

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS
FISCAL IMPACT STATEMENT**

LS 6886
BILL NUMBER: SB 281

NOTE PREPARED: Mar 27, 2025
BILL AMENDED: Mar 24, 2025

SUBJECT: Expungement.

FIRST AUTHOR: Sen. Baldwin
FIRST SPONSOR: Rep. Steuerwald

BILL STATUS: As Passed House

FUNDS AFFECTED: X GENERAL
 X DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: *Juvenile Delinquency Sealing and Expungement:* This bill specifies that certain records relating to juvenile delinquency proceedings are accessible to a law enforcement officer acting within the scope of the officer's duties, and requires persons having custody of these records to take steps to ensure that these records are available to the law enforcement officer in a timely manner. It also specifies that the juvenile court shall cooperate to ensure that certain records are available to the prosecuting attorney or a deputy.

Expungement of Official Misconduct: The bill allows the expungement of official misconduct if: (1) the person seeking the expungement is not an elected official; and (2) the prosecuting attorney consents.

Expungement Petitions: It also permits disclosure to the state police department of certain sealed records if disclosure is required for the purpose of expunging or marking as expunged records in the central repository for criminal history information.

Expungement of Unlawful Possession by Felons: This bill prohibits expungement for a person convicted of unlawful possession of a firearm by a serious violent felon.

Chronological Case Summaries: The bill requires the Office of Judicial Administration (OJA), before July 1, 2025, to establish an electronic system for transmitting a chronological case summary to the State Police Department for purposes of expungement.

Licensing and Judicial Officer Expungement: This bill prohibits the expungement of certain records of a person holding a commercial driver's license or permit. It also makes certain expungement provisions that apply to elected officials also apply to elected or appointed judicial officers.

Effective Date: July 1, 2025.

Explanation of State Expenditures: *Chronological Case Summaries:* The bill requires the OJA to establish an electronic system for receiving requests for chronological case summaries and transmitting chronological case summaries to the Indiana State Police for expungement or sealing of records. This

requirement is within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Licencing and Judicial Officer Expungement: This bill will decrease the workload of the Bureau of Motor Vehicles in carrying out expungement orders from courts for persons who violated traffic laws while possessing a commercial drivers licence or commercial learners permit as described in 49 CFR 384.226.

Explanation of State Revenues:

Explanation of Local Expenditures: *Juvenile Delinquency Sealing and Expungement:* This bill makes it so that juvenile court records relating to findings that would have otherwise been a serious violent felony become available without a court order in a timely manner to law enforcement officers acting within their scope of duty. An individual may petition a court to seal records relating to cases that would have otherwise been serious violent felonies, however they shall still be made available to officers if the said records are within officers' scope of duty.

When a court grants an expungement petition relating to a finding that a child committed offense that would be a serious violent felony, the court shall order each person who provided treatment to the child to send their records to the court. These expunged records will be sealed and made available to law enforcement acting within the scope of their duties. Data from these sealed records with personally identifiable information removed may be made available to the public for the purposes of statistical analysis, research, and financial auditing.

Developing processes which make sealed records relating to a child who committed an offense that would be a serious violent felony accessible to law enforcement and keeping personally identifiable information hidden from the general public is within courts' routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Additional Information - Criminal acts that are considered serious violent felonies are instances that include, but are not limited to the following:

Offense	Offense Level
IC 35-42-1-1 (Murder)	Murder
IC 35-42-2-1 (Battery)	Level 5 to Level 2 Felony
IC 35-42-5-1 (Robbery)	Level 5 to Level 2 Felony
IC 35-45-10-5 (Criminal Stalking)	Level 6 to Level 5 Felony
IC 35-48-1.1 to 4 (Dealing with Controlled Substances)	Class A Misdemeanor to Level 2 Felony

Expungement of Official Misconduct: This bill prohibits elected officials from seeking expungement for official misconduct, but allows non-elected officials to seek expungement. This may reduce courts' workload in processing expungement filings of individuals who are elected officials that are convicted of this crime, if they know they cannot seek expungement.

Expungement Petitions: The workload of juvenile courts will increase in disclosing sealed records to the

state police department for the purpose of expunging, or marking as expunged, records in the central repository for criminal history information.

Courts may permit a petitioner to file a supplemental petition at any time with respect to one or more convictions that were not included in the initial expungement petition if a court finds excusable neglect in conforming with typical expungement processes. This will increase courts' workload.

Expungement of Unlawful Possession by Felons: This bill prohibits expungement for a person convicted of unlawful possession of a firearm by a serious violent felon and would reduce the workload of courts processing the petitions of individuals who would have otherwise sought expunging their conviction. [According to the Abstracts of Judgement, between FY 2021 and FY 2024 there were a total of 2,345 offenders sentenced for unlawful possession of a firearm by a serious violent felon, or an average of 585 offenders annually.]

Licensing and Judicial Officer Expungement: The bill also prevents elected or appointed judicial officers from seeking expungement, further reducing the workload of courts.

Explanation of Local Revenues:

State Agencies Affected: Indiana State Police, Law enforcement agencies, Office of Judicial Administration, Bureau of Motor Vehicles

Local Agencies Affected: Juvenile Courts, Local law enforcement agencies

Information Sources: Indiana Supreme Court
<https://www.in.gov/courts/iocs/statistics/trial-probation/2023/>

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