


Time for a Fresh Start. Get an Indiana Expungement.

The Indiana Expungement Process.

Do you have a criminal record that seems to be weighing you down? Indiana passed a law in 2013, sometimes called the [Indiana Second Chance Law](#). This law allows an individual to petition a court to expunge or seal their criminal record. While there are many facets to the **Indiana expungement process**, we will break this law down for you as simply as possible.

If you are interested in learning **how to petition a court in Indiana for an expungement**, continue reading, and be sure to contact [Hayes Law Office](#) at [317-759-1515](tel:317-759-1515)! 

How do I file for an expungement?

First thing first. You must determine that you are eligible to file.

How do you determine if you are eligible to file for expungement?

Most importantly, you must not owe the court any money. The **Indiana expungement law** states that a [petitioner must not](#) owe any fines, fees, or court costs, and must have satisfied any court ordered restitution as a part of the sentence.

The next factor of eligibility seems obvious, but it is

nonetheless very important. The second factor of eligibility is that you must not have any pending criminal cases when you file for an expungement.

Finally, you must know the charges that resulted in your conviction and the charge will determine what section of the **Indiana expungement code** you need to file under. You can ensure that you have all of this case information by pulling a criminal history report from the [Indiana State Police Department](#).

The criminal history report can then help you to determine the next eligibility requirement, which is time. You must be in the statutory time frame to be eligible to file for an expungement

Stay tuned to [Hayes Law Office Blog](#) for the next part in our expungement series! Contact [Indiana Expungement Lawyer](#), Hayes Law Office today at [317-759-1515](#)!

Indiana Expungement Law Blog: Seal or Expunge Prior Arrests or Convictions

Indiana Expungement Law

A criminal record can adversely impact one's life. Criminal marks can stain and stigmatize a person's character and stifle their livelihood. Employment opportunities, academic access, professional certifications and other societal privileges are

at risk when one has a criminal record. However, effective July 1, 2013, **Indiana's New Expungement Law** allows those with prior arrest(s) records and criminal convictions to eliminate negative marks from their criminal record. Under the new law, if a person meets the certain requirements, they can petition the court for a "one-time" expungement of prior arrests and/or convictions. The law has a number of complexities that your attorney can help you understand, this will discuss the key components and answer some of your general questions. We encourage your questions and feedback and if you need an attorney to address your specific case, call [317-759-1515](tel:317-759-1515) or [email the office.](#)

Sealing Arrest(s)

If you have ever been arrested and one year has passed since the arrest; and if the arrest did not result in a conviction, or juvenile adjudication; or the arrest resulted in a conviction, or juvenile adjudication, but, was vacated on appeal; and there are no charges pending against you, you may petition the court for an expungement of the arrest(s) or conviction(s) from your criminal record.

So, let's say that you were arrested for public intoxication, but instead of being convicted, you completed a substance abuse program, you may petition the court to erase the arrest from your record. Similarly, if you were a minor at the time of the arrest and your case did not result in a juvenile adjudication because perhaps you performed some community service, or some other reason, then you can also have the arrest wiped clean from your arrest record.

On the other hand, if you were arrested and convicted; or arrested as a juvenile and there was a juvenile adjudication that was later vacated on appeal, you may also seek expungement.

So, to recap, if you were arrested, you may petition the court

for an expungement, if:

- (1) the arrest did not result in a conviction, or juvenile adjudication; or
- (2) the arrest resulted in a conviction, or juvenile adjudication, but was vacated on appeal;
- (3) there are no charges pending against you; and
- (4) one (1) year has passed since the arrest

Expunging A Misdemeanor or Class D Felony that has been Reduced to a Misdemeanor Conviction

If you were convicted of a misdemeanor, or a Class D Felony that has been reduced to a misdemeanor, you may petition the court for **a one time in your life expungement of any and all of your convictions**. In order to succeed on a petition for expungement in this case, (1) five years from the date of the conviction must have elapsed (unless the prosecuting attorney consents in writing to an earlier period); (2) no charges are pending against you at the time of the petition; (3) you do not have an existing, or pending driver's license suspension; (4) you have successfully completed your sentence, including any term of supervised release and satisfy all other obligations placed on the person as part of the sentence; and (5) you have not been convicted of a crime within the previous five years.

Expunging Minor Class D Felony Convictions

If you were convicted of a minor Class D felony and eight (8) years have elapsed from the date of the conviction, you may petition the court for an expungement, if you can demonstrate that: (1) no charges are pending against you; (2) you do not have an existing, or pending driver's license suspension; (3) you have successfully completed your sentence, including any term of supervised release and satisfied all other obligations placed on you as part of your sentence; and (4) you have not

been convicted of another crime within the previous eight (8) years.

However, persons convicted of the following persons cannot [petition the court for an expungement](#) of a Minor Class D felony: (1) An elected official convicted of an offense while serving within your term of service, or as a candidate for public office; (2) sex or violent offender; (3) a person convicted of a felony that resulted in bodily injury to another person; (4) a person convicted of perjury; and (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](#).

Expunging a Less Serious Felony Conviction

If you were convicted of a less serious felony and eight (8) years have elapsed from the date of the conviction, you may petition the court for an expungement, if you can demonstrate that: (1) no charges are pending against you; (2) you do not have an existing, or pending driver's license suspension; (3) you have successfully completed your sentence, including any term of supervised release and satisfied all other obligations placed on you as part of your sentence; and (4) you have not been convicted of another crime within the previous eight (8) years.

However, persons convicted of the following persons cannot petition the court for an expungement of a Minor Class D felony: (1) An elected official convicted of an offense while serving within your term of service, or as a candidate for public office; (2) sex or violent offender; (3) a person convicted of a felony that resulted in bodily injury to another person; (4) a person convicted of perjury; and (5) a person convicted of an offense described in: (A) IC 35-42-1; (B) IC 35-42-3.5; or (C) IC IC 35-42-4.

Expunging Certain Serious Felony Convictions; Consent of Prosecutor Required

If you were convicted of a serious felony convictions and ten (10) years from the conviction date has passed, you may petition the court for an expungement if you can demonstrate that: (1) no charges are pending against you; (2) you do not have an existing, or pending driver's license suspension; (3) you have successfully completed your sentence, including any term of supervised release and satisfied all other obligations placed on you as part of your sentence; and (4) you have not been convicted of a crime within the previous ten (10) years; (5) the prosecuting attorney has consented in writing to the **expungement of your criminal records.**

However, persons convicted of the following persons cannot petition the court for an expungement of a Minor Class D felony: (1) An elected official convicted of an offense while serving within your term of service, or as a candidate for public office; (2) sex or violent offender; (3) a person convicted of a felony that resulted in bodily injury to another person; (4) a person convicted of perjury; and (5) a person convicted of an offense described in: (A) IC 35-42-1; (B) IC 35-42-3.5; or (C) IC IC 35-42-4.