

OVERVIEW OF INDIANA'S SECOND CHANCE ACT

PRESENTED BY:

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<http://www.bjosephdavis.com/expungement-of-criminal-history.html>

	Convicted of?	Time Elapsed?	Discretionary? Mandatory?	State's Consent Required?	Relief Granted?
Section 1	Nothing	1 year after arrest/citation if uncharged or dismissed, or 1 year after the date the conviction was vacated.	Mandatory (court "shall" grant if properly filed and petitioner qualifies)	No, and prosecutor can only object to form of petition or to point out why petitioner doesn't qualify or hasn't established qualifications	No info may be maintained or disclosed
Section 2	Misdemeanors or Class D/Level 6 felonies reduced to misdemeanors	5 years after conviction and no other criminal convictions within 5 years of date of petition.	Mandatory (court "shall" grant if properly filed and petitioner qualifies)	No, and prosecutor can only object to form of petition or to point out why petitioner doesn't qualify or hasn't established qualifications	Section 6— 1) expunge 2) remove from public access* (*unless D Felony crime of violence)
Section 3	Class D Felonies except those listed 35-38-9-3(b) *unless petitioner has 2 or more gun related felony convictions not from same episode of conduct	8 years after conviction and no other criminal convictions within 8 years of date of petition.	Mandatory (court "shall" grant if properly filed and petitioner qualifies)	No, and prosecutor can only object to form of petition or to point out why petitioner doesn't qualify or hasn't established qualifications	Section 6— 1) expunge 2) remove from public access* (*unless D Felony crime of violence)
Section 4	Any Felony except those listed 35-38-9-4(b)	8 years after conviction and no other criminal convictions within 8 years of date of petition. *and at least 3 years after completion of sentence	Discretionary (court "may" grant if properly filed and petitioner qualifies)	No, but prosecutor can generally object to the relief sought from a policy standpoint in addition to technical objections.	Section 7— expunge but records remain public.
Section 5	Any Felony except those listed 35-38-9-5(b)	10 years after conviction and no other criminal convictions within 10 years of date of petition. *and at least 5 years after completion of sentence	Discretionary (court "may" grant if properly filed and petitioner qualifies)	Yes, and the court cannot grant unless prosecutor consents.	Section 7— expunge but records remain public.