March 29, 2013

ENGROSSED
HOUSE BILL No. 1482

DIGEST OF HB 1482 (Updated March 27, 2013 1:51 pm - DI 106)

Citations Affected: IC 35-38; IC 35-50.

Synopsis: Expungement. Allows a court to enter judgment of conviction as a Class D felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor if the defendant fulfills certain conditions. Requires a court to seal the arrest records of a person who was arrested but not prosecuted or whose conviction was overturned on appeal. Provides that a court shall expunge records concerning misdemeanor convictions and minor Class D felony convictions under certain circumstances, and that a court may expunge records concerning certain more serious felony convictions.
(Continued next page)

Effective: July 1, 2013.

McMillin, Turner, Porter, Summers, Lawson L, Ubelhor

(SENATE SPONSORS — STEELE, YOUNG R MICHAEL, RANDOLPH, ROGERS, TAYLOR)

January 22, 2013, read first time and referred to Committee on Courts and Criminal Code.
January 31, 2013, amended, reported — Do Pass.
February 4, 2013, read second time, amended, ordered engrossed.
February 5, 2013, engrossed. Read third time, passed. Yeas 82, nays 17.

SENATE ACTION

February 25, 2013, read first time and referred to Committee on Judiciary.
March 28, 2013, amended, reported favorably — Do Pass.

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Digest Continued

Specifies that misdemeanor and minor Class D felony records ordered expunged by the court are removed or sealed, and that more serious felony records ordered expunged are marked as expunged but remain public records. Permits a law enforcement officer to have access to certain expunged records without a court order. Establishes a procedure to expunge records, and requires payment of the civil filing fee to petition to expunge a conviction. Provides that a person may file a petition to expunge more than one conviction, and provides that a person may only petition for expungement once in the person's lifetime. Provides that a petition to expunge a conviction may be filed not earlier than: (1) five years from the date of conviction, in the case of a misdemeanor; (2) eight years from the date of conviction in the case of minor Class D felonies; (3) eight years from the date the sentence is completed in the case of more serious felonies; and (4) ten years from the date the sentence is completed in the case of the most serious felonies. Requires consent of the prosecutor to petition for expungement of the most serious felonies, and prohibits granting expungement in the case of sex and violent offenders and persons convicted of specified serious crimes. Provides that the civil rights of a person whose records are expunged are restored, and requires a person questioned about a previous conviction for employment or other certain other purposes be asked about the previous conviction in a form such as "Have you ever been arrested for or convicted of a crime that has not been expunged by a court?" Specifies that an expunged conviction is not admissible in an action for negligent hiring, admission, or licensure. Repeals superseded provisions concerning expungement and restricted disclosure of records.

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March 29, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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ENGROSSED
HOUSE BILL No. 1482

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:

SECTION 1. IC 35-38-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) A court may enter judgment of conviction as a Class D felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor ~~within three (3) years~~ if the person fulfills certain conditions. A court may enter a judgment of conviction as a Class D felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor only if the person pleads guilty to a Class D felony that qualifies for consideration as a Class A misdemeanor under IC 35-50-2-7, and the following conditions are met:

(1) The prosecuting attorney consents.

(2) The person agrees to the conditions set by the court.

(b) For a judgment of conviction to be entered under subsection (a), the court, the prosecuting attorney, and the person must all agree to the conditions set by the court under subsection (a).

(c) The court is not required to convert a judgment of conviction

entered as a Class D felony to a Class A misdemeanor if, after a hearing, the court finds:

(1) the person has violated a condition set by the court under subsection (a); or

(2) the period that the conditions set by the court under subsection (a) are in effect expires before the person successfully completes each condition.

However, the court may not convert a judgment of conviction entered as a Class D felony to a Class A misdemeanor if the person commits a new offense before the conditions set by the court under subsection (a) expire.

(d) The court shall enter judgment of conviction as a Class A misdemeanor if the person fulfills the conditions set by the court under subsection (a).

(e) The entry of a judgment of conviction under this section does not affect the application of any statute requiring the suspension of a person's driving privileges.

(f) This section may not be construed to diminish or alter the rights of a victim (as defined in IC 35-40-4-8) in a sentencing proceeding under this chapter.

SECTION 2. IC 35-38-5-5.5 IS REPEALED [EFFECTIVE JULY 1, 2013]. ~~Sec. 5.5. (a) If a person charged with a crime:~~

~~(1) is not prosecuted or if charges against the person are dismissed;~~

~~(2) is acquitted of all criminal charges; or~~

~~(3) is convicted of the crime and the conviction is subsequently vacated;~~

~~the person may petition a court to restrict disclosure of the records related to the arrest to a noncriminal justice organization or an individual.~~

~~(b) A petition under subsection (a) must be verified and filed in:~~

~~(1) the court in which the charges against the person were filed, for a person described in subsection (a)(1); or~~

~~(2) the court in which the trial was held, for a person described in subsection (a)(2) or (a)(3).~~

~~(c) A petition under subsection (a) must be filed not earlier than:~~

~~(1) if the person is acquitted, thirty (30) days after the person is acquitted;~~

~~(2) if the person's conviction is vacated, three hundred sixty-five (365) days after:~~

~~(A) the order vacating the person's conviction is final, if there is no appeal or the appeal is terminated before entry of an~~

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~~opinion or memorandum decision; or~~

~~(B) the opinion or memorandum decision vacating the person's conviction is certified; or~~

~~(3) if the person is not prosecuted, thirty (30) days after charges are dismissed, if the charges are not refiled.~~

~~(d) A petition under subsection (a) must set forth:~~

~~(1) the date of the arrest;~~

~~(2) the charge;~~

~~(3) the date charges were dismissed, if applicable;~~

~~(4) the date of conviction or acquittal, if applicable;~~

~~(5) the date the conviction was vacated, if applicable;~~

~~(6) the basis on which the conviction was vacated, if applicable;~~

~~(7) the law enforcement agency employing the arresting officer;~~

~~(8) any other known identifying information, such as the name of the arresting officer, case number, or court cause number;~~

~~(9) the date of the petitioner's birth; and~~

~~(10) the petitioner's Social Security number.~~

~~(e) A copy of a petition under subsection (a) shall be served on the prosecuting attorney and the state central repository for records.~~

~~(f) If the prosecuting attorney wishes to oppose a petition under subsection (a), the prosecuting attorney shall, not later than thirty (30) days after the petition is filed, file a notice of opposition with the court setting forth reasons for opposing the petition. The prosecuting attorney shall attach to the notice of opposition a certified copy of any documentary evidence showing that the petitioner is not entitled to relief. A copy of the notice of opposition and copies of any documentary evidence shall be served on the petitioner in accordance with the Indiana Rules of Trial Procedure. The court may:~~

~~(1) summarily grant the petition;~~

~~(2) set the matter for hearing; or~~

~~(3) summarily deny the petition, if the court determines that:~~

~~(A) the petition is insufficient; or~~

~~(B) based on documentary evidence submitted by the prosecuting attorney, the petitioner is not entitled to have access to the petitioner's arrest records restricted.~~

~~(g) If a notice of opposition is filed under subsection (f) and the court does not summarily grant or summarily deny the petition, the court shall set the matter for a hearing.~~

~~(h) After a hearing is held under subsection (g), the court shall grant the petition filed under subsection (a), unless the petitioner is being reprosecuted on charges related to the original conviction.~~

~~(i) If the court grants a petition filed under subsection (a), the court~~

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~~shall order the state police department not to disclose or permit disclosure of the petitioner's limited criminal history information to a noncriminal justice organization or an individual under IC 10-13-3-27.~~

SECTION 3. IC 35-38-8 IS REPEALED [EFFECTIVE JULY 1, 2013]. (Restricted Access to Conviction Records).

SECTION 4. IC 35-38-9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]:

Chapter 9. Sealing and Expunging Conviction Records

Sec. 1. (a) This section applies only to a person who has been arrested if:

(1) the arrest did not result in a conviction or juvenile adjudication; or

(2) the arrest resulted in a conviction or juvenile adjudication and the conviction or adjudication was vacated on appeal.

(b) Not earlier than one (1) year after the date of arrest, if the person was not convicted or adjudicated a delinquent child, or the date of the opinion vacating the conviction or adjudication becomes final, the person may petition the sentencing court (if the person was sentenced), the court in which the person was charged (if the person was charged), or any court exercising criminal jurisdiction in Indiana (if the person was not charged or convicted) to seal records contained in:

(1) a court's files;

(2) the files of the department of correction;

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

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

that relate to the person's arrest.

(c) A person who files a petition to seal arrest records is not required to pay a filing fee.

(d) If the court finds by clear and convincing evidence that:

(1) the person's arrest:

(A) did not result in a conviction or juvenile adjudication; or

(B) resulted in a conviction or juvenile adjudication and the conviction or adjudication was vacated on appeal; and

(2) no charges are pending against the person;

the court shall order the arrest records described in subsection (b) sealed so that only a criminal justice agency may access the records without the order of a court.

Sec. 2. (a) This section applies only to a person convicted of a

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misdemeanor, including a Class D felony reduced to a misdemeanor.

(b) Not earlier than five (5) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the misdemeanor may petition the sentencing court to expunge conviction records contained in:

(1) a court's files;

(2) the files of the department of correction;

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

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

that relate to the person's misdemeanor conviction.

(c) A person who files a petition to expunge conviction records shall pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.

(d) If the court finds by clear and convincing evidence that:

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

(2) no charges are pending against the person;

(3) the person does not have an existing or pending driver's license suspension;

(4) the person has successfully completed the person's sentence, including any term of supervised release, and satisfied all other obligations placed on the person as part of the sentence; and

(5) the person has not been convicted of a crime within the previous five (5) years;

the court shall order the conviction records described in subsection (b) expunged in accordance with section 6 of this chapter.

Sec. 3. (a) Except as provided in subsection (b), this section applies only to a person convicted of a Class D felony. This section does not apply to a person if the person's Class D felony was reduced to a Class A misdemeanor.

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

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

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

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

(4) A person convicted of perjury (IC 35-44.1-2-1) or official misconduct (IC 35-44.1-1-1).

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(5) A person convicted of an offense described in:
(A) IC 35-42-1;
(B) IC 35-42-3.5; or
(C) IC 35-42-4.

(c) Not earlier than eight (8) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the Class D felony may petition the sentencing court to expunge conviction records contained in:
(1) a court's files;
(2) the files of the department of correction;
(3) the files of the bureau of motor vehicles; and
(4) the files of any other person who provided treatment or services to the petitioning person under a court order;
that relate to the person's Class D felony conviction.

(d) A person who files a petition to expunge conviction records shall pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.

(e) If the court finds by clear and convincing evidence that:
(1) the period required by this section has elapsed;
(2) no charges are pending against the person;
(3) the person does not have an existing or pending driver's license suspension;
(4) the person has successfully completed the person's sentence, including any term of supervised release, and satisfied all other obligations placed on the person as part of the sentence; and
(5) the person has not been convicted of a crime within the previous eight (8) years;
the court shall order the conviction records described in subsection (c) expunged in accordance with section 6 of this chapter.

Sec. 4. (a) Except as provided in subsection (b), this section applies only to a person convicted of a felony.

(b) This section does not apply to the following:
(1) An elected official convicted of an offense while serving the official's term or as a candidate for public office.
(2) A sex or violent offender (as defined in IC 11-8-8-5).
(3) A person convicted of a felony that resulted in serious bodily injury to another person.
(4) A person convicted of an offense described in:
(A) IC 35-42-1;

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(B) IC 35-42-3.5; or
(C) IC 35-42-4.

(c) Not earlier than eight (8) years after the completion of the person's sentence (including the completion of any term of supervised release and the satisfaction of all other obligations placed on the person as part of the sentence, unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the felony may petition the sentencing court to expunge conviction records contained in:

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

that relate to the person's felony conviction.

(d) A person who files a petition to expunge conviction records shall pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.

(e) If the court finds by clear and convincing evidence that:

(1) the period required by this section has elapsed;
(2) no charges are pending against the person;
(3) the person does not have an existing or pending driver's license suspension;
(4) the person has successfully completed the person's sentence, including any term of supervised release, and satisfied all other obligations placed on the person as part of the sentence; and
(5) the person has not been convicted of a crime within the previous eight (8) years;

the court may order the conviction records described in subsection (c) marked as expunged in accordance with section 7 of this chapter. A person whose records have been ordered marked as expunged under this section is considered to have had the person's records expunged for all purposes other than the disposition of the records.

Sec. 5. (a) Except as provided in subsection (b), this section applies to a person convicted of a felony, including:

(1) an elected official convicted of an offense while serving the official's term or as a candidate for public office; and
(2) a person convicted of a felony that resulted in serious

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bodily injury to another person.

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

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

(2) A person convicted of an offense described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(c) Not earlier than ten (10) years after the completion of the person's sentence (including the completion of any term of supervised release and the satisfaction of all other obligations placed on the person as part of the sentence, unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the felony may petition the sentencing court to expunge conviction records contained in:

(1) a court's files;

(2) the files of the department of correction;

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

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

that relate to the person's felony conviction.

(d) A person who files a petition to expunge conviction records shall pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.

(e) If the court finds by clear and convincing evidence that:

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

(2) no charges are pending against the person;

(3) the person does not have an existing or pending driver's license suspension;

(4) the person has successfully completed the person's sentence, including any term of supervised release, and satisfied all other obligations placed on the person as part of the sentence;

(5) the person has not been convicted of a crime within the previous ten (10) years; and

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

the court may order the conviction records described in subsection (c) marked as expunged in accordance with section 7 of this chapter. A person whose records have been ordered marked as expunged under this section is considered to have had the person's

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records expunged for all purposes other than the disposition of the records.

Sec. 6. (a) If the court orders conviction records 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, 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. Records sealed under this subdivision 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; and

(B) 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.

(3) Notify the clerk of the supreme court to seal any records in the clerk's possession that relate to the conviction.

(b) Except as provided in subsection (c), if a petition to expunge conviction records is granted under sections 2 through 3 of this chapter, the records of:

(1) the sentencing court;

(2) a juvenile court;

(3) a court of appeals; and

(4) the supreme court;

concerning the person shall be permanently sealed.

(c) If a petition to expunge conviction records is granted under sections 2 through 3 of this chapter with respect to the records of a person who is named in an opinion or memorandum decision by

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the supreme court or the court of appeals, 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 are expunged under section 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, 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 must be clearly marked as expunged on the sex offender registry web site.

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Sec. 7. (a) This section applies only to a person who has filed a petition for expungement under section 4 or 5 of this chapter and whose records have been ordered marked as expunged.

(b) The court records and other public records relating to the arrest, conviction, or sentence of a person whose conviction records have been marked as expunged remain public records. However, the court shall order that the records be clearly and visibly marked or identified as being expunged.

(c) The state police department, the bureau of motor vehicles, and any other law enforcement agency in possession of records that relate to the conviction ordered to be marked as expunged shall add an entry to the person's record of arrest, conviction, or sentence in the criminal history data base stating that the record is marked as expunged.

Sec. 8. (a) This section applies only to a petition to expunge conviction records under sections 2 through 5 of this chapter. This section does not apply to a petition to seal arrest records 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 petitioner shall affirm that no criminal investigation or charges are pending against the petitioner.

(5) The petitioner shall affirm that the petitioner has not committed another crime within the period required for expungement.

(6) The petitioner shall list all convictions and the date of the conviction.

(7) 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.

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

(9) For a petition filed under section 5 of this chapter, the petitioner shall attach a copy of the prosecuting attorney's written consent.

(10) The petitioner shall provide evidence that the petitioner

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has successfully completed all terms of the sentence previously imposed, including:

(A) payment of restitution, fines, and court costs; and

(B) completion of any terms of probation, parole, or community corrections.

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

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

(e) The prosecuting attorney shall promptly forward a copy of the petition to the last known address of the victim and inform the victim of the victim's right to be present and address the court.

(f) The prosecuting attorney shall reply to the petition not later than thirty (30) days after receipt.

Sec. 9. (a) If the prosecuting attorney does not object, 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 8 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 court shall set the matter for hearing not sooner than sixty (60) days after service of the petition on the prosecuting attorney.

(d) A victim of the offense for which expungement is sought may submit an oral or written statement in support of or in opposition to the petition at the time of the hearing. The court shall consider the victim's statement before making its determination.

(e) The petitioner must prove by clear and convincing evidence that the facts alleged in the verified petition are true.

(f) The denial of a petition is an appealable final order.

(g) If the court grants the petition for expungement, the court shall issue an order of expungement as described in section 6 of this chapter.

(h) This subsection applies only to a petition to expunge conviction records filed under sections 2 through 5 of this chapter. This subsection does not apply to a petition to seal arrest records under section 1 of this chapter. A petitioner may seek to expunge more than one (1) conviction at the same time. The petitioner shall consolidate all convictions that the petitioner wishes to expunge from the same county in one (1) petition. A petitioner who wishes to expunge convictions from separate counties must file a petition

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in each county in which a conviction was entered.

(i) This subsection applies only to a petition to expunge conviction records filed under sections 2 through 5 of this chapter. This subsection does not apply to a petition to seal arrest records under section 1 of this chapter. Except as provided in subsection (j), a petitioner may file only one (1) petition for expungement during the petitioner's lifetime. For purposes of this subsection, all petitions for expungement filed in separate counties for offenses committed in those counties count as one (1) petition if they are filed in one (1) three hundred sixty-five (365) day period.

(j) A petitioner whose petition for expungement has been denied on the merits, in whole or in part, may file a subsequent petition for expungement with respect to one (1) or more convictions included in the initial expungement petition that were not expunged. A subsequent petition for expungement may be filed not earlier than three (3) years following the denial of a previous expungement petition. A subsequent petition for expungement may not include any conviction that was not included in the initial expungement petition.

Sec. 10. (a) It is unlawful discrimination for any person to:

(1) suspend;

(2) expel;

(3) refuse to employ;

(4) refuse to admit;

(5) refuse to grant or renew a license, permit, or certificate necessary to engage in any activity, occupation, or profession; or

(6) otherwise discriminate against;

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

(b) The civil rights of a person whose conviction has been expunged shall be restored, including the right to vote, to hold public office, to serve as a juror, and, to the extent not prohibited by federal law, to own or possess a firearm.

(c) In any application for employment, a license, or other right or privilege, a person may be questioned about a previous criminal record only in terms that exclude expunged convictions or arrests, such as: "Have you ever been arrested for or convicted of a crime that has not been expunged by a court?".

(d) A person whose record is expunged shall be treated as if the person had never been convicted of the offense. However, upon a subsequent arrest or conviction for an unrelated offense, the prior

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expunged conviction:

(1) may be considered by the court in determining the sentence imposed for the new offense;

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

(A) a habitual offender enhancement; and

(B) enhancing the new offense based on a prior conviction; and

(3) may be admitted as evidence in the proceeding for a new offense as if the conviction had not been expunged.

(e) Any person that discriminates against a person as described in subsection (a) commits a Class C infraction and may be held in contempt by the court issuing the order of expungement or by any other court of general jurisdiction. Any person may file a written motion of contempt to bring an alleged violation of this section to the attention of a court. In addition, the person is entitled to injunctive relief.

(f) In any judicial or administrative proceeding alleging negligence or other fault, an order of expungement may be introduced as evidence of the person's exercise of due care in hiring, retaining, licensing, certifying, admitting to a school or program, or otherwise transacting business or engaging in activity with the person to whom the order of expungement was issued.

(g) A conviction that has been expunged under this chapter is not admissible as evidence in an action for negligent hiring, admission, or licensure against a person or entity who relied on the order.

SECTION 5. IC 35-50-2-7, AS AMENDED BY SEA 85-2013, SECTION 145, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) A person who commits a Class D felony shall be imprisoned for a fixed term of between six (6) months and three (3) years, with the advisory sentence being one and one-half (1 1/2) years. In addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) Notwithstanding subsection (a), if a person has committed a Class D felony, the court may enter judgment of conviction of a Class A misdemeanor and sentence accordingly. However, the court shall enter a judgment of conviction of a Class D felony if:

(1) the court finds that:

(A) the person has committed a prior, unrelated felony for which judgment was entered as a conviction of a Class A misdemeanor; and

(B) the prior felony was committed less than three (3) years

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before the second felony was committed;

(2) the offense is domestic battery as a Class D felony under IC 35-42-2-1.3; or

(3) the offense is possession of child pornography (IC 35-42-4-4(c)).

The court shall enter in the record, in detail, the reason for its action whenever it exercises the power to enter judgment of conviction of a Class A misdemeanor granted in this subsection.

(c) Notwithstanding subsection (a), the sentencing court may convert a Class D felony conviction to a Class A misdemeanor conviction if, after receiving a verified petition as described in subsection (d) and after conducting a hearing of which the prosecuting attorney has been notified, the court makes the following findings:

(1) The person is not a sex or violent offender (as defined in IC 11-8-8-5).

(2) The person was not convicted of a Class D felony that resulted in bodily injury to another person.

(3) The person has not been convicted of perjury under IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal) or official misconduct under IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal).

(4) At least three (3) years have passed since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D felony.

(5) The person has not been convicted of a felony since the person:

(A) completed the person's sentence; and

(B) satisfied any other obligation imposed on the person as part of the sentence;

for the Class D felony.

(6) No criminal charges are pending against the person.

(d) A petition filed under subsection (c) **or (e)** must be verified and set forth:

(1) the crime the person has been convicted of;

(2) the date of the conviction;

(3) the date the person completed the person's sentence;

(4) any obligations imposed on the person as part of the sentence;

(5) the date the obligations were satisfied; and

(6) a verified statement that there are no criminal charges pending against the person.

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(e) If a person whose Class D felony conviction has been converted to a Class A misdemeanor conviction under subsection (c) is convicted of a felony ~~within~~ **not later than** five (5) years after the conversion under subsection (c), a prosecuting attorney may petition a court to convert the person's Class A misdemeanor conviction back to a Class D felony conviction.

C o p y

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1482, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-38-1-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 1.5. (a) A court may enter judgment of conviction as a Class D felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor ~~within three (3) years~~ if the person fulfills certain conditions. A court may enter a judgment of conviction as a Class D felony with the express provision that the conviction will be converted to a conviction as a Class A misdemeanor only if the person pleads guilty to a Class D felony that qualifies for consideration as a Class A misdemeanor under IC 35-50-2-7, and the following conditions are met:

(1) The prosecuting attorney consents.

(2) The person agrees to the conditions set by the court.

(b) For a judgment of conviction to be entered under subsection (a), the court, the prosecuting attorney, and the person must all agree to the conditions set by the court under subsection (a).

(c) The court is not required to convert a judgment of conviction entered as a Class D felony to a Class A misdemeanor if, after a hearing, the court finds:

(1) the person has violated a condition set by the court under subsection (a); or

(2) the period that the conditions set by the court under subsection (a) are in effect expires before the person successfully completes each condition.

However, the court may not convert a judgment of conviction entered as a Class D felony to a Class A misdemeanor if the person commits a new offense before the conditions set by the court under subsection (a) expire.

(d) The court shall enter judgment of conviction as a Class A misdemeanor if the person fulfills the conditions set by the court under subsection (a).

(e) The entry of a judgment of conviction under this section does not affect the application of any statute requiring the suspension of a person's driving privileges.

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(f) This section may not be construed to diminish or alter the rights of a victim (as defined in IC 35-40-4-8) in a sentencing proceeding under this chapter.".

Page 9, line 8, delete ", but not more than eight (8) years,".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1482 as introduced.)

MCMILLIN, Chair

Committee Vote: yeas 10, nays 2.

HOUSE MOTION

Mr. Speaker: I move that House Bill 1482 be amended to read as follows:

Page 9, between lines 8 and 9, begin a new paragraph and insert:

"**Sec. 9. The expungement of a record under this chapter does not affect the validity or duration of an existing driver's license suspension ordered by the bureau of motor vehicles or a court.**".

(Reference is to HB 1482 as printed February 1, 2013.)

MCMILLIN

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Bill No. 1482, 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 4, delete lines 9 through 42, begin a new paragraph, and insert:

"**Chapter 9. Sealing and Expunging Conviction Records**

Sec. 1. (a) This section applies only to a person who has been arrested if:

(1) the arrest did not result in a conviction or juvenile adjudication; or

(2) the arrest resulted in a conviction or juvenile adjudication and the conviction or adjudication was vacated on appeal.

(b) Not earlier than one (1) year after the date of arrest, if the

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person was not convicted or adjudicated a delinquent child, or the date of the opinion vacating the conviction or adjudication becomes final, the person may petition the sentencing court (if the person was sentenced), the court in which the person was charged (if the person was charged), or any court exercising criminal jurisdiction in Indiana (if the person was not charged or convicted) to seal records contained in:

(1) a court's files;

(2) the files of the department of correction;

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

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

that relate to the person's arrest.

(c) A person who files a petition to seal arrest records is not required to pay a filing fee.

(d) If the court finds by clear and convincing evidence that:

(1) the person's arrest:

(A) did not result in a conviction or juvenile adjudication; or

(B) resulted in a conviction or juvenile adjudication and the conviction or adjudication was vacated on appeal; and

(2) no charges are pending against the person;

the court shall order the arrest records described in subsection (b) sealed so that only a criminal justice agency may access the records without the order of a court.

Sec. 2. (a) This section applies only to a person convicted of a misdemeanor, including a Class D felony reduced to a misdemeanor.

(b) Not earlier than five (5) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the misdemeanor may petition the sentencing court to expunge conviction records contained in:

(1) a court's files;

(2) the files of the department of correction;

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

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

that relate to the person's misdemeanor conviction.

(c) A person who files a petition to expunge conviction records shall pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not

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receive a waiver or reduction of fees upon a showing of indigency.

(d) If the court finds by clear and convincing evidence that:

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

(2) no charges are pending against the person;

(3) the person does not have an existing or pending driver's license suspension;

(4) the person has successfully completed the person's sentence, including any term of supervised release, and satisfied all other obligations placed on the person as part of the sentence; and

(5) the person has not been convicted of a crime within the previous five (5) years;

the court shall order the conviction records described in subsection (b) expunged in accordance with section 6 of this chapter.

Sec. 3. (a) Except as provided in subsection (b), this section applies only to a person convicted of a Class D felony. This section does not apply to a person if the person's Class D felony was reduced to a Class A misdemeanor.

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

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

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

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

(4) A person convicted of perjury (IC 35-44.1-2-1) or official misconduct (IC 35-44.1-1-1).

(5) A person convicted of an offense described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(c) Not earlier than eight (8) years after the date of conviction (unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the Class D felony may petition the sentencing court to expunge conviction records contained in:

(1) a court's files;

(2) the files of the department of correction;

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

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

that relate to the person's Class D felony conviction.

(d) A person who files a petition to expunge conviction records shall pay the filing fees required for filing a civil action, and the

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clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.

(e) If the court finds by clear and convincing evidence that:

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

(2) no charges are pending against the person;

(3) the person does not have an existing or pending driver's license suspension;

(4) the person has successfully completed the person's sentence, including any term of supervised release, and satisfied all other obligations placed on the person as part of the sentence; and

(5) the person has not been convicted of a crime within the previous eight (8) years;

the court shall order the conviction records described in subsection (c) expunged in accordance with section 6 of this chapter.

Sec. 4. (a) Except as provided in subsection (b), this section applies only to a person convicted of a felony.

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

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

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

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

(4) A person convicted of an offense described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(c) Not earlier than eight (8) years after the completion of the person's sentence (including the completion of any term of supervised release and the satisfaction of all other obligations placed on the person as part of the sentence, unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the felony may petition the sentencing court to expunge conviction records contained in:

(1) a court's files;

(2) the files of the department of correction;

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

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

that relate to the person's felony conviction.

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

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shall pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.

(e) If the court finds by clear and convincing evidence that:

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

(2) no charges are pending against the person;

(3) the person does not have an existing or pending driver's license suspension;

(4) the person has successfully completed the person's sentence, including any term of supervised release, and satisfied all other obligations placed on the person as part of the sentence; and

(5) the person has not been convicted of a crime within the previous eight (8) years;

the court may order the conviction records described in subsection (c) marked as expunged in accordance with section 7 of this chapter. A person whose records have been ordered marked as expunged under this section is considered to have had the person's records expunged for all purposes other than the disposition of the records.

Sec. 5. (a) Except as provided in subsection (b), this section applies to a person convicted of a felony, including:

(1) an elected official convicted of an offense while serving the official's term or as a candidate for public office; and

(2) a person convicted of a felony that resulted in serious bodily injury to another person.

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

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

(2) A person convicted of an offense described in:

(A) IC 35-42-1;

(B) IC 35-42-3.5; or

(C) IC 35-42-4.

(c) Not earlier than ten (10) years after the completion of the person's sentence (including the completion of any term of supervised release and the satisfaction of all other obligations placed on the person as part of the sentence, unless the prosecuting attorney consents in writing to an earlier period), the person convicted of the felony may petition the sentencing court to expunge conviction records contained in:

(1) a court's files;

(2) the files of the department of correction;

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

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

that relate to the person's felony conviction.

(d) A person who files a petition to expunge conviction records shall pay the filing fees required for filing a civil action, and the clerk shall distribute the fees as in the case of a civil action. A person who files a petition to expunge conviction records may not receive a waiver or reduction of fees upon a showing of indigency.

(e) If the court finds by clear and convincing evidence that:

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

(2) no charges are pending against the person;

(3) the person does not have an existing or pending driver's license suspension;

(4) the person has successfully completed the person's sentence, including any term of supervised release, and satisfied all other obligations placed on the person as part of the sentence;

(5) the person has not been convicted of a crime within the previous ten (10) years; and

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

the court may order the conviction records described in subsection (c) marked as expunged in accordance with section 7 of this chapter. A person whose records have been ordered marked as expunged under this section is considered to have had the person's records expunged for all purposes other than the disposition of the records.

Sec. 6. (a) If the court orders conviction records 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, 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

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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. Records sealed under this subdivision 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; and

(B) 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.

(3) Notify the clerk of the supreme court to seal any records in the clerk's possession that relate to the conviction.

(b) Except as provided in subsection (c), if a petition to expunge conviction records is granted under sections 2 through 3 of this chapter, the records of:

(1) the sentencing court;

(2) a juvenile court;

(3) a court of appeals; and

(4) the supreme court;

concerning the person shall be permanently sealed.

(c) If a petition to expunge conviction records is granted under sections 2 through 3 of this chapter with respect to the records of a person who is named in an opinion or memorandum decision by the supreme court or the court of appeals, 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

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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 are expunged under section 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, 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 must be clearly marked as expunged on the sex offender registry web site.

Sec. 7. (a) This section applies only to a person who has filed a petition for expungement under section 4 or 5 of this chapter and whose records have been ordered marked as expunged.

(b) The court records and other public records relating to the arrest, conviction, or sentence of a person whose conviction records have been marked as expunged remain public records. However, the court shall order that the records be clearly and visibly marked or identified as being expunged.

(c) The state police department, the bureau of motor vehicles, and any other law enforcement agency in possession of records that relate to the conviction ordered to be marked as expunged shall add an entry to the person's record of arrest, conviction, or sentence in the criminal history data base stating that the record is marked as expunged.

Sec. 8. (a) This section applies only to a petition to expunge conviction records under sections 2 through 5 of this chapter. This

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section does not apply to a petition to seal arrest records 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 petitioner shall affirm that no criminal investigation or charges are pending against the petitioner.

(5) The petitioner shall affirm that the petitioner has not committed another crime within the period required for expungement.

(6) The petitioner shall list all convictions and the date of the conviction.

(7) 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.

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

(9) For a petition filed under section 5 of this chapter, the petitioner shall attach a copy of the prosecuting attorney's written consent.

(10) The petitioner shall provide evidence that the petitioner has successfully completed all terms of the sentence previously imposed, including:

(A) payment of restitution, fines, and court costs; and

(B) completion of any terms of probation, parole, or community corrections.

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

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

(e) The prosecuting attorney shall promptly forward a copy of the petition to the last known address of the victim and inform the victim of the victim's right to be present and address the court.

(f) The prosecuting attorney shall reply to the petition not later than thirty (30) days after receipt.

Sec. 9. (a) If the prosecuting attorney does not object, the court

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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 8 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 court shall set the matter for hearing not sooner than sixty (60) days after service of the petition on the prosecuting attorney.

(d) A victim of the offense for which expungement is sought may submit an oral or written statement in support of or in opposition to the petition at the time of the hearing. The court shall consider the victim's statement before making its determination.

(e) The petitioner must prove by clear and convincing evidence that the facts alleged in the verified petition are true.

(f) The denial of a petition is an appealable final order.

(g) If the court grants the petition for expungement, the court shall issue an order of expungement as described in section 6 of this chapter.

(h) This subsection applies only to a petition to expunge conviction records filed under sections 2 through 5 of this chapter. This subsection does not apply to a petition to seal arrest records under section 1 of this chapter. A petitioner may seek to expunge more than one (1) conviction at the same time. The petitioner shall consolidate all convictions that the petitioner wishes to expunge from the same county in one (1) petition. A petitioner who wishes to expunge convictions from separate counties must file a petition in each county in which a conviction was entered.

(i) This subsection applies only to a petition to expunge conviction records filed under sections 2 through 5 of this chapter. This subsection does not apply to a petition to seal arrest records under section 1 of this chapter. Except as provided in subsection (j), a petitioner may file only one (1) petition for expungement during the petitioner's lifetime. For purposes of this subsection, all petitions for expungement filed in separate counties for offenses committed in those counties count as one (1) petition if they are filed in one (1) three hundred sixty-five (365) day period.

(j) A petitioner whose petition for expungement has been denied on the merits, in whole or in part, may file a subsequent petition for expungement with respect to one (1) or more convictions included in the initial expungement petition that were not expunged. A subsequent petition for expungement may be filed not earlier than three (3) years following the denial of a previous

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expungement petition. A subsequent petition for expungement may not include any conviction that was not included in the initial expungement petition.

Sec. 10. (a) It is unlawful discrimination for any person to:

(1) suspend;

(2) expel;

(3) refuse to employ;

(4) refuse to admit;

(5) refuse to grant or renew a license, permit, or certificate necessary to engage in any activity, occupation, or profession; or

(6) otherwise discriminate against;

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

(b) The civil rights of a person whose conviction has been expunged shall be restored, including the right to vote, to hold public office, to serve as a juror, and, to the extent not prohibited by federal law, to own or possess a firearm.

(c) In any application for employment, a license, or other right or privilege, a person may be questioned about a previous criminal record only in terms that exclude expunged convictions or arrests, such as: "Have you ever been arrested for or convicted of a crime that has not been expunged by a court?".

(d) A person whose record is expunged shall be treated as if the person had never been convicted of the offense. However, upon a subsequent arrest or conviction for an unrelated offense, the prior expunged conviction:

(1) may be considered by the court in determining the sentence imposed for the new offense;

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

(A) a habitual offender enhancement; and

(B) enhancing the new offense based on a prior conviction; and

(3) may be admitted as evidence in the proceeding for a new offense as if the conviction had not been expunged.

(e) Any person that discriminates against a person as described in subsection (a) commits a Class C infraction and may be held in contempt by the court issuing the order of expungement or by any other court of general jurisdiction. Any person may file a written motion of contempt to bring an alleged violation of this section to the attention of a court. In addition, the person is entitled to injunctive relief.

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(f) In any judicial or administrative proceeding alleging negligence or other fault, an order of expungement may be introduced as evidence of the person's exercise of due care in hiring, retaining, licensing, certifying, admitting to a school or program, or otherwise transacting business or engaging in activity with the person to whom the order of expungement was issued.

(g) A conviction that has been expunged under this chapter is not admissible as evidence in an action for negligent hiring, admission, or licensure against a person or entity who relied on the order.".

Delete pages 5 through 8.

Page 9, delete lines 1 through 11.

Page 9, line 12, delete "AS AMENDED BY P.L.69-2012," and insert "AS AMENDED BY SEA 85-2013, SECTION 145,".

Page 9, line 13, delete "SECTION 6,".

Page 10, line 4, delete "IC 35-44-2-1 IC 35-44.1-2-1" and insert "IC 35-44.1-2-1 (or IC 35-44-2-1 before its repeal)".

Page 10, line 5, delete "IC 35-44-1-2. IC 35-44.1-1-1." and insert "IC 35-44.1-1-1 (or IC 35-44-1-2 before its repeal).".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1482 as reprinted February 5, 2013.)

STEELE, Chairperson

Committee Vote: Yeas 6, Nays 2.

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