20 seeks under Article 7, Section 11 or Article 7, Section 13 of the
 21 Constitution of the State of Indiana;
 22 (5) the person is a member of the United States armed forces on
 23 active duty and prohibited by the United States Department of
 24 Defense from being a candidate;
 25 (6) the person is subject to:
 26 (A) 5 U.S.C. 1502 (the Little Hatch Act); or
 27 (B) 5 U.S.C. 7321-7326 (the Hatch Act);
 28 and would violate either federal statute by becoming or
 29 remaining the candidate of a political party for nomination or
 30 election to an elected office or a political party office;
 31 (7) the person is a nonjudicial court employee who would violate
 32 Rule 4.6 of the Indiana Code of Judicial Conduct by being the
 33 candidate of a political party for nomination or election to an
 34 elected office or a political party office; or
 35 (8) the person is a full-time employee of the department of
 36 homeland security prohibited from participating in political
 37 activities under IC 10-14-3-26.
 38 (e) The subsequent reduction of a felony to a Class A
 39 misdemeanor under IC 35 after the:
 40 (1) jury has announced its verdict against the person for a felony;
 41 (2) court has announced its verdict against the person for a

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felony; or

(3) person has pleaded guilty or nolo contendere to a felony;
does not affect the operation of subsection (d).

SECTION 2. IC 7.1-2-1-4, AS AMENDED BY P.L.285-2019,
SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
JULY 1, 2026]: Sec. 4. To be eligible for appointment as a
commissioner, a person shall possess the following qualifications:

(1) The person must be at least thirty-one (31) years of age.

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

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

(B) an Indiana Class A, Class B, or Class C felony (for a
crime committed before July 1, 2014) or a Level 1, Level 2,
Level 3, Level 4, or Level 5 felony (for a crime committed
after June 30, 2014); or

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

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

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

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

(1) The person must be at least twenty-one (21) years of age.

(2) The person must be a bona fide resident of the county in
which the person is to serve for at least five (5) years
immediately preceding the person's appointment.

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

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

(B) an Indiana Class A, Class B, or Class C felony (for a
crime committed before July 1, 2014) or a Level 1, Level 2,
Level 3, Level 4, or Level 5 felony (for a crime committed

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

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

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

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

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

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

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

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



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- 1 (2) A person who is not of good repute in the community in
 2 which the person resides.
 3 (3) A person who has been convicted within ten (10) years
 4 before the date of application 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 (4) A person who does not own the premises to which the permit
 20 will be applicable, or who does not have a bona fide lease on the
 21 premises for the full period for which the permit is to be issued.
 22 (5) A law enforcement officer or an officer who is not an elected
 23 officer of a municipal corporation, or governmental subdivision,
 24 or of Indiana, charged with any duty or function in the
 25 enforcement of this title.
 26 (6) An officer or employee of a person engaged in the alcoholic
 27 beverage traffic, which person is a nonresident of Indiana, or is
 28 engaged in carrying on any phase of the manufacture of, traffic
 29 in, or transportation of alcoholic beverages without a permit
 30 under this title when a permit is required by this title.
 31 (7) If the permit applicant does not hold a brewer's permit, a
 32 person who leases from a person, or an officer or agent of that
 33 person, who holds a brewer's permit or a beer wholesaler's
 34 permit.
 35 (8) If the permit applicant does not hold a brewer's permit, a
 36 person who is indebted to a person who holds a brewer's permit
 37 or a beer wholesaler's permit, or an officer or agent of that
 38 person, for a debt secured by a lien, mortgage, or otherwise,
 39 upon the premises for which the beer retailer's permit is to be
 40 applicable, or upon any of the property or fixtures on the
 41 premises, or used, or to be used in connection with the premises.

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

(10) A minor.

(11) A person non compos mentis.

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (A) The person owns the premises to which the certificate
 6 will be applicable.

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

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

9 (ii) for the duration of the period in which the person
 10 sells or distributes in the manner described in section
 11 1 of this chapter.

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

13 (i) that owns the premises to which the certificate will
 14 be applicable; or

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

17 (4) A person whose place of business is conducted by a manager
 18 or agent, unless the manager or agent possesses the same
 19 qualifications required for the issuance of a tobacco sales
 20 certificate to the person.

21 (5) A minor.

22 (6) A person non compos mentis.

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

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

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

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

40 (b) Whenever a permit to which this chapter applies becomes
 41 available, the commission shall offer an opportunity to bid for that



1 permit to all persons who are qualified to receive that permit and who
 2 have indicated a desire to obtain that permit. The commission shall
 3 receive bids at an auction that it conducts. The highest bidder at the
 4 commission's auction who is qualified to receive the permit in all
 5 respects, including a determination by the local board that the person:

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

9 (2) is of good repute in the community in which that person
 10 resides;

11 is entitled to receive the permit. This bidder shall pay the amount of the
 12 bid at the time the permit is issued as a special fee for initial issuance
 13 of the permit.

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

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

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

21 (1) city or town council; and
 22 (2) mayor's office;

23 of the city or town in which the municipal lakefront development
 24 project is located.

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

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

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

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

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

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

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



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- 1 (C) the employee or former employee received a pardon for
 2 the criminal conviction; or
 3 (D) the criminal conviction has been expunged under
 4 IC 35-38-9 **(before its repeal) or IC 35-38-9.5**; or
 5 (3) the criminal history information concerns an arrest or a
 6 charge that did not result in a criminal conviction.

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

- 9 (1) conduct a criminal history information background
 10 investigation; or
 11 (2) consider criminal history information in hiring for particular
 12 types of employment.

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

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

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

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

- 21 **(1) the arrest or juvenile delinquency allegation:**
 22 **(A) did not result in a juvenile adjudication, even if the**
 23 **arrest or juvenile delinquency allegation resulted in an**
 24 **adjudication for an infraction; or**
 25 **(B) resulted in a juvenile adjudication that was**
 26 **expunged or was later vacated; and**
 27 **(2) the child is not currently participating in a pretrial**
 28 **diversion program, unless the prosecuting attorney**
 29 **authorizes the child to petition for an expungement under**
 30 **this section.**

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

- 33 **(1) a court dismisses all juvenile delinquency allegations;**
 34 **filed and pending against a child;**
 35 **(2) one (1) year has passed since juvenile delinquency**
 36 **allegations were filed against a child, and:**
 37 **(A) there is no disposition or order of waiver; and**
 38 **(B) the state is not actively prosecuting the allegations;**
 39 **or**
 40 **(3) in a juvenile proceeding the court finds all allegations not**
 41 **true, or the juvenile's true finding is later vacated;**
 42 **the court shall immediately order all records related to the juvenile**



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

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

(1) a child is arrested;

(2) one (1) year has elapsed since the date of the arrest; and

(3) no delinquency allegations are pending against the child;

the child may petition a judge exercising juvenile jurisdiction in the county (or a designated judge, if applicable) for expungement, setting forth these facts. Upon receipt of the petition, the judge shall immediately order the expungement of all records related to the arrest. Expungement under this subsection does not shorten the statute of limitations. A prosecuting attorney may still file delinquency allegations under this subsection.

(e) Not earlier than one (1) year after the date of arrest or juvenile delinquency allegation (whichever is later), if the child was not adjudicated a delinquent child, or the opinion vacating the adjudication becomes final, the child may petition the court for expungement of the records related to the arrest or juvenile delinquency allegation. However, a child may petition the court for expungement at an earlier time if the prosecuting attorney agrees in writing to an earlier time.

(f) A petition for expungement of records must be verified and filed in a circuit or superior court in the county where the juvenile delinquency allegations were filed, or if no juvenile delinquency allegations were filed, in the county where the arrest occurred. The petition must set forth:

(1) the date of the arrest or juvenile delinquency allegation and true finding (if applicable);

(2) the county in which the arrest occurred and the county in which the juvenile delinquency allegations were filed, if applicable;

(3) the law enforcement agency employing the arresting officer, if known;



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(4) the court in which the juvenile delinquency allegations were filed, if applicable;

(5) any other known identifying information, such as:

(A) the name of the arresting officer;

(B) the case number or court cause number;

(C) any aliases or other names used by the petitioner;

(D) the petitioner's driver's license number; and

(E) a list of each delinquency allegation and its disposition, if applicable;

(6) the date of the petitioner's birth; and

(7) the petitioner's Social Security number.

A child 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) delinquency allegations are pending against the child.

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

(1) no information concerning the arrest, juvenile delinquency allegation, or vacated juvenile delinquency adjudication (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, juvenile delinquency allegation, or vacated juvenile delinquency adjudication; and

(3) the records of:

(A) the juvenile court;



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1 (B) a court that conducted a collateral action;

2 (C) a court of appeals; and

3 (D) the supreme court;

4 concerning the child shall be redacted or permanently sealed
5 from public access.

6 (j) If the court issues an order granting a petition for
7 expungement under this section, or issues an order for
8 expungement without a petition under subsection (c), the order
9 must include the information described in subsection (f).

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

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

23 (1) IC 35-38-9 (before its repeal), has the meaning set forth in
24 IC 35-38-9-0.5 (before its repeal); and

25 (2) IC 35-38-9.5 and IC 35-38-9.6, has the meaning set forth
26 in IC 35-38-9.5-2.

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

33 (1) has as an element the:

34 (A) use of physical force; or

35 (B) threatened use of a deadly weapon; and

36 (2) is committed against a family or household member, as
37 defined in section 128 of this chapter.

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



1 SECTION 13. IC 35-38-9 IS REPEALED [EFFECTIVE JULY 1,
2 2026]. (Sealing and Expunging Conviction Records).

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

6 **Chapter 9.5. Expungement and Sealing of Conviction Records**

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

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

10 **(1) a person who has been convicted of:**

11 **(A) two (2) or more unrelated felonies involving the**
12 **unlawful use of a deadly weapon;**

13 **(B) an offense described in:**

14 **(i) IC 35-42-1 (homicide), including attempted**
15 **murder under IC 35-42-1-1;**

16 **(ii) IC 35-42-3.5 (human trafficking); or**

17 **(iii) IC 35-42-4 (sex offenses);**

18 **(C) a felony that resulted in the death of another person;**
19 **or**

20 **(D) official misconduct, if the person was an elected**
21 **official or judicial officer at the time the offense was**
22 **committed; or**

23 **(2) a person who is or has been required to register as a sex**
24 **or violent offender (as defined in IC 11-8-8-5) in any**
25 **jurisdiction.**

26 **(c) A court may not order the bureau of motor vehicles to seal,**
27 **restrict access to, or otherwise expunge a conviction (as defined in**
28 **49 CFR 383.5) under this chapter for a person:**

29 **(1) who held a commercial driver's license or commercial**
30 **learner's permit under IC 9-24-6.1 at the time of the offense;**
31 **and**

32 **(2) whose conviction is for a violation described in 49 CFR**
33 **384.226.**

34 **(d) This chapter does not apply to a person seeking the**
35 **expungement of an arrest record under IC 35-38-9.6.**

36 **(e) This chapter does not apply to a person seeking the**
37 **expungement of a juvenile record. Juvenile records may be**
38 **expunged under IC 31-39-8.**

39 **Sec. 2. As used in this chapter, "collateral action" means an**
40 **action or proceeding, including an administrative proceeding, that**
41 **is factually or legally related to an arrest, a criminal charge, or a**
42 **conviction. The term includes a proceeding or action concerning a**



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1 seizure, a civil forfeiture, and a petition for specialized driving
2 privileges.

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

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

7 (1) a Class D felony (for an offense committed before July 1,
8 2014); and

9 (2) an Indiana offense punishable by an indeterminate
10 sentence under a law other than IC 35-50, if the offense is a
11 Level 6 felony at the time the person files the petition for
12 expungement.

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

14 (1) a Class D felony (for a crime committed before July 1,
15 2014) or a Level 6 felony (for a crime committed after June
16 30, 2014), that is reduced to a misdemeanor pursuant to
17 IC 35-38-1-1.5 or IC 35-50-2-7; and

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

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

24 (1) not a Level 6 felony; and

25 (2) otherwise expungeable under this chapter.

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

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

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

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

40 (b) Not earlier than eight (8) years after the date of conviction
41 (unless the prosecuting attorney consents in writing to an earlier
42 period), a person convicted of a Level 6 felony may petition a court



1 to expunge all conviction records that relate to the person's
2 conviction.

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

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

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

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

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

21 (1) the appropriate waiting period required by this chapter
22 has elapsed;

23 (2) no charges are pending against the person;

24 (3) the person has paid all fines, fees, and court costs and
25 satisfied any restitution obligation placed on the person as
26 part of the sentence; and

27 (4) the person has not been convicted of a crime within the
28 previous:

29 (A) five (5) years, in the case of a misdemeanor;

30 (B) eight (8) years, in the case of a Level 6 felony; or

31 (C) ten (10) years, in the case of a moderate felony;

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

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

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

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

42 (1) Order:



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- (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



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sharing of criminal history information;

(E) the:

(i) supreme court;

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

(iii) executive director of the state board of law 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;

(F) a person required to access expunged records to comply with the Secure and Fair Enforcement for Mortgage Licensing Act (12 U.S.C. 5101 et seq.) or regulations adopted under the Secure and Fair Enforcement for Mortgage Licensing Act;

(G) the bureau of motor vehicles, the Federal Motor Carrier Administration, and the Commercial Driver's License Information System (CDLIS), if disclosure is required to comply with federal law relating to reporting a conviction for a violation of a traffic control law;

(H) a school (as defined in IC 22-4-2-37), for the purpose of determining whether to:

(i) employ a person seeking employment, including volunteer employment, with the school;

(ii) continue a person's employment, including volunteer employment at the school; or

(iii) grant access or admission to the school to an applicant contractor or a contractor;

if the person, contractor, or applicant contractor is likely to have contact with a student enrolled in the school, regardless of the age of the student; and

(I) the state police department, if disclosure is required for the purpose of expunging or marking as expunged records in the central repository for criminal history information.

(4) Notify the clerk of the supreme court to seal any records in the clerk's possession that relate to the conviction, including any records concerning a collateral action.

A probation department may provide an unredacted version of a



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1 presentence report disclosed under subdivision (3)(C) to any
2 person authorized by law to receive a presentence report.

3 (c) Except as provided in subsection (d), the records of:

- 4 (1) the sentencing court;
- 5 (2) a court that conducted a collateral action;
- 6 (3) a juvenile court;
- 7 (4) a court of appeals; and
- 8 (5) the supreme court;

9 concerning the person shall be permanently sealed. However, a
10 petition for expungement granted under this section does not affect
11 an existing or pending driver's license suspension.

12 (d) If a petition to expunge conviction records is granted under
13 this section with respect to the records of a person who is named as
14 an appellant or an appellee in an opinion or memorandum decision
15 by the supreme court or the court of appeals, or who is identified
16 in a collateral action, the court shall:

- 17 (1) redact the opinion or memorandum decision as it appears
18 on the computer gateway administered by the office of
19 technology so that it does not include the petitioner's name
20 (in the same manner that opinions involving juveniles are
21 redacted); and
- 22 (2) provide a redacted copy of the opinion to any publisher
23 or organization to whom the opinion or memorandum
24 decision is provided after the date of the order of
25 expungement.

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

29 (e) Notwithstanding subsection (c), a prosecuting attorney may
30 submit a written application to a court that granted an
31 expungement petition to gain access to any records that were
32 permanently sealed under subsection (c), if the records are relevant
33 in a new prosecution of the person. If a prosecuting attorney who
34 submits a written application under this subsection shows that the
35 records are relevant for a new prosecution of the person, the court
36 that granted the expungement petition shall:

- 37 (1) order the records to be unsealed; and
- 38 (2) allow the prosecuting attorney who submitted the written
39 application to have access to the records.

40 If a court orders records to be unsealed under this subsection, the
41 court shall order the records to be permanently resealed at the
42 earliest possible time after the reasons for unsealing the records



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1 cease to exist. However, if the records are admitted as evidence
 2 against the person in a new prosecution that results in the person's
 3 conviction, or are used to enhance a sentence imposed on the
 4 person in a new prosecution, the court is not required to reseat the
 5 records.

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

9 (1) the expungement does not affect the operation of the sex
 10 offender registry website, any person's ability to access the
 11 person's records, records required to be maintained
 12 concerning sex or violent offenders, or any registration
 13 requirement imposed on the person; and

14 (2) the expunged conviction records must be clearly marked
 15 as expunged on the sex offender registry website.

16 (g) Expungement of a crime of domestic violence under section
 17 7 of this chapter does not restore a person's right to possess a
 18 firearm. The right of a person convicted of a crime of domestic
 19 violence to possess a firearm may be restored only in accordance
 20 with IC 35-47-4-7.

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

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

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

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

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

39 (c) The state police department, the bureau of motor vehicles,
 40 and any other law enforcement agency in possession of records that
 41 relate to the conviction, including any records concerning a
 42 collateral action, ordered to be marked as expunged shall add an



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

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

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

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

- (1) The petitioner's full name and all other legal names or aliases by which the petitioner is or has been known.
- (2) The petitioner's date of birth.
- (3) The petitioner's addresses from the date of the offense to the date of the petition.
- (4) The case number or court cause number, if available.
- (5) The petitioner shall affirm that no criminal investigation or charges are pending against the petitioner.
- (6) The petitioner shall affirm that the petitioner has not committed another felony or misdemeanor within the period required for expungement.
- (7) The petitioner shall list all convictions, all collateral actions, the cause number of each conviction, if known, the date of the conviction, and any appeals from the conviction and the date any appellate opinion was handed down, if applicable.
- (8) The petitioner shall include:
 - (A) the petitioner's Social Security number;



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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) If the prosecuting attorney objects to the petition, the prosecuting attorney shall file the reasons for objecting to the petition with the court and serve a copy of the objections on the petitioner at the time the prosecuting attorney objects to the petition. The court shall set the matter for hearing not sooner than

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sixty (60) days after service of the petition on the prosecuting attorney.

(d) A victim of the offense for which expungement is sought may submit an oral or written statement in support of or in opposition to the petition at the time of the hearing.

(e) The petitioner must prove by a preponderance of the evidence that the facts alleged in the verified petition are true.

(f) The grant or denial of a petition is an appealable final order.

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

(h) 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.

(i) 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.

(j) 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.

(k) 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 action occurred shall:

(1) notify the prosecuting attorney of the county in which the court is located of the request to expunge records related to a collateral action and set the matter for hearing; or

(2) if it conclusively appears from the court's records that the person is entitled to expungement as described in subsection (c), order the records expunged without a hearing.

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

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

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

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

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

(1) suspend;



- (2) expel;
- (3) refuse to employ;
- (4) refuse to admit;
- (5) refuse to grant or renew a license, permit, or certificate necessary to engage in any activity, occupation, or profession; or
- (6) otherwise discriminate against;

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

(c) Except as provided in section 12(g) of this chapter, the civil rights of a person whose conviction has been expunged shall be fully restored, including the right to vote, to hold public office, to be a proper person under IC 35-47-1-7(2), and to serve as a juror.

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

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

- (1) may be considered by the court in determining the sentence imposed for the new offense;
- (2) is a prior unrelated conviction for purposes of:
 - (A) a habitual offender enhancement; and
 - (B) enhancing the new offense based on a prior conviction; and
- (3) may be admitted as evidence in the proceeding for a new offense as if the conviction had not been expunged.

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

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



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with the person to whom the order of expungement was issued.

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

Sec. 18. An expungement case, and all documents filed in the case, becomes confidential when the court issues an expungement order. However, until the court issues an expungement order, documents filed in the case are not confidential, and any hearing held in the case shall be open.

Sec. 19.(a) A person may not waive the right to expungement under this chapter as part of a plea agreement. Any purported waiver of the right to expungement in a plea agreement is invalid and unenforceable as against public policy.

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

Sec. 20. A criminal history provider (as defined in IC 24-4-18-2) that provides a criminal history report containing an expunged conviction is subject to the penalties described in IC 24-4-18-8.

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

Chapter 9.6. Expungement of Arrest Records

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

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

(1) the arrest or criminal charge:

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

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

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

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



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

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

5 the court shall immediately order all records related to the
6 criminal charges expunged. However, an expungement order
7 issued under this subsection may not go into effect earlier than
8 sixty (60) days from the date of the dismissal or acquittal.
9 However, upon motion by the prosecuting attorney, if the court
10 finds that specific facts exist in the particular case which justify a
11 delay, the court may delay implementation of an expungement
12 order under this subsection for up to one (1) year from the date of
13 the dismissal or acquittal.

14 (d) This subsection applies to a person arrested after June 30,
15 2022. If:

16 (1) a person is arrested;

17 (2) one (1) year has elapsed since the date of the arrest; and

18 (3) no charges are pending against the person;

19 the person may petition a judge exercising criminal jurisdiction in
20 the county (or a designated judge, if applicable) for expungement,
21 setting forth these facts. Upon receipt of the petition, the judge
22 shall immediately order the expungement of all records related to
23 the arrest. Expungement under this subsection does not shorten the
24 statute of limitations. A prosecuting attorney may still file a charge
25 under this subsection.

26 (e) Not earlier than one (1) year after the date of arrest or
27 criminal charge (whichever is later), if the person was not
28 convicted, or the opinion vacating the conviction becomes final, the
29 person may petition the court for expungement of the records
30 related to the arrest or criminal charge. However, a person may
31 petition the court for expungement at an earlier time if the
32 prosecuting attorney agrees in writing to an earlier time.

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

37 (1) the date of the arrest, criminal charges, and conviction (if
38 applicable);

39 (2) the county in which the arrest occurred and the county in
40 which the information or indictment was filed, if applicable;

41 (3) the law enforcement agency employing the arresting
42 officer, if known;



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(4) the court in which the criminal charges were filed, if applicable;

(5) any other known identifying information, such as:

(A) the name of the arresting officer;

(B) the case number or court cause number;

(C) any aliases or other names used by the petitioner;

(D) the petitioner's driver's license number; and

(E) a list of each criminal charge and its disposition, if 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;



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

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

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

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

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

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

SECTION 16. IC 35-47-4-7, AS AMENDED BY P.L.181-2014, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 7. (a) Notwithstanding IC 35-47-2, IC 35-47-2.5, the restoration of the right to serve on a jury under IC 33-28-5-18, the



restoration of the right to vote under IC 3-7-13-5, or the expungement of a crime of domestic violence under IC 35-38-9 **(before its repeal) or IC 35-38-9.5**, and except as provided in subsections (b), (c), and (f), a person who has been convicted of a crime of domestic violence may not possess a firearm.

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

(1) Whether the person has been subject to:

(A) a protective order;

(B) a no contact order;

(C) a workplace violence restraining order; or

(D) any other court order that prohibits the person from possessing a firearm.

(2) Whether the person has successfully completed a substance abuse program, if applicable.

(3) Whether the person has successfully completed a parenting class, if applicable.

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

(5) Whether there is any other reason why the person should not possess a firearm, including whether the person failed to satisfy a specified condition under subsection (c) or whether the person has committed a subsequent offense.

(c) The court may condition the restoration of a person's right to possess a firearm upon the person's satisfaction of specified conditions.

(d) If the court denies a petition for restoration of the right to possess a firearm, the person may not file a second or subsequent petition until one (1) year has elapsed after the filing of the most recent petition.

(e) A person has not been convicted of a crime of domestic violence for purposes of subsection (a) if the person has been pardoned.

(f) The right to possess a firearm shall be restored to a person whose conviction is reversed on appeal or on postconviction review at the earlier of the following:

(1) At the time the prosecuting attorney states on the record that the charges that gave rise to the conviction will not be refiled.

(2) Ninety (90) days after the final disposition of the appeal or the postconviction proceeding.

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SECTION 17. IC 35-50-2-6, AS AMENDED BY P.L.168-2014,
SECTION 116, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2026]: Sec. 6. (a) A person who commits a
Class C felony (for a crime committed before July 1, 2014) shall be
imprisoned for a fixed term of between two (2) and eight (8) years, with
the advisory sentence being four (4) years. In addition, the person may
be fined not more than ten thousand dollars (\$10,000).

(b) A person who commits a Level 5 felony (for a crime
committed after June 30, 2014) shall be imprisoned for a fixed term of
between one (1) and six (6) years, with the advisory sentence being
three (3) years. In addition, the person may be fined not more than ten
thousand dollars (\$10,000).

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

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

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

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

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

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

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

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

(2) The date of the conviction.

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

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

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



- 1 (6) A verified statement that no further child support arrearage
2 is due.
3 (7) Any other obligations imposed on the person as part of the
4 person's sentence.
5 (8) The date the obligations were satisfied.
6 (9) A verified statement that there are no criminal charges
7 pending against the person.
8 (e) A person whose conviction has been converted to a lower
9 penalty under this section is eligible to seek expungement under:
10 (1) IC 35-38-9-3 **(before its repeal)**, with the date of conversion
11 used as the date of conviction to calculate time frames under
12 IC 35-38-9 **(before its repeal)**; or
13 (2) IC 35-38-9.5-8, with the date of conversion used as the
14 date of conviction to calculate time frames under
15 IC 35-38-9.5.

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