

SENATE BILL No. 139

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-294; IC 35-38-9-6.

Synopsis: Expungement and firearms. Specifies, for purposes of the expungement statute, that a person whose conviction for a serious violent felony involving the possession or use of a firearm is expunged is entitled to restoration of the person's right to possess a firearm only if the court finds, following a hearing, that restoration of the person's right to possess a firearm is unlikely to present a danger to the public.

Effective: July 1, 2025.

Crider

January 8, 2025, read first time and referred to Committee on Corrections and Criminal Law.



First Regular Session of the 124th General Assembly (2025)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2024 Regular Session of the General Assembly.

SENATE BILL No. 139



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-31.5-2-294, AS AMENDED BY P.L.142-2020,
2 SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 294. "Serious violent felony", for purposes of
4 **IC 35-38-9**, IC 35-47-4-5, and IC 35-47-4-9, has the meaning set forth
5 in IC 35-47-4-5.

6 SECTION 2. IC 35-38-9-6, AS AMENDED BY P.L.185-2023,
7 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2025]: Sec. 6. (a) If the court orders conviction records,
9 including any records relating to the conviction and any records
10 concerning a collateral action, expunged under sections 2 through 3 of
11 this chapter, the court shall do the following with respect to the specific
12 records expunged by the court:

- 13 (1) Order:
 - 14 (A) the department of correction;
 - 15 (B) the bureau of motor vehicles; and
 - 16 (C) each:
 - 17 (i) law enforcement agency; and



- 1 (ii) other person;
 2 who incarcerated, prosecuted, provided treatment for, or
 3 provided other services for the person under an order of the
 4 court;
 5 to prohibit the release of the person's records or information in the
 6 person's records to anyone without a court order, other than a law
 7 enforcement officer acting in the course of the officer's official
 8 duty.
 9 (2) Order the central repository for criminal history information
 10 maintained by the state police department to seal the person's
 11 expunged conviction records, including information related to:
 12 (A) an arrest or offense:
 13 (i) in which no conviction was entered; and
 14 (ii) that was committed as part of the same episode of
 15 criminal conduct as the case ordered expunged; and
 16 (B) any other references to any matters related to the case
 17 ordered expunged, including in a collateral action.
 18 This subdivision does not require the state police department to
 19 seal any record the state police department does not have legal
 20 authority to seal.
 21 (3) Records sealed under subdivision (2) may be disclosed only
 22 to:
 23 (A) a prosecuting attorney, if:
 24 (i) authorized by a court order; and
 25 (ii) needed to carry out the official duties of the prosecuting
 26 attorney;
 27 (B) a defense attorney, if:
 28 (i) authorized by a court order; and
 29 (ii) needed to carry out the professional duties of the defense
 30 attorney;
 31 (C) a probation department, if:
 32 (i) authorized by a court order; and
 33 (ii) necessary to prepare a presentence report;
 34 (D) the Federal Bureau of Investigation and the Department of
 35 Homeland Security, if disclosure is required to comply with an
 36 agreement relating to the sharing of criminal history
 37 information;
 38 (E) the:
 39 (i) supreme court;
 40 (ii) members of the state board of law examiners;
 41 (iii) executive director of the state board of law examiners;
 42 and



1 (iv) employees of the state board of law examiners, in
 2 accordance with rules adopted by the state board of law
 3 examiners;
 4 for the purpose of determining whether an applicant possesses
 5 the necessary good moral character for admission to the bar;
 6 (F) a person required to access expunged records to comply
 7 with the Secure and Fair Enforcement for Mortgage Licensing
 8 Act (12 U.S.C. 5101 et seq.) or regulations adopted under the
 9 Secure and Fair Enforcement for Mortgage Licensing Act;
 10 (G) the bureau of motor vehicles, the Federal Motor Carrier
 11 Administration, and the Commercial Drivers License
 12 Information System (CDLIS), if disclosure is required to
 13 comply with federal law relating to reporting a conviction for
 14 a violation of a traffic control law; and
 15 (H) a school (as defined in IC 22-4-2-37), for the purpose of
 16 determining whether to:
 17 (i) employ a person seeking employment, including
 18 volunteer employment, with the school;
 19 (ii) continue a person's employment, including volunteer
 20 employment at the school; or
 21 (iii) grant access or admission to the school to an applicant
 22 contractor or a contractor;
 23 if the person, contractor, or applicant contractor is likely to
 24 have contact with a student enrolled in the school, regardless
 25 of the age of the student.
 26 (4) Notify the clerk of the supreme court to seal any records in the
 27 clerk's possession that relate to the conviction, including any
 28 records concerning a collateral action.
 29 A probation department may provide an unredacted version of a
 30 presentence report disclosed under subdivision (3)(C) to any person
 31 authorized by law to receive a presentence report.
 32 (b) Except as provided in subsection (c), if a petition to expunge
 33 conviction records, including any records relating to the conviction and
 34 any records concerning a collateral action, is granted under sections 2
 35 through 3 of this chapter, the records of:
 36 (1) the sentencing court;
 37 (2) a court that conducted a collateral action;
 38 (3) a juvenile court;
 39 (4) a court of appeals; and
 40 (5) the supreme court;
 41 concerning the person shall be permanently sealed. However, a petition
 42 for expungement granted under sections 2 through 3 of this chapter



1 does not affect an existing or pending driver's license suspension.

2 (c) If a petition to expunge conviction records, including any records
3 relating to the conviction and any records concerning a collateral
4 action, is granted under sections 2 through 3 of this chapter with
5 respect to the records of a person who is named as an appellant or an
6 appellee in an opinion or memorandum decision by the supreme court
7 or the court of appeals, or who is identified in a collateral action, the
8 court shall:

9 (1) redact the opinion or memorandum decision as it appears on
10 the computer gateway administered by the office of technology so
11 that it does not include the petitioner's name (in the same manner
12 that opinions involving juveniles are redacted); and

13 (2) provide a redacted copy of the opinion to any publisher or
14 organization to whom the opinion or memorandum decision is
15 provided after the date of the order of expungement.

16 The supreme court and court of appeals are not required to destroy or
17 otherwise dispose of any existing copy of an opinion or memorandum
18 decision that includes the petitioner's name.

19 (d) Notwithstanding subsection (b), a prosecuting attorney may
20 submit a written application to a court that granted an expungement
21 petition under this chapter to gain access to any records that were
22 permanently sealed under subsection (b), if the records are relevant in
23 a new prosecution of the person. If a prosecuting attorney who submits
24 a written application under this subsection shows that the records are
25 relevant for a new prosecution of the person, the court that granted the
26 expungement petition shall:

27 (1) order the records to be unsealed; and

28 (2) allow the prosecuting attorney who submitted the written
29 application to have access to the records.

30 If a court orders records to be unsealed under this subsection, the court
31 shall order the records to be permanently resealed at the earliest
32 possible time after the reasons for unsealing the records cease to exist.
33 However, if the records are admitted as evidence against the person in
34 a new prosecution that results in the person's conviction, or are used to
35 enhance a sentence imposed on the person in a new prosecution, the
36 court is not required to reseat the records.

37 (e) If a person whose conviction records, including any records
38 relating to the conviction and any records concerning a collateral
39 action, are expunged under sections 2 through 5 of this chapter is
40 required to register as a sex offender based on the commission of a
41 felony which has been expunged:

42 (1) the expungement does not affect the operation of the sex



- 1 offender registry ~~web site~~, **website**, any person's ability to access
 2 the person's records, records required to be maintained concerning
 3 sex or violent offenders, or any registration requirement imposed
 4 on the person; and
 5 (2) the expunged conviction records must be clearly marked as
 6 expunged on the sex offender registry ~~web site~~. **website**.
- 7 (f) Expungement of:
 8 (1) a crime of domestic violence under section 2 of this chapter;
 9 **or**
 10 (2) **a serious violent felony involving the possession or use of**
 11 **a firearm;**
 12 does not restore a person's right to possess a firearm. The right of a
 13 person convicted of a crime of domestic violence to possess a firearm
 14 may be restored only in accordance with IC 35-47-4-7. **The right of a**
 15 **person convicted of a serious violent felony involving the possession**
 16 **or use of a firearm to possess a firearm may be restored only if the**
 17 **court finds, following a hearing, that restoration of the person's**
 18 **right to possess a firearm is unlikely to present a danger to the**
 19 **public.**
- 20 (g) If a court issues an order granting a petition for expungement
 21 under sections 2 through 3 of this chapter, the court shall also order any
 22 related records described in section 1(h) of this chapter sealed or
 23 redacted in the manner described in section 1 of this chapter, unless the
 24 records described in section 1(h) of this chapter have been ordered
 25 sealed and redacted under this section.
- 26 (h) If the court issues an order granting a petition for expungement
 27 under sections 2 through 3 of this chapter, the court shall include in its
 28 order the information described in section 8(b) of this chapter.
- 29 (i) If the court issues an order granting a petition for expungement
 30 under sections 2 through 5 of this chapter, the court shall include in its
 31 order the information described in section 10(c) of this chapter.
- 32 (j) **If the court issues an order granting a petition for**
 33 **expungement of a serious violent felony involving the possession or**
 34 **use of a firearm, the court shall include in its order whether or not**
 35 **the person's right to possess a firearm has been restored.**

