



February 14, 2025

SENATE BILL No. 281

DIGEST OF SB 281 (Updated February 11, 2025 12:19 pm - DI 106)

Citations Affected: IC 31-9; IC 31-39; IC 35-38.

Synopsis: Expungement. Specifies that certain records relating to juvenile delinquency proceedings are accessible to a law enforcement officer acting within the scope of the officer's duties, and requires persons having custody of these records to take steps to ensure that these records are available to the law enforcement officer in a timely manner. Repeals a provision requiring a court to expunge certain records on the court's own motion. Specifies that the juvenile court shall cooperate to ensure that certain records are available to the prosecuting attorney or a deputy. Allows the expungement of official misconduct if: (1) the person seeking the expungement is not an elected official; and (2) the prosecuting attorney consents. Requires a person filing a petition for expungement to include the chronological case summary, if available. Permits disclosure to the state police department of certain sealed records if disclosure is required for the purpose of expunging or marking as expunged records in the central repository for criminal history information. Prohibits expungement for a person convicted of unlawful possession of a firearm by a serious violent felon.

Effective: July 1, 2025.

Baldwin, Freeman

January 13, 2025, read first time and referred to Committee on Corrections and Criminal Law.
February 13, 2025, amended, reported favorably — Do Pass.

SB 281—LS 6886/DI 106



February 14, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

SENATE BILL No. 281

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 31-9-2-99 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 99. "Prosecuting
3 attorney", for purposes of the juvenile law, means the prosecuting
4 attorney or the prosecuting attorney's deputy. ~~of the judicial circuit~~
5 ~~where the juvenile court is located.~~
- 6 SECTION 2. IC 31-39-2-5 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. The records of the
8 juvenile court are available without a court order to the prosecuting
9 attorney or any authorized staff member. **The juvenile court shall**
10 **cooperate with a prosecuting attorney or any authorized staff**
11 **member to ensure that these records are accessible by web portal**
12 **to the prosecuting attorney, and are otherwise available in a timely**
13 **manner to a prosecuting attorney or any authorized staff member**
14 **acting within the scope of their duties.**
- 15 SECTION 3. IC 31-39-2-5.5 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2025]: **Sec. 5.5. The following records of the juvenile court**

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1 relating to a delinquency proceeding are available without a court
 2 order to a law enforcement officer acting within the scope of the
 3 officer's duties:

- 4 (1) The child's name and age.
 5 (2) The nature of the delinquent act.
 6 (3) The chronological case summary.
 7 (4) Index entries, summonses, warrants, petitions, orders,
 8 motions (excluding psychological or child abuse evaluations),
 9 decrees, and photographs for specific adjudications.

10 The juvenile court shall cooperate with a law enforcement agency
 11 to ensure that these records are accessible from the mobile
 12 terminal of a law enforcement officer, and are otherwise available
 13 to a law enforcement officer acting within the scope of the officer's
 14 duties in a timely manner.

15 SECTION 4. IC 31-39-4-2 IS AMENDED TO READ AS
 16 FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. (a) The records of a
 17 law enforcement agency are available, without specific permission
 18 from the head of the agency, to a law enforcement officer acting within
 19 the scope of the officer's lawful duties.

20 (b) The law enforcement agency shall ensure that the records
 21 are accessible from the mobile terminal of a law enforcement
 22 officer, and are otherwise available to a law enforcement officer
 23 acting within the scope of the officer's duties in a timely manner.

24 SECTION 5. IC 31-39-8-2, AS AMENDED BY P.L.86-2017,
 25 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2025]: Sec. 2. (a) Any person may petition a juvenile court at
 27 any time to remove from:

- 28 (1) the court's files;
 29 (2) the files of law enforcement agencies; and
 30 (3) the files of any other person who has provided services to a
 31 child under a court order;

32 those records pertaining to the person's involvement in juvenile court
 33 proceedings that are not delinquency proceedings.

34 (b) Any person may petition a juvenile court at any time to seal
 35 records relating to a delinquency proceeding that are maintained
 36 in:

- 37 (1) the court's files; and
 38 (2) the files of law enforcement agencies.

39 Sealed records under this subsection shall be made available to a
 40 law enforcement officer acting within the scope of the officer's
 41 duties, but may not be made available to the public without a court
 42 order.



1 ~~(b)~~ **(c)** Electronic records **not relating to a**
 2 **delinquency proceeding** shall be removed to a secure data base to
 3 which the public or another person not having legal or statutory
 4 authority to access the records is not granted access to the data base.

5 SECTION 6. IC 31-39-8-3.5 IS REPEALED [EFFECTIVE JULY
 6 1, 2025]. ~~Sec. 3-5:~~ **(a)** This section does not apply to the records of a
 7 child adjudicated a delinquent child for committing an act that would
 8 be:

9 (1) a felony if committed by an adult;

10 (2) a violation of IC 35-47-2; or

11 (3) a violation of IC 35-47-10.

12 ~~(b)~~ This section applies to the records of a child adjudicated a
 13 delinquent child after June 30, 2021.

14 ~~(c)~~ When a child reaches nineteen (19) years of age, or one (1) year
 15 after the date on which the juvenile court discharges the child under
 16 IC 31-37-20-7, whichever is later, the court shall, on its own motion
 17 and without holding a hearing, order expungement of the records
 18 relating to the child's delinquency adjudication that are not excluded
 19 under subsection (a) within sixty (60) days, unless the court finds,
 20 based on the nature of the delinquent act and the needs of the child,
 21 that automatic expungement under this section would not serve the
 22 interests of justice.

23 ~~(d)~~ The expungement provisions in this section supplement and are
 24 in addition to expungement provisions located elsewhere in this
 25 chapter. A person entitled to expungement of delinquency records
 26 under this section may also seek expungement under any other
 27 applicable section of this chapter.

28 SECTION 7. IC 31-39-8-5 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2025]: **(a)** This subsection
 30 **applies to an expungement petition that does not relate to a**
 31 **delinquency proceeding**. If the court grants the expungement petition,
 32 the court shall order each law enforcement agency and each person
 33 who provided treatment for the child under an order of the court to send
 34 that person's records to the court.

35 **(b)** This subsection applies to an expungement petition that
 36 relates to a delinquency proceeding. If the court grants the
 37 expungement petition, the court shall order each person who
 38 provided treatment for the child under an order of the court to
 39 send that person's records to the court.

40 SECTION 8. IC 31-39-8-6, AS AMENDED BY P.L.157-2021,
 41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2025]: **(a)** This section does not apply to records



1 **relating to a delinquency proceeding.** Subject to subsections (b) and
 2 (c), the records shall be destroyed upon a grant of an expungement
 3 petition by the court. ~~including an expungement order issued under~~
 4 ~~section 3-5 of this chapter.~~

5 (b) Data from the records in subsection (a) shall be maintained by
 6 the court on a secure data base that does not enable identification of the
 7 offender to the public or another person not having legal or statutory
 8 authority to access the records.

9 (c) The records maintained in the data base under subsection (b)
 10 may be used only for statistical analysis, research, and financial
 11 auditing purposes.

12 SECTION 9. IC 31-39-8-6.5 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2025]: **Sec. 6.5. (a) This section applies to records relating to a**
 15 **delinquency proceeding. Records relating to a delinquency**
 16 **proceeding shall be sealed upon a grant of an expungement petition**
 17 **by the court. Sealed records under this section shall be made**
 18 **available to a law enforcement officer acting within the scope of the**
 19 **officer's duties, but, except as provided in subsections (b) and (c),**
 20 **may not be made available to the public without a court order.**

21 (b) The court may maintain data from the records in subsection
 22 (a) on a secure data base, separate from the data base to which a
 23 law enforcement officer and persons with a court order have
 24 access, that does not enable identification of the offender to the
 25 public or another person not having legal or statutory authority to
 26 access the records.

27 (c) The records maintained in the data base under subsection (b)
 28 may be used only for statistical analysis, research, and financial
 29 auditing purposes.

30 SECTION 10. IC 31-39-8-8 IS ADDED TO THE INDIANA CODE
 31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 32 1, 2025]: **Sec. 8. A person having custody of sealed records relating**
 33 **to a delinquency proceeding shall cooperate with a law**
 34 **enforcement agency to ensure that these records are accessible**
 35 **from the mobile terminal of a law enforcement officer, and are**
 36 **otherwise available to a law enforcement officer acting within the**
 37 **scope of the officer's duties in a timely manner.**

38 SECTION 11. IC 35-38-9-1, AS AMENDED BY P.L.9-2024,
 39 SECTION 535, IS AMENDED TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2025]: **Sec. 1. (a) This section applies only to**
 41 **a person who has been arrested, charged with an offense, or alleged to**
 42 **be a delinquent child, if:**



1 (1) the arrest, criminal charge, or juvenile delinquency allegation:

2 (A) did not result in a conviction or juvenile adjudication, even
3 if the arrest, criminal charge, or juvenile delinquency
4 allegation resulted in an adjudication for an infraction; or

5 (B) resulted in a conviction or juvenile adjudication and the
6 conviction or adjudication was expunged under sections 2
7 through 5 of this chapter, or was later vacated; and

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

11 (b) This subsection applies to a person charged with an offense or
12 alleged to be a delinquent child after June 30, 2022. If:

13 (1) a court dismisses all:

14 (A) criminal charges; or

15 (B) juvenile delinquency allegations;

16 filed and pending against a person;

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

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

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

21 (3) in a:

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

24 (B) juvenile proceeding the court finds all allegations not true,
25 or the juvenile's true finding is later vacated;

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

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

38 If:

39 (1) a person is arrested;

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

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

42 the person may petition a judge exercising criminal jurisdiction in the



1 county (or a designated judge, if applicable) for expungement, setting
 2 forth these facts. Upon receipt of the petition, the judge shall
 3 immediately order the expungement of all records related to the arrest.
 4 Expungement under this subsection does not shorten the statute of
 5 limitations. A prosecuting attorney may still file a charge under this
 6 subsection.

7 (d) Not earlier than one (1) year after the date of arrest, criminal
 8 charge, or juvenile delinquency allegation (whichever is later), if the
 9 person was not convicted or adjudicated a delinquent child, or the
 10 opinion vacating the conviction or adjudication becomes final, the
 11 person may petition the court for expungement of the records related
 12 to the arrest, criminal charge, or juvenile delinquency allegation.
 13 However, a person may petition the court for expungement at an earlier
 14 time if the prosecuting attorney agrees in writing to an earlier time.

15 (e) A petition for expungement of records must be verified and filed
 16 in a circuit or superior court in the county where the criminal charges
 17 or juvenile delinquency allegation was filed, or if no criminal charges
 18 or juvenile delinquency allegation was filed, in the county where the
 19 arrest occurred. The petition must set forth:

- 20 (1) the date of the arrest, criminal charges, or juvenile
 21 delinquency allegation, and conviction (if applicable);
 22 (2) the county in which the arrest occurred, the county in which
 23 the information or indictment was filed, and the county in which
 24 the juvenile delinquency allegation was filed, if applicable;
 25 (3) the law enforcement agency employing the arresting officer,
 26 if known;
 27 (4) the court in which the criminal charges or juvenile
 28 delinquency allegation was filed, if applicable;
 29 (5) any other known identifying information, such as:
 30 (A) the name of the arresting officer;
 31 (B) case number or court cause number;
 32 (C) any aliases or other names used by the petitioner;
 33 (D) the petitioner's driver's license number; and
 34 (E) a list of each criminal charge and its disposition, if
 35 applicable;
 36 (6) the date of the petitioner's birth; ~~and~~
 37 (7) the petitioner's Social Security number; **and**
 38 **(8) the chronological case summary for each case or court**
 39 **cause number sought to be expunged, if available.**

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

42 (f) The court shall serve a copy of the petition on the prosecuting



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



1 organization to whom the opinion or memorandum decision is
2 provided after the date of the order of expungement.

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

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

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

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

26 SECTION 12. IC 35-38-9-4, AS AMENDED BY P.L.52-2021,
27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
28 JULY 1, 2025]: Sec. 4. (a) Except as provided in subsection (b) and
29 section 8.5 of this chapter, this section applies only to a person
30 convicted of a felony who may not seek expungement of that felony
31 under section 3 of this chapter.

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

33 (1) An elected official convicted of an offense while serving the
34 official's term or as a candidate for public office.

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

36 (3) A person convicted of a felony that resulted in serious bodily
37 injury to another person.

38 (4) A person convicted of a felony that resulted in death to
39 another person.

40 (5) A person convicted of official misconduct (IC 35-44.1-1-1).

41 (6) A person convicted of an offense described in:

42 (A) IC 35-42-1;



- 1 (B) IC 35-42-3.5; or
 2 (C) IC 35-42-4.
 3 (7) A person convicted of two (2) or more felony offenses that:
 4 (A) involved the unlawful use of a deadly weapon; and
 5 (B) were not committed as part of the same episode of criminal
 6 conduct.
 7 **(8) A person convicted of unlawful possession of a firearm by**
 8 **a serious violent felon (IC 35-47-4-5).**
 9 (c) Not earlier than the later of eight (8) years from the date of
 10 conviction, or three (3) years from the completion of the person's
 11 sentence, unless the prosecuting attorney consents in writing to an
 12 earlier period, the person convicted of the felony may petition a court
 13 to expunge all conviction records, including records contained in:
 14 (1) a court's files;
 15 (2) the files of the department of correction;
 16 (3) the files of the bureau of motor vehicles; and
 17 (4) the files of any other person who provided treatment or
 18 services to the petitioning person under a court order;
 19 that relate to the person's felony conviction, including records of a
 20 collateral action.
 21 (d) A person who files a petition to expunge conviction records,
 22 including any records relating to the conviction and any records
 23 concerning a collateral action, shall file the petition in a circuit or
 24 superior court in the county of conviction.
 25 (e) If the court finds by a preponderance of the evidence that:
 26 (1) the period required by this section has elapsed;
 27 (2) no charges are pending against the person;
 28 (3) the person has paid all fines, fees, and court costs, and
 29 satisfied any restitution obligation placed on the person as part of
 30 the sentence; and
 31 (4) the person has not been convicted of a felony or misdemeanor
 32 within the previous eight (8) years (or within a shorter period
 33 agreed to by the prosecuting attorney if the prosecuting attorney
 34 has consented to a shorter period under subsection (c));
 35 the court may order the conviction records described in subsection (c),
 36 including any records relating to the conviction and any records
 37 concerning a collateral action, marked as expunged in accordance with
 38 section 7 of this chapter. A person whose records have been ordered
 39 marked as expunged under this section is considered to have had the
 40 person's records expunged for all purposes other than the disposition
 41 of the records.
 42 SECTION 13. IC 35-38-9-5, AS AMENDED BY P.L.52-2021,



1 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2025]: Sec. 5. (a) Except as provided in subsection (b) and
3 section 8.5 of this chapter, this section applies to a person convicted of
4 a felony, including:

5 (1) an elected official convicted of an offense, **other than official**
6 **misconduct**, while serving the official's term or as a candidate for
7 public office; ~~and~~

8 (2) a person convicted of a felony that resulted in serious bodily
9 injury to another person, **if the felony is not a crime of violence**
10 **(IC 35-50-1-2); and**

11 **(3) a person convicted of official misconduct, if the person is**
12 **not an elected official described in subsection (b)(2).**

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

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

15 (2) ~~A person~~ **An elected official** convicted of official misconduct
16 (IC 35-44.1-1-1) **while serving the official's term or as a**
17 **candidate for public office.**

18 (3) A person convicted of an offense described in:

19 (A) IC 35-42-1;

20 (B) IC 35-42-3.5; or

21 (C) IC 35-42-4.

22 (4) A person convicted of two (2) or more felony offenses that:

23 (A) involved the unlawful use of a deadly weapon; and

24 (B) were not committed as part of the same episode of criminal
25 conduct.

26 (5) A person convicted of a felony that resulted in death to
27 another person.

28 **(6) A person convicted of unlawful possession of a firearm by**
29 **a serious violent felon (IC 35-47-4-5).**

30 (c) Not earlier than the later of ten (10) years from the date of
31 conviction, or five (5) years from the completion of the person's
32 sentence, unless the prosecuting attorney consents in writing to an
33 earlier period, the person convicted of the felony may petition a court
34 to expunge all conviction records, including records contained in:

35 (1) a court's files;

36 (2) the files of the department of correction;

37 (3) the files of the bureau of motor vehicles; and

38 (4) the files of any other person who provided treatment or
39 services to the petitioning person under a court order;

40 that relate to the person's felony conviction, including records of a
41 collateral action.

42 (d) A person who files a petition to expunge conviction records,



1 including any records relating to the conviction and any records
 2 concerning a collateral action, shall file the petition in a circuit or
 3 superior court in the county of conviction.

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

5 (1) the period required by this section has elapsed;

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

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

10 (4) the person has not been convicted of a felony or misdemeanor
 11 within the previous ten (10) years (or within a shorter period
 12 agreed to by the prosecuting attorney if the prosecuting attorney
 13 has consented to a shorter period under subsection (c)); and

14 (5) the prosecuting attorney has consented in writing to the
 15 expungement of the person's criminal records;

16 the court may order the conviction records described in subsection (c),
 17 including any records relating to the conviction and any records
 18 concerning a collateral action, marked as expunged in accordance with
 19 section 7 of this chapter. A person whose records have been ordered
 20 marked as expunged under this section is considered to have had the
 21 person's records expunged for all purposes other than the disposition
 22 of the records.

23 SECTION 14. IC 35-38-9-6, AS AMENDED BY P.L.185-2023,
 24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2025]: Sec. 6. (a) If the court orders conviction records,
 26 including any records relating to the conviction and any records
 27 concerning a collateral action, expunged under sections 2 through 3 of
 28 this chapter, the court shall do the following with respect to the specific
 29 records expunged by the court:

30 (1) Order:

31 (A) the department of correction;

32 (B) the bureau of motor vehicles; and

33 (C) each:

34 (i) law enforcement agency; and

35 (ii) other person;

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

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



1 (2) Order the central repository for criminal history information
 2 maintained by the state police department to seal the person's
 3 expunged conviction records, including 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 of
 7 criminal conduct as the case ordered expunged; and

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

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

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

15 (A) a prosecuting attorney, if:

16 (i) authorized by a court order; and

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

19 (B) a defense attorney, if:

20 (i) authorized by a court order; and

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

23 (C) a probation department, if:

24 (i) authorized by a court order; and

25 (ii) necessary to prepare a presentence report;

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

30 (E) the:

31 (i) supreme court;

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

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

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

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

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



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



1 appellee in an opinion or memorandum decision by the supreme court
 2 or the court of appeals, or who is identified in a collateral action, the
 3 court shall:

4 (1) redact the opinion or memorandum decision as it appears on
 5 the computer gateway administered by the office of technology so
 6 that it does not include the petitioner's name (in the same manner
 7 that opinions involving juveniles are redacted); and

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

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

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

22 (1) order the records to be unsealed; and

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

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

32 (e) If a person whose conviction records, including any records
 33 relating to the conviction and any records concerning a collateral
 34 action, are expunged under sections 2 through 5 of this chapter is
 35 required to register as a sex offender based on the commission of a
 36 felony which has been expunged:

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

42 (2) the expunged conviction records must be clearly marked as



- 1 expunged on the sex offender registry ~~web site.~~ **website.**
- 2 (f) Expungement of a crime of domestic violence under section 2 of
- 3 this chapter does not restore a person's right to possess a firearm. The
- 4 right of a person convicted of a crime of domestic violence to possess
- 5 a firearm may be restored only in accordance with IC 35-47-4-7.
- 6 (g) If a court issues an order granting a petition for expungement
- 7 under sections 2 through 3 of this chapter, the court shall also order any
- 8 related records described in section 1(h) of this chapter sealed or
- 9 redacted in the manner described in section 1 of this chapter, unless the
- 10 records described in section 1(h) of this chapter have been ordered
- 11 sealed and redacted under this section.
- 12 (h) If the court issues an order granting a petition for expungement
- 13 under sections 2 through 3 of this chapter, the court shall include in its
- 14 order the information described in section 8(b) of this chapter.
- 15 (i) If the court issues an order granting a petition for expungement
- 16 under sections 2 through 5 of this chapter, the court shall include in its
- 17 order the information described in section 10(c) of this chapter.
- 18 SECTION 15. IC 35-38-9-8, AS AMENDED BY P.L.52-2021,
- 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2025]: Sec. 8. (a) This section applies only to a petition to
- 21 expunge conviction records, including any records relating to the
- 22 conviction and any records concerning a collateral action, under
- 23 sections 2 through 5 of this chapter. This section does not apply to a
- 24 petition to expunge records related to the arrest, criminal charge, or
- 25 juvenile delinquency allegation under section 1 of this chapter.
- 26 (b) Any person may seek an expungement under sections 2 through
- 27 5 of this chapter by filing a verified petition for expungement. The
- 28 petition must include the following:
- 29 (1) The petitioner's full name and all other legal names or aliases
- 30 by which the petitioner is or has been known.
- 31 (2) The petitioner's date of birth.
- 32 (3) The petitioner's addresses from the date of the offense to the
- 33 date of the petition.
- 34 (4) The case number or court cause number, if available.
- 35 **(5) The chronological case summary for each case or court**
- 36 **cause number sought to be expunged, if available.**
- 37 ~~(5)~~ **(6)** The petitioner shall affirm that no criminal investigation
- 38 or charges are pending against the petitioner.
- 39 ~~(6)~~ **(7)** The petitioner shall affirm that the petitioner has not
- 40 committed another felony or misdemeanor within the period
- 41 required for expungement.
- 42 ~~(7)~~ **(8)** The petitioner shall list all convictions, all collateral



1 actions, the cause number of each conviction, if known, the date
 2 of the conviction, and any appeals from the conviction and the
 3 date any appellate opinion was handed down, if applicable.

4 ~~(8)~~ **(9)** The petitioner shall include:

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

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

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

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

9 ~~(9)~~ **(10)** The petitioner shall affirm that the required period has
 10 elapsed or attach a copy of the prosecuting attorney's written
 11 consent to a shorter period.

12 ~~(10)~~ **(11)** The petitioner shall describe any other petitions that the
 13 petitioner has filed under this chapter.

14 ~~(11)~~ **(12)** For a petition filed under section 5 of this chapter, the
 15 petitioner shall attach a copy of the prosecuting attorney's written
 16 consent.

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

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

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

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

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

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

36 (2) the court shall proceed to consider the petition under section
 37 9 of this chapter.



COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 281, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-99 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 99. "Prosecuting attorney", for purposes of the juvenile law, means the prosecuting attorney or the prosecuting attorney's deputy. ~~of the judicial circuit where the juvenile court is located.~~

SECTION 2. IC 31-39-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. The records of the juvenile court are available without a court order to the prosecuting attorney or any authorized staff member. **The juvenile court shall cooperate with a prosecuting attorney or any authorized staff member to ensure that these records are accessible by web portal to the prosecuting attorney, and are otherwise available in a timely manner to a prosecuting attorney or any authorized staff member acting within the scope of their duties.**

SECTION 3. IC 31-39-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 5.5. The following records of the juvenile court relating to a delinquency proceeding are available without a court order to a law enforcement officer acting within the scope of the officer's duties:**

- (1) **The child's name and age.**
- (2) **The nature of the delinquent act.**
- (3) **The chronological case summary.**
- (4) **Index entries, summonses, warrants, petitions, orders, motions (excluding psychological or child abuse evaluations), decrees, and photographs for specific adjudications.**

The juvenile court shall cooperate with a law enforcement agency to ensure that these records are accessible from the mobile terminal of a law enforcement officer, and are otherwise available to a law enforcement officer acting within the scope of the officer's duties in a timely manner."

Page 4, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 9. IC 35-38-9-1, AS AMENDED BY P.L.9-2024, SECTION 535, IS AMENDED TO READ AS FOLLOWS

SB 281—LS 6886/DI 106



[EFFECTIVE JULY 1, 2025]: Sec. 1. (a) This section applies only to a person who has been arrested, charged with an offense, or alleged to be a delinquent child, if:

- (1) the arrest, criminal charge, or juvenile delinquency allegation:
 - (A) did not result in a conviction or juvenile adjudication, even if the arrest, criminal charge, or juvenile delinquency allegation resulted in an adjudication for an infraction; or
 - (B) resulted in a conviction or juvenile adjudication and the conviction or adjudication was expunged under sections 2 through 5 of this chapter, 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.

(b) This subsection applies to a person charged with an offense or alleged to be a delinquent child after June 30, 2022. If:

- (1) a court dismisses all:
 - (A) criminal charges; or
 - (B) juvenile delinquency allegations;
 filed and pending against a person;
- (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:
 - (A) criminal trial a defendant is acquitted of all charges, or the defendant's conviction is later vacated; or
 - (B) 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 criminal charges or 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, acquittal, or no 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.

(c) 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.

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

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

(1) the date of the arrest, criminal charges, or juvenile delinquency allegation, and conviction (if applicable);

(2) the county in which the arrest occurred, the county in which the information or indictment was filed, and the county in which the juvenile delinquency allegation was filed, if applicable;

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

(4) the court in which the criminal charges or juvenile delinquency allegation was filed, if applicable;

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

(A) the name of the arresting officer;

(B) 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; and

(8) the chronological case summary for each case or court cause number sought to be expunged, if available.



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

(f) The court shall serve a copy of the petition on the prosecuting attorney.

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

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

(2) shall grant the petition unless:

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

(B) criminal charges are pending against the person.

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

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

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

(3) the records of:

(A) the sentencing court;

(B) a court that conducted a collateral action;

(C) a juvenile court;

(D) a court of appeals; and

(E) 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.

(i) 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 (b), the order must include the information described in subsection (e).

(j) 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 or 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.

(k) 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."

Delete page 5.

Page 6, delete lines 1 through 32.

Page 7, line 14, delete "a crime of violence (IC 35-50-1-2)." and insert "**unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5)**".

Page 8, line 34, delete "a crime of violence (IC 35-50-1-2)." and insert "**unlawful possession of a firearm by a serious violent felon (IC 35-47-4-5)**".

Page 9, after line 27, begin a new paragraph and insert:

"SECTION 14. IC 35-38-9-6, AS AMENDED BY P.L.185-2023, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 6. (a) If the court orders conviction records, including any records relating to the conviction and any records concerning a collateral action, expunged under sections 2 through 3 of



this chapter, 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 officer's official duty.

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

- (A) an arrest or offense:
 - (i) in which no conviction was entered; and
 - (ii) that was committed as part of the same episode of criminal conduct as the case ordered expunged; and
- (B) any other references to any matters related to the case ordered expunged, including in a collateral action.

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

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

- (A) a prosecuting attorney, if:
 - (i) authorized by a court order; and
 - (ii) needed to carry out the official duties of the prosecuting attorney;
- (B) a defense attorney, if:
 - (i) authorized by a court order; and
 - (ii) needed to carry out the professional duties of the defense attorney;
- (C) a probation department, if:
 - (i) authorized by a court order; and
 - (ii) necessary to prepare a presentence report;
- (D) the Federal Bureau of Investigation and the Department of Homeland Security, if disclosure is required to comply with an



agreement relating to the sharing of criminal history information;

(E) the:

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

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

(b) Except as provided in subsection (c), if a petition to expunge



conviction records, including any records relating to the conviction and any records concerning a collateral action, is granted under sections 2 through 3 of this chapter, the records of:

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

concerning the person shall be permanently sealed. However, a petition for expungement granted under sections 2 through 3 of this chapter does not affect an existing or pending driver's license suspension.

(c) If a petition to expunge conviction records, including any records relating to the conviction and any records concerning a collateral action, is granted under sections 2 through 3 of this chapter 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:

- (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.

(d) Notwithstanding subsection (b), a prosecuting attorney may submit a written application to a court that granted an expungement petition under this chapter to gain access to any records that were permanently sealed under subsection (b), 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 reseal the records.

(e) If a person whose conviction records, including any records relating to the conviction and any records concerning a collateral action, are expunged under sections 2 through 5 of this chapter is required to register as a sex offender based on the commission of a felony which has been expunged:

(1) the expungement does not affect the operation of the sex offender registry ~~web site~~, **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

(2) the expunged conviction records must be clearly marked as expunged on the sex offender registry ~~web site~~. **website**.

(f) Expungement of a crime of domestic violence under section 2 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.

(g) If a court issues an order granting a petition for expungement under sections 2 through 3 of this chapter, the court shall also order any related records described in section 1(h) of this chapter sealed or redacted in the manner described in section 1 of this chapter, unless the records described in section 1(h) of this chapter have been ordered sealed and redacted under this section.

(h) If the court issues an order granting a petition for expungement under sections 2 through 3 of this chapter, the court shall include in its order the information described in section 8(b) of this chapter.

(i) If the court issues an order granting a petition for expungement under sections 2 through 5 of this chapter, the court shall include in its order the information described in section 10(c) of this chapter.

SECTION 15. IC 35-38-9-8, AS AMENDED BY P.L.52-2021, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 8. (a) This section applies only to a petition to expunge conviction records, including any records relating to the conviction and any records concerning a collateral action, under sections 2 through 5 of this chapter. This section does not apply to a petition to expunge records related to the arrest, criminal charge, or juvenile delinquency allegation under section 1 of this chapter.

(b) Any person may seek an expungement under sections 2 through 5 of this chapter by filing a verified petition for expungement. The



petition must include the following:

- (1) The petitioner's full name and all other legal names or aliases by which the petitioner is or has been known.
- (2) The petitioner's date of birth.
- (3) The petitioner's addresses from the date of the offense to the date of the petition.
- (4) The case number or court cause number, if available.
- (5) The chronological case summary for each case or court cause number sought to be expunged, if available.**
- ~~(5)~~ **(6)** The petitioner shall affirm that no criminal investigation or charges are pending against the petitioner.
- ~~(6)~~ **(7)** The petitioner shall affirm that the petitioner has not committed another felony or misdemeanor within the period required for expungement.
- ~~(7)~~ **(8)** The petitioner shall list all convictions, all collateral actions, the cause number of each conviction, if known, the date of the conviction, and any appeals from the conviction and the date any appellate opinion was handed down, if applicable.
- ~~(8)~~ **(9)** The petitioner shall include:
 - (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)~~ **(10)** 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)~~ **(11)** The petitioner shall describe any other petitions that the petitioner has filed under this chapter.
- ~~(11)~~ **(12)** For a petition filed under section 5 of this chapter, the petitioner shall attach a copy of the prosecuting attorney's written consent.

(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 9 of this chapter."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 281 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 7, Nays 1.

