

SENATE BILL No. 281

DIGEST OF INTRODUCED BILL

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

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. Prohibits the expungement of a crime of violence. Allows the expungement of official misconduct if: (1) the person seeking the expungement is not an elected official; and (2) the prosecuting attorney consents.

Effective: July 1, 2025.

Baldwin

January 13, 2025, read first time and referred to Committee on Corrections and Criminal Law.



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 31-39-2-5.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2025]: **Sec. 5.5. The records of the juvenile court relating to a**
4 **delinquency proceeding are available without a court order to a**
5 **law enforcement officer acting within the scope of the officer's**
6 **duties. The juvenile court shall cooperate with a law enforcement**
7 **agency to ensure that these records are accessible from the mobile**
8 **terminal of a law enforcement officer, and are otherwise available**
9 **to a law enforcement officer acting within the scope of the officer's**
10 **duties in a timely manner.**

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

16 **(b) The law enforcement agency shall ensure that the records**
17 **are accessible from the mobile terminal of a law enforcement**



1 **officer, and are otherwise available to a law enforcement officer**
 2 **acting within the scope of the officer's duties in a timely manner.**

3 SECTION 3. IC 31-39-8-2, AS AMENDED BY P.L.86-2017,
 4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2025]: Sec. 2. (a) Any person may petition a juvenile court at
 6 any time to remove from:

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

11 ~~those~~ records pertaining to the person's involvement in juvenile court
 12 proceedings **that are not delinquency proceedings.**

13 **(b) Any person may petition a juvenile court at any time to seal**
 14 **records relating to a delinquency proceeding that are maintained**
 15 **in:**

- 16 **(1) the court's files; and**
 17 **(2) the files of law enforcement agencies.**

18 **Sealed records under this subsection shall be made available to a**
 19 **law enforcement officer acting within the scope of the officer's**
 20 **duties, but may not be made available to the public without a court**
 21 **order.**

22 ~~(b) Under this section~~ **(c) Electronic records not relating to a**
 23 **delinquency proceeding** shall be removed to a secure data base to
 24 which the public or another person not having legal or statutory
 25 authority to access the records is not granted access to the data base.

26 SECTION 4. IC 31-39-8-3.5 IS REPEALED [EFFECTIVE JULY
 27 1, 2025]. Sec. 3.5: (a) ~~This section does not apply to the records of a~~
 28 ~~child adjudicated a delinquent child for committing an act that would~~
 29 ~~be:~~

- 30 ~~(1) a felony if committed by an adult;~~
 31 ~~(2) a violation of IC 35-47-2; or~~
 32 ~~(3) a violation of IC 35-47-10.~~

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

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



1 interests of justice:

2 (d) The expungement provisions in this section supplement and are
3 in addition to expungement provisions located elsewhere in this
4 chapter. A person entitled to expungement of delinquency records
5 under this section may also seek expungement under any other
6 applicable section of this chapter:

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

14 (b) **This subsection applies to an expungement petition that
15 relates to a delinquency proceeding. If the court grants the
16 expungement petition, the court shall order each person who
17 provided treatment for the child under an order of the court to
18 send that person's records to the court.**

19 SECTION 6. IC 31-39-8-6, AS AMENDED BY P.L.157-2021,
20 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2025]: Sec. 6. (a) **This section does not apply to records
22 relating to a delinquency proceeding.** Subject to subsections (b) and
23 (c), the records shall be destroyed upon a grant of an expungement
24 petition by the court. ~~including an expungement order issued under
25 section 3.5 of this chapter.~~

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

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

33 SECTION 7. IC 31-39-8-6.5 IS ADDED TO THE INDIANA CODE
34 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
35 1, 2025]: Sec. 6.5. (a) **This section applies to records relating to a
36 delinquency proceeding. Records relating to a delinquency
37 proceeding shall be sealed upon a grant of an expungement petition
38 by the court. Sealed records under this section shall be made
39 available to a law enforcement officer acting within the scope of the
40 officer's duties, but, except as provided in subsections (b) and (c),
41 may not be made available to the public without a court order.**

42 (b) The court may maintain data from the records in subsection



1 (a) on a secure data base, separate from the data base to which a
 2 law enforcement officer and persons with a court order have
 3 access, that does not enable identification of the offender to the
 4 public or another person not having legal or statutory authority to
 5 access the records.

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

9 SECTION 8. IC 31-39-8-8 IS ADDED TO THE INDIANA CODE
 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 11 1, 2025]: **Sec. 8. A person having custody of sealed records relating
 12 to a delinquency proceeding shall cooperate with a law
 13 enforcement agency to ensure that these records are accessible
 14 from the mobile terminal of a law enforcement officer, and are
 15 otherwise available to a law enforcement officer acting within the
 16 scope of the officer's duties in a timely manner.**

17 SECTION 9. IC 35-38-9-2, AS AMENDED BY P.L.55-2020,
 18 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2025]: Sec. 2. (a) Except as provided in subsection (b) and
 20 section 8.5 of this chapter, this section applies only to a person
 21 convicted of a misdemeanor, including a Class D felony (for a crime
 22 committed before July 1, 2014) or a Level 6 felony (for a crime
 23 committed after June 30, 2014) reduced to a misdemeanor.

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

- 25 (1) A person convicted of two (2) or more felony offenses that:
 26 (A) involved the unlawful use of a deadly weapon; and
 27 (B) were not committed as part of the same episode of criminal
 28 conduct.
 29 (2) A sex or violent offender (as defined in IC 11-8-8-5).

30 (3) **A person convicted of a crime of violence (IC 35-50-1-2).**

31 (c) Not earlier than five (5) years after the date of conviction (unless
 32 the prosecuting attorney consents in writing to an earlier period) for the
 33 misdemeanor or the felony reduced to a misdemeanor pursuant to
 34 IC 35-38-1-1.5 or IC 35-50-2-7, the person convicted of the
 35 misdemeanor or the felony reduced to a misdemeanor may petition a
 36 court to expunge all conviction records, including records contained in:

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

42 that relate to the person's misdemeanor conviction, including records



1 of a collateral action.

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

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

- 7 (1) the period required by this section has elapsed;
8 (2) no charges are pending against the person;
9 (3) the person has paid all fines, fees, and court costs, and
10 satisfied any restitution obligation placed on the person as part of
11 the sentence; and
12 (4) the person has not been convicted of a crime within the
13 previous five (5) years (or within a shorter period agreed to by the
14 prosecuting attorney if the prosecuting attorney has consented to
15 a shorter period under subsection (c));

16 the court shall order the conviction records described in subsection (c),
17 including any records relating to the conviction and any records
18 concerning a collateral action, expunged in accordance with section 6
19 of this chapter.

20 SECTION 10. IC 35-38-9-3, AS AMENDED BY P.L.52-2021,
21 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2025]: Sec. 3. (a) Except as provided in subsection (b) and
23 section 8.5 of this chapter, this section applies only to a person
24 convicted of a Class D felony (for a crime committed before July 1,
25 2014) or a Level 6 felony (for a crime committed after June 30, 2014).
26 This section does not apply to a person if the person's Class D felony
27 or Level 6 felony was reduced to a Class A misdemeanor.

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

- 29 (1) An elected official convicted of an offense while serving the
30 official's term or as a candidate for public office.
31 (2) A sex or violent offender (as defined in IC 11-8-8-5).
32 (3) A person convicted of a felony that resulted in bodily injury to
33 another person.
34 (4) A person convicted of perjury (IC 35-44.1-2-1) or official
35 misconduct (IC 35-44.1-1-1).
36 (5) A person convicted of an offense described in:
37 (A) IC 35-42-1;
38 (B) IC 35-42-3.5; or
39 (C) IC 35-42-4.
40 (6) A person convicted of two (2) or more felony offenses that:
41 (A) involved the unlawful use of a deadly weapon; and
42 (B) were not committed as part of the same episode of criminal



1 conduct.

2 **(7) A person convicted of a crime of violence (IC 35-50-1-2).**

3 (c) Not earlier than eight (8) years after the date of conviction
4 (unless the prosecuting attorney consents in writing to an earlier
5 period), the person convicted of the Class D felony or Level 6 felony
6 may petition a court to expunge all conviction records, including
7 records contained in:

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

13 that relate to the person's Class D or Level 6 felony conviction,
14 including records of a collateral action.

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

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

- 20 (1) the period required by this section has elapsed;
21 (2) no charges are pending against the person;
22 (3) the person has paid all fines, fees, and court costs, and
23 satisfied any restitution obligation placed on the person as part of
24 the sentence; and
25 (4) the person has not been convicted of a felony or misdemeanor
26 within the previous eight (8) years (or within a shorter period
27 agreed to by the prosecuting attorney if the prosecuting attorney
28 has consented to a shorter period under subsection (c));

29 the court shall order the conviction records described in subsection (c),
30 including any records relating to the conviction and any records
31 concerning a collateral action, expunged in accordance with section 6
32 of this chapter.

33 SECTION 11. IC 35-38-9-4, AS AMENDED BY P.L.52-2021,
34 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2025]: Sec. 4. (a) Except as provided in subsection (b) and
36 section 8.5 of this chapter, this section applies only to a person
37 convicted of a felony who may not seek expungement of that felony
38 under section 3 of this chapter.

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

- 40 (1) An elected official convicted of an offense while serving the
41 official's term or as a candidate for public office.
42 (2) A sex or violent offender (as defined in IC 11-8-8-5).



- 1 (3) A person convicted of a felony that resulted in serious bodily
 2 injury to another person.
- 3 (4) A person convicted of a felony that resulted in death to
 4 another person.
- 5 (5) A person convicted of official misconduct (IC 35-44.1-1-1).
- 6 (6) A person convicted of an offense described in:
 7 (A) IC 35-42-1;
 8 (B) IC 35-42-3.5; or
 9 (C) IC 35-42-4.
- 10 (7) A person convicted of two (2) or more felony offenses that:
 11 (A) involved the unlawful use of a deadly weapon; and
 12 (B) were not committed as part of the same episode of criminal
 13 conduct.
- 14 **(8) A person convicted of a crime of violence (IC 35-50-1-2).**
- 15 (c) Not earlier than the later of eight (8) years from the date of
 16 conviction, or three (3) years from the completion of the person's
 17 sentence, unless the prosecuting attorney consents in writing to an
 18 earlier period, the person convicted of the felony may petition a court
 19 to expunge all conviction records, including records contained in:
 20 (1) a court's files;
 21 (2) the files of the department of correction;
 22 (3) the files of the bureau of motor vehicles; and
 23 (4) the files of any other person who provided treatment or
 24 services to the petitioning person under a court order;
 25 that relate to the person's felony conviction, including records of a
 26 collateral action.
- 27 (d) A person who files a petition to expunge conviction records,
 28 including any records relating to the conviction and any records
 29 concerning a collateral action, shall file the petition in a circuit or
 30 superior court in the county of conviction.
- 31 (e) If the court finds by a preponderance of the evidence that:
 32 (1) the period required by this section has elapsed;
 33 (2) no charges are pending against the person;
 34 (3) the person has paid all fines, fees, and court costs, and
 35 satisfied any restitution obligation placed on the person as part of
 36 the sentence; and
 37 (4) the person has not been convicted of a felony or misdemeanor
 38 within the previous eight (8) years (or within a shorter period
 39 agreed to by the prosecuting attorney if the prosecuting attorney
 40 has consented to a shorter period under subsection (c));
 41 the court may order the conviction records described in subsection (c),
 42 including any records relating to the conviction and any records



1 concerning a collateral action, marked as expunged in accordance with
 2 section 7 of this chapter. A person whose records have been ordered
 3 marked as expunged under this section is considered to have had the
 4 person's records expunged for all purposes other than the disposition
 5 of the records.

6 SECTION 12. IC 35-38-9-5, AS AMENDED BY P.L.52-2021,
 7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2025]: Sec. 5. (a) Except as provided in subsection (b) and
 9 section 8.5 of this chapter, this section applies to a person convicted of
 10 a felony, including:

- 11 (1) an elected official convicted of an offense, **other than official**
 12 **misconduct**, while serving the official's term or as a candidate for
 13 public office; ~~and~~
 14 (2) a person convicted of a felony that resulted in serious bodily
 15 injury to another person, **if the felony is not a crime of violence**
 16 **(IC 35-50-1-2); and**
 17 **(3) a person convicted of official misconduct, if the person is**
 18 **not an elected official described in subsection (b)(2).**

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

- 20 (1) A sex or violent offender (as defined in IC 11-8-8-5).
 21 (2) ~~A person~~ **An elected official** convicted of official misconduct
 22 **(IC 35-44.1-1-1) while serving the official's term or as a**
 23 **candidate for public office.**
 24 (3) A person convicted of an offense described in:
 25 (A) IC 35-42-1;
 26 (B) IC 35-42-3.5; or
 27 (C) IC 35-42-4.
 28 (4) A person convicted of two (2) or more felony offenses that:
 29 (A) involved the unlawful use of a deadly weapon; and
 30 (B) were not committed as part of the same episode of criminal
 31 conduct.
 32 (5) A person convicted of a felony that resulted in death to
 33 another person.
 34 **(6) A person convicted of a crime of violence (IC 35-50-1-2).**

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

- 40 (1) a court's files;
 41 (2) the files of the department of correction;
 42 (3) the files of the bureau of motor vehicles; and



1 (4) the files of any other person who provided treatment or
2 services to the petitioning person under a court order;
3 that relate to the person's felony conviction, including records of a
4 collateral action.

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

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

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

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

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

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

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

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

