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# HOUSE BILL No. 1306

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 31-39-8.

**Synopsis:** Expungement of juvenile records. Prohibits a person who is less than 23 years of age from petitioning a court for the expungement of juvenile records relating to the person's involvement in delinquency proceedings. Makes a person ineligible to petition for the expungement of juvenile records relating to the person's involvement in delinquency proceedings if the person, after becoming 18 years of age, has committed a felony, a Class A or Class B misdemeanor, or two Class C misdemeanors. Provides that if a criminal charge is pending against a person and the person, if convicted of the criminal charge, would be ineligible to petition for the expungement of juvenile records, the court is required to stay proceedings on the person's petition for the expungement of juvenile records until the criminal charge against the person is disposed of.

**Effective:** July 1, 2000.

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## Thompson

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January 11, 2000, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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# HOUSE BILL No. 1306



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 31-39-8-2 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. ~~Any~~ **Except as**  
3 **provided in section 2.5 of this chapter, any** person may petition a  
4 juvenile court at any time to remove from:

- 5 (1) the court's files;
- 6 (2) the files of law enforcement agencies; and
- 7 (3) the files of any other person who has provided services to a  
8 child under a court order;

9 those records pertaining to the person's involvement in juvenile court  
10 proceedings.

11 SECTION 2. IC 31-39-8-2.5 IS ADDED TO THE INDIANA CODE  
12 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2000]: **Sec. 2.5. (a) A person must be at least twenty-three**  
14 **(23) years of age before the person may petition a juvenile court**  
15 **requesting the expungement of juvenile records relating to the**  
16 **person's involvement in delinquency proceedings.**

17 (b) A person is not eligible to file a petition requesting the



1 expungement of juvenile records relating to the person's  
2 involvement in delinquency proceedings if the person has  
3 committed:  
4 (1) a felony;  
5 (2) a Class A or Class B misdemeanor; or  
6 (3) at least two (2) Class C misdemeanors;  
7 after becoming eighteen (18) years of age.  
8 (c) A court may not grant a petition to expunge a person's  
9 juvenile records relating to the person's involvement in  
10 delinquency proceedings if a criminal charge is pending against the  
11 person and the person, if convicted of the criminal charge, would  
12 be ineligible under subsection (b) to petition for the expungement  
13 of juvenile records.  
14 (d) If:  
15 (1) a person petitions a court for the expungement of juvenile  
16 records relating to the person's involvement in delinquency  
17 proceedings;  
18 (2) a criminal charge is pending against the person; and  
19 (3) the person, if convicted of the criminal charge, would be  
20 ineligible under subsection (b) to petition for the expungement  
21 of juvenile records;  
22 the court shall stay proceedings on the person's petition until the  
23 criminal charge against the person is disposed of.

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