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# HOUSE BILL No. 1118

AM111805 has been incorporated into introduced printing.

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**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 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).

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

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

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

14 (1) The person must be an Indiana resident.  
15 (2) The person must be familiar with Indiana alcoholic beverage  
16 law.  
17 (3) The person may not have a conviction within ten (10) years  
18 before the date of appointment of:

19 (A) a federal crime having a sentence of at least one (1)  
20 year;  
21 (B) an Indiana Class A, Class B, or Class C felony (for a  
22 crime committed before July 1, 2014) or a Level 1, Level 2,  
23 Level 3, Level 4, or Level 5 felony (for a crime committed  
24 after June 30, 2014); or  
25 (C) a crime in a state other than Indiana having a penalty  
26 equal to the penalty for an Indiana Class A, Class B, or  
27 Class C felony (for a crime committed before July 1, 2014)  
28 or a Level 1, Level 2, Level 3, Level 4, or Level 5 felony  
29 (for a crime committed after June 30, 2014).

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

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

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

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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;

(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

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)

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**

(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.

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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5 (10) A minor.

6 (11) A person non compos mentis.

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

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

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

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

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

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

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

34 (A) a federal crime having a sentence of at least one (1)  
35 year;  
36 (B) a Level 1, Level 2, Level 3, Level 4, or Level 5 felony;

41 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 the right to grant a franchise to the person.

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).

(b) Whenever a permit to which this chapter applies becomes 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;



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

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

the criminal history information concerns an arrest or a charge that did not result in a criminal conviction.

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

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

(2) consider criminal history information in hiring for particular 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]:

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

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

**(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**



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

11      (d) This subsection applies to a child arrested after June 30,  
 12      2022. If:

13       (1) a child is arrested;  
 14       (2) one (1) year has elapsed since the date of the arrest; and  
 15       (3) no delinquency allegations are pending against the child;  
 16      the child may petition a judge exercising juvenile jurisdiction in the  
 17      county (or a designated judge, if applicable) for expungement,  
 18      setting forth these facts. Upon receipt of the petition, the judge  
 19      shall immediately order the expungement of all records related to  
 20      the arrest. Expungement under this subsection does not shorten the  
 21      statute of limitations. A prosecuting attorney may still file  
 22      delinquency allegations under this subsection.

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

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

36       (1) the date of the arrest or juvenile delinquency allegation  
 37       and true finding (if applicable);  
 38       (2) the county in which the arrest occurred and the county in  
 39       which the juvenile delinquency allegations were filed, if  
 40       applicable;  
 41       (3) the law enforcement agency employing the arresting  
 42       officer, if known;



12       **A child who files a petition under this section is not required to pay**  
13       **a filing fee.**

18                   **meet the requirements of this section, or if the statements**  
19                   **contained in the petition indicate that the petitioner is not**  
20                   **entitled to relief; and**

- (A) the conditions described in subsection (b) have not been met; or
- (B) delinquency allegations are pending against the child.

29 (1) no information concerning the arrest, juvenile  
30 delinquency allegation, or vacated juvenile delinquency  
31 adjudication (including information from a collateral action  
32 that identifies the petitioner), may be placed or retained in  
33 any state central repository for criminal history information  
34 or in any other alphabetically arranged criminal history  
35 information system maintained by a local, regional, or  
36 statewide law enforcement agency;

41 (3) the records of:

(A) the juvenile court;



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

**(C) a court of appeals; and**

(D) the supreme court;

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

(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 child 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 juvenile 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.

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

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

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

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

(1) has as an element the:

(A) use of physical force; or

(B) threatened use of a deadly weapon; and

(2) is committed against a family or household

defined in section 128 of this chapter.

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

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**DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY**

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

22 **(E) unlawful possession of a firearm by a serious violent  
 23 felon (IC 35-47-4-5); or**

24 **(F) in accordance with IC 1-1-2-4, an attempt or  
 25 conspiracy to commit an offense described in this  
 26 subdivision; or**

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

30 **(c) A court may not order the bureau of motor vehicles to seal,  
 31 restrict access to, or otherwise expunge a conviction (as defined in  
 32 49 CFR 383.5) under this chapter for a person:**

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

36 **(2) whose conviction is for a violation described in 49 CFR  
 37 384.226.**

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

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



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

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

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

11                  **(1) a Class D felony (for an offense committed before July 1,**  
 12                  **2014); and**

13                  **(2) an Indiana offense punishable by an indeterminate**  
 14                  **sentence under a law other than IC 35-50, if the offense is a**  
 15                  **Level 6 felony at the time the person files the petition for**  
 16                  **expungement.**

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

18                  **(1) a Class D felony (for a crime committed before July 1,**  
 19                  **2014) or a Level 6 felony (for a crime committed after June**  
 20                  **30, 2014), that is reduced to a misdemeanor pursuant to**  
 21                  **IC 35-38-1-1.5 or IC 35-50-2-7; and**

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

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

28                  **(1) not a Level 6 felony; and**

29                  **(2) otherwise expungeable under this chapter.**

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

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

37                  **(b) Not earlier than the later of:**

38                  **(1) five (5) years after the date of conviction; or**

39                  **(2) five (5) years after completion of the sentence;**

40                  **(unless the prosecuting attorney consents in writing to an earlier**  
 41                  **period), a person convicted of a misdemeanor may petition a court**  
 42                  **to expunge all conviction records that relate to the misdemeanor**



1 conviction.

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

4 (b) Not earlier than the later of:

(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 Level 6 felony conviction.

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

13 (b) Not earlier than the later of:

(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 moderate felony conviction.

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

29                   **Sec. 11. If the court, after conducting a hearing, finds by a**  
30                   **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 was not convicted of a crime during the waiting period required by this chapter.

42 Sec. 12. (a) This section applies only to an order granting the

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1                   **expungement of a misdemeanor or Level 6 felony.**

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

4                   **(1) Order:**

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

8                   **(i) law enforcement agency; and**

9                   **(ii) other person;**

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

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

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

21                  **(A) an arrest or offense:**

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

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

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

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

33                  **(A) a prosecuting attorney, if needed to carry out the**  
 34                  **official duties of the prosecuting attorney;**

35                  **(B) a defense attorney, if needed to carry out the**  
 36                  **professional duties of the defense attorney;**

37                  **(C) a probation department, if:**

38                  **(i) authorized by a court order; and**

39                  **(ii) necessary to prepare a presentence report;**

40                  **(D) the Federal Bureau of Investigation and the**  
 41                  **Department of Homeland Security, if disclosure is**  
 42                  **required to comply with an agreement relating to the**



### **sharing of criminal history information;**

(E) the:

- (i) supreme court;
- (ii) members of the state board of law examiners;
- (iii) executive 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.

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.

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.

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



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 reseal 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



1       entry to the person's record of arrest, conviction, or sentence in the  
 2       criminal history data base stating that the record is marked as  
 3       expunged. Nothing in this chapter prevents the bureau of motor  
 4       vehicles from reporting information about a conviction for a  
 5       violation of a traffic control law to the Commercial Driver's  
 6       License Information System (CDLIS) in accordance with federal  
 7       law.

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

11      (e) If a court issues an order granting a petition for  
 12      expungement under this section, the court shall also order any  
 13      related records described in IC 35-38-9.6-1(i) marked as expunged,  
 14      unless the records described in IC 35-38-9.6-1(i) have been ordered  
 15      marked as expunged under this section.

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

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

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

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

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

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

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

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

33       (6) The petitioner shall affirm that the petitioner has not  
 34       committed another felony or misdemeanor within the period  
 35       required for expungement.

36       (7) The petitioner shall list all convictions, all collateral  
 37       actions, the cause number of each conviction, if known, the  
 38       date of the conviction, and any appeals from the conviction  
 39       and the date any appellate opinion was handed down, if  
 40       applicable.

41       (8) The petitioner shall include:

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



- (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



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

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

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

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

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

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

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

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

31      (k) If:

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

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

39       the person may file a petition for a supplemental order of  
 40       expungement with the court that granted the petition for  
 41       expungement. A petition for a supplemental order of expungement  
 42       must include a copy of the expungement order, succinctly set forth



1       **the relief the petitioner seeks, and include any other information**  
 2       **required by the court. If the court finds that the person was**  
 3       **granted an order for expungement before the effective date of the**  
 4       **amendment of this chapter and is otherwise entitled to relief, the**  
 5       **court shall issue a supplemental order for expungement consistent**  
 6       **with the amendment.**

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

10       **(b) Upon receipt of a request to expunge records related to a**  
 11       **collateral action and a properly certified expungement order, a**  
 12       **circuit or superior court in the county in which the collateral**  
 13       **action occurred shall:**

14       **(1) notify the prosecuting attorney of the county in which the**  
 15       **court is located of the request to expunge records related to**  
 16       **a collateral action and set the matter for hearing; or**  
 17       **(2) if it conclusively appears from the court's records that the**  
 18       **person is entitled to expungement as described in subsection**  
 19       **(c), order the records expunged without a hearing.**

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

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

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

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

41       **(b) It is unlawful discrimination for any person to:**  
 42       **(1) suspend;**



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

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

26 (A) a habitual offender enhancement; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

41       **(c) This subsection applies to a person charged with an offense**  
 42       **after June 30, 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.

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

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

21 (2) shall grant the petition unless:

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

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

(A) the sentencing court;

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

**(C) a court of appeals; and**

(D) the supreme court;



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

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

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

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**DOCUMENT HAS NOT BEEN CHECKED FOR ACCURACY**

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

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

11 (1) Whether the person has been subject to:  
12 (A) a protective order;  
13 (B) a no contact order;  
14 (C) a workplace violence restraining order; or  
15 (D) any other court order that prohibits the person from  
16 possessing a firearm.

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

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

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

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

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

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

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

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

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

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



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

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

13                  (c) Notwithstanding subsections (a) and (b), if a person commits  
 14                  nonsupport of a child as a Class C felony (for a crime committed before  
 15                  July 1, 2014) or a Level 5 felony (for a crime committed after June 30,  
 16                  2014) under IC 35-46-1-5, the sentencing court may convert the Class  
 17                  C felony conviction to a Class D felony conviction or a Level 5 felony  
 18                  conviction to a Level 6 felony conviction if, after receiving a verified  
 19                  petition as described in subsection (d) and after conducting a hearing  
 20                  in which the prosecuting attorney has been notified, the court makes  
 21                  the following findings:

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

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

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

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

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

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

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

37                  (2) The date of the conviction.

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

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

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



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