

## **CRIMINAL RECORD EXPUNGEMENTS**

Under Indiana law, there are three main requirements that must be met before expunging criminal convictions:

One important thing about expungements is that once you receive an expungement, if you get a new conviction, the new conviction can never be expunged.

This guide will help you figure out if you may be eligible for an expungement.

### **1: Get your complete criminal history**

There are a lot of rules about expungements and the only way to know if you can get an expungement is to get your entire criminal history.

You can get many recent criminal court records online at [mycase.in.gov](http://mycase.in.gov), but some older records will not show up online. To get older records, you need to get a criminal background report. Some local sheriff's offices will also do a criminal history report for a small fee. There are also private companies like Identogo which charges a fee for criminal histories.

### **2: Check for pending criminal charges**

You cannot get an expungement if you have any pending criminal charges. Your criminal history will show any pending charges, as will [mycase.in.gov](http://mycase.in.gov).

### **3: Pay or waive outstanding costs, fines, fees, and restitution**

To get an expungement, the law says you can't owe any money related to your criminal conviction. This means that to get an expungement you must pay all court debt which includes costs, fines, fees, restitution, and probation fees.

To know if you owe criminal court debt, you can call the clerk in every county where you have a criminal conviction. The clerk can also tell you how to make payments.

If you can't afford to pay the outstanding debt, you can ask a judge to waive (or get rid of) the money owed. Indiana Legal Services may be able to help with this process.

## 4: Calculate Waiting Periods

You must wait a certain number of years before you can expunge a criminal conviction. The number of years you must wait depends on the type of conviction. You should not file for an expungement until you meet the waiting period requirements for **ALL** of your convictions.

Here is a chart that shows the waiting periods:

Type of Conviction	Waiting Period 1	Waiting Period 2
<b>Misdemeanor or Class D/Level 6 Felony that was reduced to a Misdemeanor</b>	<b>5 years</b> from date of conviction	<b>5 years</b> since conviction of ANY crime
<b>Class D/Level 6 Felony that did not result in bodily injury</b>	<b>8 years</b> from date of conviction	<b>8 years</b> since conviction of ANY crime
<b>Class A-C/Level 1-5 Felonies and Class D Felony that did not result in <u>serious</u> bodily injury</b>	<b>8 years</b> from date of conviction <b>OR 3 years</b> from completion of sentence, <i>whichever is later</i>	<b>8 years</b> since conviction of ANY crime
<b>Class A-C/Level 1-5 Felonies and Class D Felony that resulted in <u>serious</u> bodily injury</b>	<b>10 years</b> from date of conviction <b>OR 5 years</b> from completion of sentence, <i>whichever is later</i>	<b>10 years</b> since conviction of ANY crime

The first waiting period begins on the day you are convicted of a crime. Ask yourself, “has it been X years since the conviction date for that crime?”

The second waiting period looks backward in time from the present date. Start with today’s date, and ask yourself, “has it been X years since I was convicted of ANY crime in ANY state?”

If the answer to either of those questions is no, you are not eligible for an expungement.

*This document is not legal advice. It only gives general information. If you have questions about your specific situation or want to apply for legal assistance, contact Indiana Legal Services at 1-844-243-8570 Monday- Thursday 9am to 1pm or by going to <https://www.indianalegalservices.org/applyonline/> Monday-Friday.*