

GENERAL LIST OF CRIMES THAT CANNOT BE EXPUNGED IN INDIANA

Pursuant to I.C. 35-38-9-2(b), 35-38-9-3(b), I.C. 35-38-9-4(b) and I.C. 35-38-9-5(b), the statute excludes certain types of felonies from eligibility for expungement: An **attempt or conviction** of any of the below noted crimes:

- Persons convicted of:
 - **Two (2) or more felony offenses that**
 - Involve the use of a deadly weapon and were not committed as part of the same episode of criminal conduct.
 - **Homicide Crimes in addition to those in 11-8-8-5 (35-42-1)**
 - Causing Suicide
 - Assisting Suicide
 - Involuntary Manslaughter
 - Reckless Homicide
 - Feticide
 - **Human & Sexual Trafficking Crimes in addition to those in 11-8-8-5 (35-42-3.5)**
 - Promotion of Human Trafficking
 - Promotion of Human Trafficking of a Minor
 - **Official Misconduct (I.C. 35-44.1-1-1)**
 - Perjury (35-44.1-2-1)
 - Official Misconduct (35-44.1-1-1)
 - **Sex Crimes in addition to those in 11-8-8-5 (35-42-4)**
 - Sexual Battery
 - Unlawful Employment Near Children by a Sexual Predator
 - Sex Offender Residency Offense
 - Sex Offender Internet Offense (prior conviction)
 - **Sex/Violent Offender as defined in I.C. § 11-8-8-5 (Megan's Law Sex Offender Registry)**
 - A sex or violent offender (as defined in 11-8-8-5)
 - Rape
 - Criminal Deviate Conduct
 - Child Molesting
 - Child Exploitation
 - Vicarious Sexual Gratification
 - Performing Sexual Conduct in the Presence of a Minor
 - Child Solicitation
 - Child Seduction
 - Sexual Misconduct with a Minor (all classes excluded)
 - Incest
 - Sexual Battery
 - Kidnapping (if the victim is less than 18 and the convicted person is not the victim's parent or guardian)
 - Criminal Confinement (if the victim is less than 18 and the convicted person is not the victim's parent or guardian)
 - Possession of Child Pornography
 - Promoting Prostitution as a Class B Felony
 - Sexual Trafficking of a Minor
 - Human Trafficking
 - Murder
 - Voluntary Manslaughter
 - Sexual Misconduct by a Service Provider with a Detained Child
 - An attempt conviction of any of the above crimes

Note: Since **none** of the above listed exclusions appear under **I.C. 35-38-9-2 (expungement for misdemeanors)**, it appears that persons who fall into the above-listed categories are still eligible to pursue the expungement remedy with regard to misdemeanor offenses and D felony offenses that were either alternatively sentenced as or converted to a misdemeanor judgments