

SENATE BILL No. 233

DIGEST OF INTRODUCED BILL

Citations Affected: IC 32-31-10.

Synopsis: Disclosure of eviction information. Prohibits a court or the operator of a case management system from disclosing information relating to an eviction action: (1) if the case is dismissed or if the tenant prevails in the action or upon appeal; or (2) upon order of the court after a petition to prohibit disclosure is made by the tenant: (A) not earlier than seven years after a judgment of eviction against the tenant becomes final; or (B) at least one year after the case was filed if the case remains pending with no judgment.

Effective: July 1, 2022.

Taylor G

January 6, 2022, read first time and referred to Committee on Judiciary.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 233

A BILL FOR AN ACT to amend the Indiana Code concerning property.

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

1 SECTION 1. IC 32-31-10 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]:
4 **Chapter 10. Disclosure of Eviction Information**
5 **Sec. 1. The definitions in IC 32-31-3 apply throughout this**
6 **chapter.**
7 **Sec. 2. As used in this chapter, "rental premises" has the**
8 **meaning set forth in IC 32-31-7-3.**
9 **Sec. 3. (a) If a landlord files an action to evict a tenant from the**
10 **rental premises and:**
11 **(1) the action is dismissed;**
12 **(2) a judgment in favor of the tenant is entered by the court;**
13 **or**
14 **(3) a judgment of eviction is entered by the court against the**
15 **tenant and the judgment is subsequently vacated on appeal;**
16 **the court in which the action was filed shall order the clerk of the**
17 **court and the operator of any state, regional, or local case**



1 management system not to disclose or permit disclosure of
 2 information related to the action to any person, other than to any
 3 person under a court order, or other than to a law enforcement
 4 agency for an authorized law enforcement activity. The court shall
 5 issue an order under this subsection at the time the action is
 6 dismissed, the judgment in favor of the tenant becomes final, or the
 7 opinion vacating the judgment of eviction against the tenant
 8 becomes final, as applicable.

9 (b) This subsection applies if:

- 10 (1) a landlord files an action to evict a tenant from the rental
 11 premises; and
 12 (2) a judgment of eviction is entered by the court against the
 13 tenant.

14 Not earlier than seven (7) years after the date the judgment of
 15 eviction against the tenant becomes final, the tenant may petition
 16 the court in which the action was filed to prohibit disclosure of
 17 information related to the eviction action to any person, other than
 18 to any person under a court order, or other than to a law
 19 enforcement agency for an authorized law enforcement activity.

20 (c) If:

- 21 (1) a landlord files an action to evict a tenant from the rental
 22 premises; and
 23 (2) after at least one (1) year from the date of filing:
 24 (A) the case remains pending; and
 25 (B) a judgment in the action has not been entered by the
 26 court;

27 the tenant may petition the court in which the action was filed to
 28 prohibit disclosure of information related to the eviction action to
 29 any person, other than to any person under a court order, or other
 30 than to a law enforcement agency for an authorized law
 31 enforcement activity, while the case remains pending.

32 (d) If a court in which an eviction action was filed fails to order
 33 the clerk of the court and the operator of any state, regional, or
 34 local case management system to prohibit disclosure of information
 35 related to the eviction action under subsection (a), the tenant may
 36 petition the court in which the action was filed to prohibit
 37 disclosure of information related to the eviction action to any
 38 person, other than to any person under a court order, or other than
 39 to a law enforcement agency for an authorized law enforcement
 40 activity.

41 (e) A petition under subsection (b), (c), or (d) must set forth:

- 42 (1) the case number or cause number for the eviction action;



- 1 (2) the date the eviction action was dismissed, if applicable;
 2 (3) the date of the judgment in the case, if applicable;
 3 (4) the date the judgment was vacated, if applicable;
 4 (5) the date of the petitioner's birth; and
 5 (6) either of the following:
 6 (A) The petitioner's driver's license number, state
 7 identification card number, or photo exempt identification
 8 card number.
 9 (B) The last four (4) digits of the petitioner's Social
 10 Security number.
 11 (f) The court may, with respect to a petition filed under
 12 subsection (b), (c), or (d):
 13 (1) summarily grant the petition;
 14 (2) set the matter for hearing; or
 15 (3) summarily deny the petition, if the court determines that:
 16 (A) the petition is insufficient; or
 17 (B) based on the evidence before the court, the petitioner
 18 is not entitled to have access to information related to the
 19 eviction action restricted.
 20 (g) If the court does not summarily grant or summarily deny a
 21 petition filed under subsection (b), (c), or (d), the court shall set the
 22 matter for a hearing.
 23 (h) After a hearing is held under subsection (g), the court shall
 24 grant the petition filed under:
 25 (1) subsection (b), if the tenant is entitled to relief under
 26 subsection (b);
 27 (2) subsection (c), if the tenant is entitled to relief under
 28 subsection (c); or
 29 (3) subsection (d), if the tenant is entitled to relief under
 30 subsection (a).
 31 (i) If the court grants a petition filed under subsection (b), (c),
 32 or (d), the court shall order the clerk of the court and the operator
 33 of any state, regional, or local case management system not to
 34 disclose or permit disclosure of information related to the eviction
 35 action to any person, other than to any person under a court order,
 36 or other than to a law enforcement agency for an authorized law
 37 enforcement activity.
 38 (j) For purposes of this section, an eviction action includes a
 39 petition for an emergency possessory order filed by a landlord
 40 under IC 32-31-6.

