

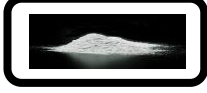



# INDIANA'S EXPUNGEMENT LAW (IC 35-38-9)

READING THIS FORM DOES NOT MAKE YOU A CLIENT OF THE NEIGHBORHOOD CHRISTIAN LEGAL CLINIC. THIS INFORMATIONAL Flier IS NOT LEGAL ADVICE. LEGAL INFORMATION IS ALWAYS CHANGING. PLEASE CONSULT AN ATTORNEY FOR LEGAL ADVICE.

EXAMPLES	 For example: OWI (OPERATING WHILE INTOXICATED)	 For example: POSSESSION OF MARIJUANA	 For example: POSSESSION OF COCAINE	 For example: ARMED ROBBERY	
	SECTION 1	SECTION 2	SECTION 3	SECTION 4	SECTION 5
LEVEL	<b>ARREST ONLY:</b> <i>Not Filed ; Dismissed; Not Guilty ; Acquitted; Completed Diversion Program</i>	MISDEMEANOR or D FELONY that has been <u>REDUCED TO MISDEMEANOR</u>	D FELONY (not battery > sect 4-5 or criminal recklessness > section 5): <u>NOT REDUCED TO MISDEMEANOR</u>	FELONIES A, B, C, or D Felony Battery <u>WITHOUT SERIOUS BODILY INJURY</u>	FELONIES A,B,C,D <u>WITH SERIOUS BODILY INJURY</u>
	No Filing Fee	\$156 filing fee	\$156 filing fee	\$156 filing fee	\$156 filing fee
WAITING PERIOD	<b>1 YEAR</b> from date of arrest  or  Earlier if prosecutor agrees	<b>5 YEARS *</b> from Date of Most Recent Conviction  or  Earlier if prosecutor agrees	<b>8 YEARS *</b> from Date of Most Recent Conviction  or  Earlier if prosecutor agrees	<b>8 YEARS*</b> From Date of Most Recent Conviction  or <b>3 YEARS</b> From completion of persons sentence (whichever is later)  or Earlier if Prosecutor agrees	<b>10 YEARS</b> From Date of Most Recent Conviction  or <b>5 YEARS</b> From completion of persons sentence (whichever is later)  or Earlier if Prosecutor agrees
STATUTORY REQUIREMENTS	1. No charges currently pending 2. Arrest did <b>not</b> result in conviction 3. Not currently in pretrial diversion program	1. No charges currently pending 2. All fines, fees, court costs, and restitution are paid 3. Waiting period requirements are met	1. No charges currently pending 2. All fines, fees, court costs, and restitution are paid 3. Waiting period requirements are met	1. No charges currently pending 2. All fines, fees, court costs, and restitution are paid 3. Waiting period requirements are met	1. No charges currently pending 2. All fines, fees, court costs, and restitution are paid 3. Waiting period requirements are met 4. Prosecutor consents to expungement
	COURT <b>SHALL</b> GRANT PETITION	COURT <b>SHALL</b> GRANT PETITION	COURT <b>SHALL</b> GRANT PETITION	COURT <b>MAY</b> GRANT THE PETITION (Visible but marked as Expunged if granted)	COURT <b>MAY</b> GRANT THE PETITION (Visible but marked as Expunged if granted)

TEXT OF INDIANA'S EXPUNGEMENT LAW AS OF 03-26-14 IS AVAILABLE AT: <http://iga.in.gov/documents/e4fbd8b3>

\* The petition **must** be filed under the section correlating with the highest level of conviction on an individual's criminal history report. If you have **both misdemeanor and felony convictions**, the applicable waiting period is **eight years** from the date of the **most recent conviction**.