



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 250 be amended to read as follows:

- 1 Page 20, between lines 30 and 31, begin a new paragraph and insert:
- 2 "SECTION 31. IC 35-38-9-1, AS AMENDED BY P.L.9-2024,
- 3 SECTION 535, IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2026]: Sec. 1.(a) This section applies only to a
- 5 person who has been arrested, charged with an offense, or alleged to be
- 6 a delinquent child, if:
- 7 (1) the arrest, criminal charge, or juvenile delinquency allegation:
- 8 (A) did not result in a conviction or juvenile adjudication, even
- 9 if the arrest, criminal charge, or juvenile delinquency
- 10 allegation resulted in an adjudication for an infraction; or
- 11 (B) resulted in a conviction or juvenile adjudication and the
- 12 conviction or adjudication was expunged under sections 2
- 13 through 5 of this chapter **or subsection (c)(1)**, or was later
- 14 vacated; and
- 15 (2) the person is not currently participating in a pretrial diversion
- 16 program, unless the prosecuting attorney authorizes the person to
- 17 petition for an expungement under this section.
- 18 (b) This subsection applies to a person charged with an offense or
- 19 alleged to be a delinquent child after June 30, 2022. If:
- 20 (1) a court dismisses all:
- 21 (A) criminal charges; or

- 1 (B) juvenile delinquency allegations;
 2 filed and pending against a person;
 3 (2) one (1) year has passed since juvenile delinquency allegations
 4 were filed against a child, and:
 5 (A) there is no disposition or order of waiver; and
 6 (B) the state is not actively prosecuting the allegations; or
 7 (3) in a:
 8 (A) criminal trial a defendant is acquitted of all charges, or the
 9 defendant's conviction is later vacated; or
 10 (B) juvenile proceeding the court finds all allegations not true,
 11 or the juvenile's true finding is later vacated;

12 the court shall immediately order all records related to the criminal
 13 charges or juvenile delinquency allegations expunged. An
 14 expungement order that is issued based on nonprosecution under
 15 subdivision (2) goes into effect immediately. An expungement order
 16 issued under subdivision (1) or (3) may not go into effect earlier than
 17 sixty (60) days from the date of the dismissal, acquittal, or no true
 18 finding. However, upon motion by the prosecuting attorney, if the court
 19 finds that specific facts exist in the particular case which justify a
 20 delay, the court may delay implementation of an expungement order
 21 under subdivision (1) or (3) for up to one (1) year from the date of the
 22 dismissal, acquittal, or no true finding.

23 ~~(c) This subsection applies to a person arrested after June 30, 2022.~~

24 ~~H:~~

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

28 the person may petition a judge exercising criminal jurisdiction in the
 29 county (or a designated judge, if applicable) for expungement, setting
 30 forth these facts: Upon receipt of the petition, the judge shall
 31 immediately order the expungement of all records related to the arrest.
 32 Expungement under this subsection does not shorten the statute of
 33 limitations: A prosecuting attorney may still file a charge under this
 34 subsection.

35 **(c) This subsection applies to the following:**

36 **(1) A person arrested after December 31, 2026. A person**
 37 **described in this subdivision who has been convicted of**
 38 **misdemeanor possession of marijuana, hash oil, hashish, or**
 39 **salvia under IC 35-48-4-11 may petition a court to expunge**
 40 **the misdemeanor conviction under IC 35-48-4-11. The**
 41 **following apply to a person who submits a petition for**
 42 **expungement under this subdivision:**

- 43 **(A) The time limits set forth in section 2(c) of this chapter**
 44 **do not apply to a petition submitted under this subdivision.**
 45 **(B) A petition for expungement submitted under this**
 46 **subdivision does not otherwise count against the limits on**

- 1 **expungement imposed by this chapter. However, a person**
 2 **may not submit more than one (1) petition under this**
 3 **section during the life of the person.**
 4 **(C) The person may include in the petition a request to**
 5 **expunge:**
 6 **(i) arrest records for that conviction; and**
 7 **(ii) records described in section 2(c) of this chapter that**
 8 **are related to that conviction.**
 9 **(2) A person arrested after June 30, 2026. If:**
 10 **(A) a person is arrested;**
 11 **(B) one hundred eighty (180) days have elapsed since the**
 12 **date of the arrest; and**
 13 **(C) no charges are pending against the person;**
 14 **the prosecuting attorney shall notify a judge exercising**
 15 **criminal jurisdiction in the county (or a designated judge, if**
 16 **applicable) of these facts. Upon receipt of the notification, the**
 17 **judge shall immediately order the expungement of all records**
 18 **related to the arrest.**
 19 **(d) Except as provided in subsection (c)(1), not earlier than one**
 20 **(1) year after the date of arrest, criminal charge, or juvenile**
 21 **delinquency allegation (whichever is later), if the person was not**
 22 **convicted or adjudicated a delinquent child, or the opinion vacating the**
 23 **conviction or adjudication becomes final, the person may petition the**
 24 **court for expungement of the records related to the arrest, criminal**
 25 **charge, or juvenile delinquency allegation. However, a person may**
 26 **petition the court for expungement at an earlier time if the prosecuting**
 27 **attorney agrees in writing to an earlier time.**
 28 **(e) A petition for expungement of records must be verified and filed**
 29 **in a circuit or superior court in the county where the criminal charges**
 30 **or juvenile delinquency allegation was filed, or if no criminal charges**
 31 **or juvenile delinquency allegation was filed, in the county where the**
 32 **arrest occurred. The petition must set forth:**
 33 **(1) the date of the arrest, criminal charges, or juvenile**
 34 **delinquency allegation, and conviction (if applicable);**
 35 **(2) the county in which the arrest occurred, the county in which**
 36 **the information or indictment was filed, and the county in which**
 37 **the juvenile delinquency allegation was filed, if applicable;**
 38 **(3) the law enforcement agency employing the arresting officer,**
 39 **if known;**
 40 **(4) the court in which the criminal charges or juvenile**
 41 **delinquency allegation was filed, if applicable;**
 42 **(5) any other known identifying information, such as:**
 43 **(A) the name of the arresting officer;**
 44 **(B) case number or court cause number;**
 45 **(C) any aliases or other names used by the petitioner;**
 46 **(D) the petitioner's driver's license number; and**

- 1 (E) a list of each criminal charge and its disposition, if
 2 applicable;
- 3 (6) the date of the petitioner's birth; and
 4 (7) the petitioner's Social Security number.
- 5 A person who files a petition under this section is not required to pay
 6 a filing fee.
- 7 (f) The court shall serve a copy of the petition on the prosecuting
 8 attorney.
- 9 (g) Upon receipt of a petition for expungement, the court:
 10 (1) may summarily deny the petition if the petition does not meet
 11 the requirements of this section, or if the statements contained in
 12 the petition indicate that the petitioner is not entitled to relief; and
 13 (2) shall grant the petition unless:
 14 (A) the conditions described in subsection (a) have not been
 15 met; or
 16 (B) criminal charges are pending against the person.
- 17 (h) Whenever the petition of a person under this section is granted,
 18 or if an expungement order is issued without a petition under
 19 subsection (b):
 20 (1) no information concerning the arrest, criminal charges,
 21 juvenile delinquency allegation, vacated conviction, or vacated
 22 juvenile delinquency adjudication (including information from a
 23 collateral action that identifies the petitioner), may be placed or
 24 retained in any state central repository for criminal history
 25 information or in any other alphabetically arranged criminal
 26 history information system maintained by a local, regional, or
 27 statewide law enforcement agency;
 28 (2) the clerk of the supreme court shall seal or redact any records
 29 in the clerk's possession that relate to the arrest, criminal charges,
 30 juvenile delinquency allegation, vacated conviction, or vacated
 31 juvenile delinquency adjudication;
 32 (3) the records of:
 33 (A) the sentencing court;
 34 (B) a court that conducted a collateral action;
 35 (C) a juvenile court;
 36 (D) a court of appeals; and
 37 (E) the supreme court;
 38 concerning the person shall be redacted or permanently sealed
 39 from public access; and
 40 (4) with respect to the records of a person who is named as an
 41 appellant or an appellee in an opinion or memorandum decision
 42 by the supreme court or the court of appeals, or who is identified
 43 in a collateral action, the court shall:
 44 (A) redact the opinion or memorandum decision as it appears
 45 on the computer gateway administered by the office of
 46 technology so that it does not include the petitioner's name (in

1 the same manner that opinions involving juveniles are
2 redacted); and

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

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

10 (i) If the court issues an order granting a petition for expungement
11 under this section, or issues an order for expungement without a
12 petition under subsection (b), the order must include the information
13 described in subsection (e).

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

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

29 SECTION 32. IC 35-38-9-2, AS AMENDED BY P.L.55-2020,
30 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2026]: Sec. 2. (a) Except as provided in subsection (b) and
32 section 8.5 of this chapter, this section applies only to a person
33 convicted of a misdemeanor, including a Class D felony (for a crime
34 committed before July 1, 2014) or a Level 6 felony (for a crime
35 committed after June 30, 2014) reduced to a misdemeanor.

36 (b) This section does not apply to the following:

37 (1) A person convicted of two (2) or more felony offenses that:
38 (A) involved the unlawful use of a deadly weapon; and
39 (B) were not committed as part of the same episode of criminal
40 conduct.

41 (2) A sex or violent offender (as defined in IC 11-8-8-5).

42 (c) **Except as provided in section 1(c)(1) of this chapter**, not
43 earlier than five (5) years after the date of conviction (unless the
44 prosecuting attorney consents in writing to an earlier period) for the
45 misdemeanor or the felony reduced to a misdemeanor pursuant to
46 IC 35-38-1-1.5 or IC 35-50-2-7, the person convicted of the

1 misdemeanor or the felony reduced to a misdemeanor may petition a
2 court to expunge all conviction records, including records contained in:

- 3 (1) a court's files;
- 4 (2) the files of the department of correction;
- 5 (3) the files of the bureau of motor vehicles; and
- 6 (4) the files of any other person who provided treatment or
7 services to the petitioning person under a court order;

8 that relate to the person's misdemeanor conviction, including records
9 of a collateral action.

10 (d) A person who files a petition to expunge conviction records,
11 including any records relating to the conviction and any records
12 concerning a collateral action, shall file the petition in a circuit or
13 superior court in the county of conviction.

14 (e) If the court finds by a preponderance of the evidence that:

- 15 (1) the period required by this section has elapsed;
- 16 (2) no charges are pending against the person;
- 17 (3) the person has paid all fines, fees, and court costs, and
18 satisfied any restitution obligation placed on the person as part of
19 the sentence; and
- 20 (4) the person has not been convicted of a crime within the
21 previous five (5) years (or within a shorter period agreed to by the
22 prosecuting attorney if the prosecuting attorney has consented to
23 a shorter period under subsection (c));

24 the court shall order the conviction records described in subsection (c),
25 including any records relating to the conviction and any records
26 concerning a collateral action, expunged in accordance with section 6
27 of this chapter.

28 SECTION 33. IC 35-38-9-8, AS AMENDED BY P.L.52-2021,
29 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
30 JULY 1, 2026]: Sec. 8. (a) This section applies only to a petition to
31 expunge conviction records, including any records relating to the
32 conviction and any records concerning a collateral action, under
33 **section 1(c)(1) and** sections 2 through 5 of this chapter. This section
34 does not apply to a petition to expunge records related to the arrest,
35 criminal charge, or juvenile delinquency allegation under section 1 of
36 this chapter.

37 (b) Any person may seek an expungement under **section 1(c)(1) and**
38 sections 2 through 5 of this chapter by filing a verified petition for
39 expungement. The petition must include the following:

- 40 (1) The petitioner's full name and all other legal names or aliases
41 by which the petitioner is or has been known.
- 42 (2) The petitioner's date of birth.
- 43 (3) The petitioner's addresses from the date of the offense to the
44 date of the petition.
- 45 (4) The case number or court cause number, if available.
- 46 (5) The petitioner shall affirm that no criminal investigation or

- 1 charges are pending against the petitioner.
- 2 (6) The petitioner shall affirm that the petitioner has not
3 committed another felony or misdemeanor within the period
4 required for expungement.
- 5 (7) The petitioner shall list all convictions, all collateral actions,
6 the cause number of each conviction, if known, the date of the
7 conviction, and any appeals from the conviction and the date any
8 appellate opinion was handed down, if applicable.
- 9 (8) The petitioner shall include:
- 10 (A) the petitioner's Social Security number;
- 11 (B) the petitioner's driver's license number;
- 12 (C) the date of the petitioner's arrest, if applicable; and
- 13 (D) the date on which the petitioner was convicted.
- 14 (9) The petitioner shall affirm that the required period has elapsed
15 or attach a copy of the prosecuting attorney's written consent to a
16 shorter period.
- 17 (10) The petitioner shall describe any other petitions that the
18 petitioner has filed under this chapter.
- 19 (11) For a petition filed under section 5 of this chapter, the
20 petitioner shall attach a copy of the prosecuting attorney's written
21 consent.
- 22 (c) The petitioner may include any other information that the
23 petitioner believes may assist the court.
- 24 (d) A person who files a petition under this section is required to
25 pay the filing fee required in civil cases. The court may reduce or waive
26 this fee if the person is indigent.
- 27 (e) The petitioner shall serve a copy of the petition upon the
28 prosecuting attorney in accordance with the Indiana Rules of Trial
29 Procedure.
- 30 (f) The prosecuting attorney shall inform the victim of the victim's
31 rights under IC 35-40-6 by contacting the victim at the victim's last
32 known address. However, if a court has no discretion in granting an
33 expungement petition under this chapter, the prosecuting attorney is
34 not required to inform the victim of the victim's rights under this
35 subsection.
- 36 (g) The prosecuting attorney shall reply to the petition not later than
37 thirty (30) days after receipt. If the prosecuting attorney fails to timely
38 reply to the petition:
- 39 (1) the prosecuting attorney has waived any objection to the
40 petition; and
- 41 (2) the court shall proceed to consider the petition under section
42 9 of this chapter.
- 43 SECTION 34. IC 35-38-9-9, AS AMENDED BY P.L.77-2025,
44 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
45 JULY 1, 2026]: Sec. 9. (a) If the prosecuting attorney does not object,
46 or has waived objection to the petition under section 8 of this chapter,

- 1 the court may grant the petition for expungement without a hearing.
- 2 (b) The court may summarily deny a petition, if the petition does not
3 meet the requirements of section 8 of this chapter, or if the statements
4 contained in the petition demonstrate that the petitioner is not entitled
5 to relief.
- 6 (c) If the prosecuting attorney objects to the petition, the prosecuting
7 attorney shall file the reasons for objecting to the petition with the court
8 and serve a copy of the objections on the petitioner at the time the
9 prosecuting attorney objects to the petition. The court shall set the
10 matter for hearing not sooner than sixty (60) days after service of the
11 petition on the prosecuting attorney.
- 12 (d) A victim of the offense for which expungement is sought may
13 submit an oral or written statement in support of or in opposition to the
14 petition at the time of the hearing. The petitioner must prove by a
15 preponderance of the evidence that the facts alleged in the verified
16 petition are true.
- 17 (e) The grant or denial of a petition is an appealable final order.
- 18 (f) If the court grants the petition for expungement, the court shall
19 issue an order of expungement as described in sections 6 and 7 of this
20 chapter.
- 21 (g) The order granting the petition for expungement described in
22 sections 6 and 7 of this chapter must include the information described
23 in section 8(b) of this chapter.
- 24 (h) This subsection applies only to a petition to expunge conviction
25 records filed under **section 1(c)(1) and** sections 2 through 5 of this
26 chapter. This subsection does not apply to a petition to expunge records
27 related to the arrest, criminal charge, or juvenile delinquency allegation
28 under section 1 of this chapter. A petitioner may seek to expunge more
29 than one (1) conviction at the same time. The petitioner shall
30 consolidate all convictions that the petitioner wishes to expunge from
31 the same county in one (1) petition. A petitioner who wishes to
32 expunge convictions from separate counties must file a petition in each
33 county in which a conviction was entered.
- 34 (i) This subsection applies only to a petition to expunge conviction
35 records filed under sections 2 through 5 of this chapter. This subsection
36 does not apply to a petition to expunge records related to the arrest,
37 criminal charge, or juvenile delinquency allegation under section 1 of
38 this chapter. Except as provided in subsections (j) and (k), **and section**
39 **1(c)(1) of this chapter**, a petitioner may file a petition for
40 expungement only one (1) time during the petitioner's lifetime. For
41 purposes of this subsection, all petitions for expungement filed in
42 separate counties for offenses committed in those counties count as one
43 (1) petition if they are filed in one (1) three hundred sixty-five (365)
44 day period.
- 45 (j) A petitioner whose petition for expungement has been denied, in
46 whole or in part, may refile that petition for expungement, in whole or

1 in part, with respect to one (1) or more convictions included in the
2 initial expungement petition that were not expunged. However, if the
3 petition was denied due to the court's exercise of its discretion under
4 section 4 or 5 of this chapter, a petition for expungement may be refiled
5 only after the elapse of three (3) years from the date on which the
6 previous expungement petition was denied. Except as provided in
7 subsection (k), a refiled petition for expungement may not include any
8 conviction that was not included in the initial expungement petition.

9 (k) A court may permit a petitioner to file a supplemental petition
10 for expungement at any time with respect to one (1) or more
11 convictions that were not included in the initial expungement petition
12 only if the court finds that:

- 13 (1) the petitioner intended in good faith to comply with
- 14 subsections (h) and (i);
- 15 (2) the petitioner's failure to comply with subsections (h) and (i)
- 16 was due to:
 - 17 (A) excusable neglect; or
 - 18 (B) circumstances beyond the petitioner's control; and
- 19 (3) permitting the petitioner to file a subsequent petition for
- 20 expungement is in the best interests of justice.

- 21 (l) If:
 - 22 (1) the information required to be expunged, marked as expunged,
 - 23 or otherwise sealed or restricted under this chapter changes as the
 - 24 result of an amendment to this chapter; and
 - 25 (2) a person whose petition for expungement was granted before
 - 26 the effective date of the amendment wishes to obtain the benefits
 - 27 of that amendment;

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

37 Renumber all SECTIONS consecutively.
(Reference is to ESB 250 as printed February 19, 2026.)

Representative Errington