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HOUSE BILL No. 1118

Proposed Changes to introduced printing by AM111804

DIGEST OF PROPOSED AMENDMENT

Organization. Moves and retabulates certain sections and subsections.

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
21 for an elected office if:

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

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

(3) in a:

(A) jury trial, a jury publicly announces a verdict against the person for a felony;

(B) bench trial, the court publicly announces a verdict against the person for a felony; or

(C) guilty plea hearing, the person pleads guilty or nolo contendere to a felony;

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

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

(6) the person is subject to:

(A) 5 U.S.C. 1502 (the Little Hatch Act); or

(B) 5 U.S.C. 7321-7326 (the Hatch Act);

and would violate either federal statute by becoming or remaining the candidate of a political party for nomination or election to an elected office or a political party office;

(7) the person is a nonjudicial court employee who would violate Rule 4.6 of the Indiana Code of Judicial Conduct by being the candidate of a political party for nomination or election to an elected office or a political party office; or

(8) the person is a full-time employee of the department of homeland security prohibited from participating in political activities under IC 10-14-3-26.

(e) The subsequent reduction of a felony to a Class A misdemeanor under IC 35 after the:

(1) jury has announced its verdict against the person for a felony;

(2) court has announced its verdict against the person for a 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 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).
- (2) A person who is not of good repute in the community in which the person resides.
- (3) A person who has been convicted within ten (10) years before the date of application 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.**

(4) A person who does not own the premises to which the permit will be applicable, or who does not have a bona fide lease on the premises for the full period for which the permit is to be issued.

(5) A law enforcement officer or an officer who is not an elected officer of a municipal corporation, or governmental subdivision, or of Indiana, charged with any duty or function in the enforcement of this title.

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

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

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

(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



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

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

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

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

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

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



- 1 (C) The person has a franchise agreement with a franchisor:
 2 (i) that owns the premises to which the certificate will
 3 be applicable; or
 4 (ii) that has a bona fide lease on the premises for the
 5 full period for which the certificate is to be issued.
- 6 (4) A person whose place of business is conducted by a manager
 7 or agent, unless the manager or agent possesses the same
 8 qualifications required for the issuance of a tobacco sales
 9 certificate to the person.
- 10 (5) A minor.
- 11 (6) A person non compos mentis.
- 12 (7) A person who has held a permit or certificate under this title
 13 and who has had that permit or certificate revoked within one (1)
 14 year prior to the date of application for a tobacco sales
 15 certificate.
- 16 (8) A person who has made an application for a permit or
 17 certificate of any type under this title which has been denied less
 18 than one (1) year prior to the person's application for a tobacco
 19 sales certificate unless the first application was denied by reason
 20 of a procedural or technical defect.
- 21 (b) Subsection (a)(5) does not prevent a minor from being a
 22 stockholder in a corporation.
- 23 SECTION 7. IC 7.1-3-22-9, AS AMENDED BY P.L.172-2021,
 24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2026]: Sec. 9. (a) This section applies to any permit that is
 26 subject to the quota provisions of this chapter unless the permit is
 27 obtained by sale, assignment, or transfer under IC 7.1-3-24 and a
 28 permit described in IC 7.1-3-20-16(j).
- 29 (b) Whenever a permit to which this chapter applies becomes
 30 available, the commission shall offer an opportunity to bid for that
 31 permit to all persons who are qualified to receive that permit and who
 32 have indicated a desire to obtain that permit. The commission shall
 33 receive bids at an auction that it conducts. The highest bidder at the
 34 commission's auction who is qualified to receive the permit in all
 35 respects, including a determination by the local board that the person:
 36 (1) does not have a conviction described in IC 7.1-3-4-2(a)(3)
 37 that has not been expunged under IC 35-38-9 **(before its repeal)**
 38 **or IC 35-38-9.5;** and
 39 (2) is of good repute in the community in which that person
 40 resides;
 41 is entitled to receive the permit. This bidder shall pay the amount of the
 42 bid at the time the permit is issued as a special fee for initial issuance



- 1 of the permit.
- 2 (c) The special fee for initial issuance of a permit that is prescribed
- 3 by this section is in addition to any other fees imposed by this title.
- 4 (d) All fee revenues collected under this section are subject to
- 5 IC 7.1-4-7-4.
- 6 (e) Thirty (30) days before a local board holds a hearing
- 7 concerning an applicant for a permit described in IC 7.1-3-20-16(j), the
- 8 commission shall provide notice of the hearing to the:
- 9 (1) city or town council; and
- 10 (2) mayor's office;
- 11 of the city or town in which the municipal lakefront development
- 12 project is located.
- 13 (f) The commission shall post signs indicating when and where a
- 14 hearing described in subsection (e) will take place.
- 15 (g) The commission shall adopt rules under IC 4-22-2 to
- 16 implement this section.
- 17 SECTION 8. IC 22-2-17-4, AS ADDED BY P.L.210-2017,
- 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2026]: Sec. 4. (a) Criminal history information for an
- 20 employee or a former employee may not be introduced as evidence
- 21 against an employer, an employer's agents, or an employer's employees
- 22 in a civil action that is based on the conduct of the employee or the
- 23 former employee if:
- 24 (1) the nature of the criminal history information of the
- 25 employee or former employee does not bear a direct relationship
- 26 to the facts underlying the civil action;
- 27 (2) before the acts giving rise to the civil action occurred:
- 28 (A) a court order sealed the record of the criminal case;
- 29 (B) the criminal conviction has been reversed or vacated;
- 30 (C) the employee or former employee received a pardon for
- 31 the criminal conviction; or
- 32 (D) the criminal conviction has been expunged under
- 33 IC 35-38-9 (**before its repeal**) or **IC 35-38-9.5**; or
- 34 (3) the criminal history information concerns an arrest or a
- 35 charge that did not result in a criminal conviction.
- 36 (b) This section does not supersede any federal or state law
- 37 requirement to:
- 38 (1) conduct a criminal history information background
- 39 investigation; or
- 40 (2) consider criminal history information in hiring for particular
- 41 types of employment.
- 42 SECTION 9. IC 31-39-8.5 IS ADDED TO THE INDIANA CODE



AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]:

Chapter 8.5. Expungement of Juvenile Arrest Records

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

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

(1) the arrest or juvenile delinquency allegation:

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

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

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

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

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

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

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

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

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

the court shall immediately order all records related to the juvenile 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;
- (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.



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

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

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

8 (2) shall grant the petition unless:

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

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

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

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

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

28 (3) the records of:

29 (A) the juvenile court;

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

31 (C) a court of appeals; and

32 (D) the supreme court;

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

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

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



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

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

10 (1) IC 35-38-9 (before its repeal), has the meaning set forth in

11 IC 35-38-9-0.5 (before its repeal); and

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

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

20 (1) has as an element the:

21 (A) use of physical force; or

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

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

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

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

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

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

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

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

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

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

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



- 1 (i) IC 35-42-1 (homicide), including attempted
 2 murder under IC 35-42-1-1;
 3 (ii) IC 35-42-3.5 (human trafficking); or
 4 (iii) IC 35-42-4 (sex offenses);
 5 (C) a felony that resulted in the death of another person;
 6 or
 7 (D) official misconduct, if the person was an elected
 8 official or judicial officer at the time the offense was
 9 committed; or
 10 (2) a person who is or has been required to register as a sex
 11 or violent offender (as defined in IC 11-8-8-5) in any
 12 jurisdiction.
 13 (c) A court may not order the bureau of motor vehicles to seal,
 14 restrict access to, or otherwise expunge a conviction (as defined in
 15 49 CFR 383.5) under this chapter for a person:
 16 (1) who held a commercial driver's license or commercial
 17 learner's permit under IC 9-24-6.1 at the time of the offense;
 18 and
 19 (2) whose conviction is for a violation described in 49 CFR
 20 384.226.
 21 (d) This chapter does not apply to a person seeking the
 22 expungement of an arrest record under IC 35-38-9.6.
 23 (e) This chapter does not apply to a person seeking the
 24 expungement of a juvenile record. Juvenile records may be
 25 expunged under IC 31-39-8.
 26 Sec. 2. As used in this chapter, "collateral action" means an
 27 action or proceeding, including an administrative proceeding, that
 28 is factually or legally related to an arrest, a criminal charge, or a
 29 conviction. The term includes a proceeding or action concerning a
 30 seizure, a civil forfeiture, and a petition for specialized driving
 31 privileges.
 32 Sec. 3. As used in this chapter, "conviction records" means all
 33 records relating to or created in connection with a conviction,
 34 including a collateral action.
 35 Sec. 4. As used in this chapter, a "Level 6 felony" includes:
 36 (1) a Class D felony (for an offense committed before July 1,
 37 2014); and
 38 (2) an Indiana offense punishable by an indeterminate
 39 sentence under a law other than IC 35-50, if the offense is a
 40 Level 6 felony at the time the person files the petition for
 41 expungement.
 42 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



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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



1 information maintained by the state police department to
 2 seal the person's expunged conviction records, including
 3 information related to:

4 (A) an arrest or offense:

5 (i) in which no conviction was entered; and

6 (ii) that was committed as part of the same episode
 7 of criminal conduct as the case ordered expunged;
 8 and

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

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

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

16 (A) a prosecuting attorney, if:

17 (i) authorized by a court order; and

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

20 (B) a defense attorney, if:

21 (i) authorized by a court order; and

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

24 (C) a probation department, if:

25 (i) authorized by a court order; and

26 (ii) necessary to prepare a presentence report;

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

31 (E) the:

32 (i) supreme court;

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

34 (iii) executive director of the state board of law
 35 examiners; and

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

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

42 (F) a person required to access expunged records to



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1 comply with the Secure and Fair Enforcement for
 2 Mortgage Licensing Act (12 U.S.C. 5101 et seq.) or
 3 regulations adopted under the Secure and Fair
 4 Enforcement for Mortgage Licensing Act;

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

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

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

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

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

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

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

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

29 A probation department may provide an unredacted version of a
 30 presentence report disclosed under subdivision (3)(C) to any
 31 person authorized by law to receive a presentence report.

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

33 (1) the sentencing court;

34 (2) a court that conducted a collateral action;

35 (3) a juvenile court;

36 (4) a court of appeals; and

37 (5) the supreme court;

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

41 (d) If a petition to expunge conviction records is granted under
 42 this section with respect to the records of a person who is named as



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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:

(1) 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

(2) 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 court of appeals are not required to destroy or otherwise dispose of any existing copy of an opinion or memorandum decision that includes the petitioner's name.

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

(1) order the records to be unsealed; and

(2) allow the prosecuting attorney who submitted the written application to have access to the records.

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

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

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



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(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 related records described in IC 35-38-9.6-1(i) marked as expunged,



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

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

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

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

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

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

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

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

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

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

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

28 (8) The petitioner shall include:

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

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

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

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

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

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

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

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



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(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 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



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described in sections 12 and 13 of this chapter must include the information described in section 14(b) of this chapter.

[i] (~~h~~) **[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] (~~h~~) **[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] (~~h~~) **[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 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.

~~(i)~~ [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.

[1] ~~Sec. 1~~ ~~9~~ [9].(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. ~~19~~ [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) a court dismisses all criminal charges filed and pending against a person; and

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

the court shall immediately order all records related to the criminal charges expunged. However, an expungement order issued under this subsection may not go into effect earlier than sixty (60) days from the date of the dismissal or acquittal. 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 this subsection for up to one (1) year from the date of the dismissal or acquittal.



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

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

the person may petition a judge exercising criminal 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 a charge under this subsection.

(e) Not earlier than one (1) year after the date of arrest or criminal charge (whichever is later), if the person was not convicted, or the opinion vacating the conviction becomes final, the person may petition the court for expungement of the records related to the arrest or criminal charge. However, a person 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 criminal charges were filed, or if no criminal charges were filed, in the county where the arrest occurred. The petition must set forth:

- (1) the date of the arrest, criminal charges, and conviction (if applicable);
- (2) the county in which the arrest occurred and the county in which the information or indictment was filed, if applicable;
- (3) the law enforcement agency employing the arresting officer, if known;
- (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.



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

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

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

8 (2) shall grant the petition unless:

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

11 (B) criminal charges are pending against the person.

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

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

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

25 (3) the records of:

26 (A) the sentencing court;

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

28 (C) a court of appeals; and

29 (D) the supreme court;

30 concerning the person shall be redacted or permanently
31 sealed from public access; and

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

36 (A) redact the opinion or memorandum decision as it
37 appears on the computer gateway administered by the
38 office of technology so that it does not include the
39 petitioner's name (in the same manner that opinions
40 involving juveniles are redacted); and

41 (B) provide a redacted copy of the opinion to any
42 publisher or organization to whom the opinion or



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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.

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



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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.

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

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

(8) The date the obligations were satisfied.

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

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

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

(2) IC 35-38-9.5-8, with the date of conversion used as the date of conviction to calculate time frames under IC 35-38-9.5.



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