

# Indiana Legal Services, Inc



Using the law to fight poverty, empower clients, and improve access to justice.

[www.indianalegalservices.org](http://www.indianalegalservices.org)

---

## Limiting Who Can See Your Criminal Record

### **Can't Get a Job or Housing Due to a Criminal Record?**

Many employers, landlords, or licensing agencies consider a person's criminal record when doing background checks. In certain situations, Indiana law lets you limit access to your criminal record. Your record will stay on file with the state, but it cannot be released to just anyone for background check purposes.

### **Expunge Arrest Records**

What if you were arrested but never convicted? Or what if your conviction was reversed on appeal? You may qualify for expungement. If your arrest records are expunged, then no information about your arrest will be kept on file at state police agencies.

### **You can file to expunge your arrest records if:**

- you were arrested but not convicted (or your conviction was overturned on appeal),
- it has been at least one year since you were arrested or since you won your appeal, or the prosecutor agrees to an earlier period, *and*
- no charges are pending.

### **Expunge a Conviction**

What if you were convicted of a crime? You may qualify to expunge conviction records, too. For misdemeanors and Class D (Level 6) felonies, expungement means that only some agencies, such as police, and attorneys can view the records. For more serious felonies, the records remain public, but they are clearly marked as "expunged."

You must pay civil **filing fees** to petition for expungement. You may qualify for a fee waiver, however, if you have low income.

**WARNING! You are generally allowed to file only ONE petition for expungement in your lifetime. It is *important* to seek legal advice before you do so.**

### ***Expunging a Misdemeanor***

**You can file in court to expunge a misdemeanor conviction if**

- you have not been convicted of a crime in the last five years, or the prosecutor agrees to an earlier period;
- no charges are pending; *and*
- you paid all required fines, fees, court costs, and any restitution.

### ***Expunging a Felony***

**You can file to expunge most Class D (Level 6) convictions if**

- you have not been convicted of a crime in the last eight years, or the prosecutor agrees to an earlier period;
- no charges are pending; *and*
- you paid all required fines, fees, court costs, and any restitution.
- 

**You can file to expunge many nonviolent felony convictions after the later of eight years from your conviction or three years from the completion of your sentence (unless the prosecutor agrees to an earlier period) if**

- you have not been convicted of a crime in the last eight years, or the prosecutor agrees to an earlier period;
- no charges are pending; *and*
- you paid all required fines, fees, court costs, and any restitution.

For felonies committed by **elected officials** or resulting in **serious bodily injury**, the waiting periods are longer: ten years from your conviction or three years from completion of your sentence, unless the prosecutor agrees to an earlier period. Also, the prosecutor *must consent* before expungement of these offenses can proceed.

**Keep this in mind:** it can be hard to remove information from the internet. References to your criminal history may still appear on archived web pages.

### **Discrimination**

- It is illegal to discriminate against someone based on an expunged record.
- Discrimination can include refusal to hire you, admit you, or grant you a license.
- If your record is expunged, you should be treated as if you were never convicted. Your civil rights should also be restored (including the right to vote).
- When you apply for a job or license, you should only be questioned about criminal records in a way that does NOT include expunged arrests or convictions.
- If you are the victim of unlawful discrimination, you can file for an injunction, a civil penalty, and/or contempt of court.

Indiana's criminal records law is **complicated**.

You should seek legal advice before you file for expungement.

For information on how to find a lawyer or get legal help, go to <http://www.in.gov/judiciary/selfservice/>.

This is **not** legal advice. For legal advice, contact a private attorney or the nearest legal services office.

The amended law is effective March 26, 2014. Laws change, so please make sure your information is current.

*Last Revised 04/2014*

 [Expungement Pamphlet 7 21 14.pdf](#)

---

Printed: August 21, 2019

<http://www.indianalegalservices.org/node/762/limiting-who-can-see-your-criminal-record>

©Indiana Legal Services, Inc