

## INDIANA'S EXPUNGEMENT FEATURES IC § 35-38-9

	IC § 35-38-9-1 (Section 1)	IC § 35-38-9-2 (Section 2)	IC § 35-38-9-3 (Section 3)	IC § 35-38-9-4 (Section 4)	IC § 35-38-9-5 (Section 5)
ARRESTS AND/OR CONVICTIONS	ARREST OR CRIMINAL CHARGE THAT <b><u>DID NOT LEAD TO A CONVICTION</u></b> OR CONVICTION WAS VACATED ON APPEAL	MISDEMEANOR  <b>or</b> CLASS D/ LEVEL 6 FELONY: That has been <b>REDUCED TO MISDEMEANOR</b>	CLASS D/ LEVEL 6 FELONY THAT DID NOT RESULT IN BODILY INJURY:  <b><u>NOT REDUCED TO MISDEMEANOR</u></b>	ALL OTHER FELONIES INCLUDING THOSE THAT RESULTED IN BODILY INJURY  (BUT <b><u>NOT</u></b> SERIOUS BODILY INJURY)	ALL OTHER FELONIES THAT RESULTED IN <b>SERIOUS BODILY INJURY</b>
FILING FEE	<b>\$0 No Filing Fee</b>	<b>\$157 Filing Fee</b> May be reduced or waived if person is indigent	<b>\$157 Filing Fee</b> May be reduced or waived if person is indigent	<b>\$157 Filing Fee</b> May be reduced or waived if person is indigent	<b>\$157 Filing Fee</b> May be reduced or waived if person is indigent
WAITING PERIOD REQUIREMENTS	<b>1 YEAR</b> <i>From date of arrest or charge or final opinion on appeal vacating conviction</i>  <b>or</b> <i>Earlier if prosecutor agrees in writing</i>	<b>5 YEARS</b> <i>From date of most recent conviction</i>  <b>or</b> <i>Earlier if prosecutor agrees in writing</i>	<b>8 YEARS</b> <i>From date of most recent conviction</i>  <b>or</b> <i>Earlier if prosecutor agrees in writing</i>	<b>8 YEARS</b> <i>From date of most recent conviction</i>  <b>or</b> <b>3 YEARS</b> <i>From completion of person's sentence (whichever is later of the two)</i>  <b>or</b> <i>Earlier if prosecutor agrees in writing</i>	<b>10 YEARS</b> <i>From date of most recent conviction</i>  <b>or</b> <b>5 YEARS</b> <i>From completion of person's sentence (whichever is later of the two)</i>  <b>or</b> <i>Earlier if prosecutor agrees in writing</i>
ELIGIBILITY REQUIREMENTS	<ol style="list-style-type: none"> <li>1. No charges currently pending</li> <li>2. Arrest or charge did <b><u>NOT</u></b> result in conviction or conviction was vacated on appeal</li> <li>3. Not currently in pretrial diversion program</li> </ol>	<ol style="list-style-type: none"> <li>1. No charges currently pending</li> <li>2. All fines, fees, court costs and restitution are paid</li> <li>3. Waiting period requirements are met</li> </ol>	<ol style="list-style-type: none"> <li>1. No charges currently pending</li> <li>2. All fines, fees, court costs and restitution are paid</li> <li>3. Waiting period requirements are met</li> </ol>	<ol style="list-style-type: none"> <li>1. No charges currently pending</li> <li>2. All fines, fees, court costs and restitution are paid</li> <li>3. Waiting period requirements are met</li> </ol>	<ol style="list-style-type: none"> <li>1. No charges currently pending</li> <li>2. All fines, fees, court costs and restitution are paid</li> <li>3. Waiting period requirements are met</li> <li>4. Prosecutor consents to expungement in writing</li> </ol>
COURT DECISION	COURT <b><u>SHALL</u></b> GRANT PETITION if all conditions have been met	COURT <b><u>SHALL</u></b> GRANT PETITION if all conditions have been met	COURT <b><u>SHALL</u></b> GRANT PETITION if all conditions have been met	COURT <b><u>MAY</u></b> GRANT PETITION if all conditions have been met	COURT <b><u>MAY</u></b> GRANT PETITION if all conditions have been met
EFFECT (IF GRANTED)	If granted, record is not available to public or listed on a criminal history report.	If granted, record is not available to public or listed on a criminal history report.	If granted, record is not available to public or listed on a criminal history report.	If granted, record remains available to public and listed on a criminal history report, but is visibly marked as "Expunged".	If granted, record remains available to public and listed on a criminal history report, but is visibly marked as "Expunged".

**THIS INFORMATIONAL FLYER IS NOT TO BE CONSTRUED AS LEGAL ADVICE. PLEASE CONSULT A LICENSED ATTORNEY BEFORE BEGINNING THIS PROCESS.**

## INDIANA'S EXPUNGEMENT LAW IC § 35-38-9

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### IMPORTANT INFORMATION REGARDING INDIANA'S EXPUNGEMENT PROCESS

- The expungement process can be very complex.
- For this reason, it is important to consult with legal experts who have experience in Indiana expungement law.
- Certain crimes are not eligible to be expunged.

### WHEN FILING A PETITION FOR EXPUNGEMENT:

- Commonly needed documents include a:
  - » Certificate of Eligibility (from your state's probation department);
  - » Acceptance of Service;
  - » Consent and Waiver of Hearing;
  - » Prosecutor and Victim Statements;
  - » Victim Checklist;
  - » Petitioner's Reply; and
  - » Findings of Fact and Conclusions of Law.
- If an individual has convictions in multiple counties in Indiana, the individual must file a petition in each county within a 365 day period.

### LEGAL ASSISTANCE

- Individuals should consult with a legal professional to determine which documents are needed to complete the application and ensuing paperwork.
- There are several agencies and programs around the state that try to meet the legal needs of low-income people with respect to civil legal matters.
- Individuals may be eligible to receive legal assistance from any of the following agencies:
  - » **Indiana Legal Services:** [www.indianalegalservices.org/node/735/online-intake-now-available](http://www.indianalegalservices.org/node/735/online-intake-now-available)
  - » **Neighborhood Christian Legal Clinic:** [www.nclegalclinic.org/intake-locations](http://www.nclegalclinic.org/intake-locations)
  - » **Indianapolis Legal Aid Society:** [www.indylas.org/services-2/for-clients](http://www.indylas.org/services-2/for-clients)
  - » **Volunteer Lawyer Program of Northeast Indiana:** [www.vlpnei.org](http://www.vlpnei.org) Findings of Fact and Conclusions of Law.

**For more information about Indiana's expungement process, please visit Indiana's Judicial Branch website covering expungements at: [www.in.gov/judiciary/selfservice/2499.htm](http://www.in.gov/judiciary/selfservice/2499.htm).**