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INDIANA’S SEALING/EXPUNGEMENT LAW

(Indiana Code § 35-38-9 et seq.)

Type	Section 1	Section 2	Section 3	Section 4	Section 5
Arrest or Conviction	Arrests Only (Dismissed, Acquitted, Competed Diversion, or Not Filed)	Conviction for Misdemeanor or D Felony /Level 6 Felony Reduced to Misdemeanor	Conviction for D Felony /Level 6 Felony <u>NOT</u> Reduced to Misdemeanor	Conviction for Major Felony <u>NOT</u> Requiring Prosecutor Approval	Conviction for Major Felony Requiring Prosecutor Approval
Waiting Period	1 Year from Date of Arrest*	5 Years from Date of Conviction or Date of Misdemeanor Adjudication* And No Convictions in the 5 Years Prior to Petition	8 Years from Date of Conviction* And No Convictions in the 8 Years Prior to Petition	Later of 8 Years from Date of Conviction or 3 Years from Completion of Sentence* And No Convictions in the 8 Years Prior to Petition	Later of 10 Years from Date of Conviction or 5 Years from Completion of Sentence* And No Convictions in the 10 Years Prior to Petition
Other Requirements	<ul style="list-style-type: none"> • No Charges Currently Pending • Arrest Did <u>Not</u> Result in Conviction • Completed Diversion Program 	<ul style="list-style-type: none"> • No Pending Charges • All Fines, Fees, Court Costs, and Restitution Are Paid • Payment of Expungement Filing Fee 	<ul style="list-style-type: none"> • No Pending Charges • All Fines, Fees, Court Costs, and Restitution Are Paid • Payment of Expungement Filing Fee 	<ul style="list-style-type: none"> • No Pending Charges • All Fines, Fees, Court Costs, and Restitution Are Paid • Payment of Expungement Filing Fee 	<ul style="list-style-type: none"> • No Pending Charges • All Fines, Fees, Court Costs, and Restitution Are Paid • Payment of Expungement Filing Fee • Written Prosecutor Consent
Ruling	Court <u>Shall</u> Grant Petition	Court <u>Shall</u> Grant Petition	Court <u>Shall</u> Grant Petition	Court <u>May</u> Grant Petition	Court <u>May</u> Grant Petition
Effect	Records not available for public viewing; Available to law enforcement	Records not available for public viewing; Available to law enforcement	Records not available for public viewing; Available to law enforcement	Records clearly marked expunged; available for public viewing	Records clearly marked expunged; available for public viewing

* May petition earlier with written Prosecutor approval.

*This information does not create an attorney-client relationship and any review of the foregoing information shall not be deemed to create such a relationship