

Indiana



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Burden of Proof:

The current burden of proof in Indiana is a "preponderance of the evidence," which aligns with the level of proof survivors typically are able to use to establish their victimization.

Time Limitations and Wait Times:

Indiana has no time limit, restriction, or wait time for survivors to clear their criminal records.

Hearing Requirement:

Attending a hearing can be traumatizing for survivors as well as expensive. Indiana is silent on whether a hearing is required, potentially allowing for a petition for relief to be granted without a hearing. However, this language is not specific, meaning a hearing may be required. Ideally, survivors could apply for relief, and based on the evidence provided, the court could decide to grant relief without having a hearing.

NEEDS IMPROVEMENT:

Records Protection:

The statute in Indiana is silent on the confidentiality or permitted disclosure of records upon granting criminal record relief to the trafficking survivor. This means that a survivor's record may still be accessible to the public even after they receive record relief. Ideally, the records of the offense should be destroyed, purged, or otherwise permanently irretrievable once the survivor is granted criminal record relief.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Indiana is inadequate because relief only applies to offenses not causing bodily harm - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Indiana would expand the statute to include all offenses so more survivors are eligible for relief.

Arrests and Adjudication Relief:

Relief in Indiana only applies to convictions, adjudications, and other declarations of guilt. Ideally, the statute should cover the full range of interactions a survivor has with the criminal justice system, including any records of arrest, incident reports, and non-prosecuted cases.



Statute: [Ind. Code § 35-38-10-2 - Trafficked person](#)