



INDIANA

SNAPSHOT OF EMPLOYMENT-RELATED COLLATERAL CONSEQUENCES

JANUARY 2021

The National Inventory of Collateral Consequences of Conviction (NICCC) is an online database that catalogs the state and federal statutes and regulations that limit or prohibit people convicted of crimes from accessing various rights, benefits, and opportunities.

As of 2020, the NICCC identifies 679 provisions of Indiana law that impose these “collateral consequences,” a large majority of which act as barriers to employment for people with criminal convictions (see FIG. A). This fact sheet provides an overview of employment-related collateral consequences in Indiana.

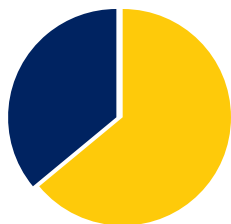


FIGURE A
PERCENTAGE OF TOTAL CONSEQUENCES RELATED TO EMPLOYMENT

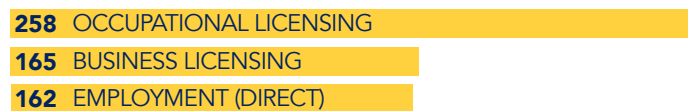
■ EMPLOYMENT-RELATED 66%
■ OTHER 34%

TYPES OF EMPLOYMENT-RELATED CONSEQUENCES

Collateral consequences impact employment opportunities either by restricting access to occupational licenses needed to work in certain fields, restricting access to business licenses needed to pursue self-employment, or directly limiting the ability of employers to hire or retain workers with certain conviction histories. FIG. B shows the number of Indiana consequences that impact each of these three employment-related opportunities.

FIGURE B

NUMBER OF EMPLOYMENT-RELATED CONSEQUENCES BY TYPE



IMPACTED FIELDS

Collateral consequences affect a range of employment fields. FIG. C identifies the top 10 fields impacted by employment-related consequences in Indiana. The figures indicate the number of employment-related consequences that impact each field.

FIGURE C

FIELDS MOST IMPACTED



DISCRETION IN APPLICATION

State law determines whether a consequence must be imposed or may be imposed. Mandatory consequences generally prohibit, without exception, the employment, retention, or licensing of a person with a conviction for a specified offense. Discretionary consequences authorize employers, licensing entities, and other

decision-makers to impose a consequence, but do not require that they do so. Note that some laws require criminal background checks of applicants for employment or licensure without indicating how the decision-maker should act in response to the results. For the purposes of FIG. D, these “background check-only” provisions are considered discretionary consequences. FIG. D indicates the percentage of Indiana’s employment-related consequences that are either mandatory or discretionary.

FIGURE D
DISCRETION TO IMPOSE CONSEQUENCES



DURATION OF EFFECT

Employment-related consequences may remain in effect for a time-limited duration (usually a specific length of time, beginning on the date of conviction or completion of sentence) or may be indefinite in duration (i.e., no specific time included in the law). FIG. E indicates the percentage of Indiana’s employment-related consequences that are either time-limited or indefinite. For the purposes of FIG. E, consequences that end once a person satisfies some legal condition, such as completing a drug treatment program or driver training course, are treated as time-limited. Note that a consequence described as indefinite may not be permanent if state or federal law allows the consequence to be removed through a legal process such as criminal record clearance or executive pardon (see General Relief from Collateral Consequences for more).

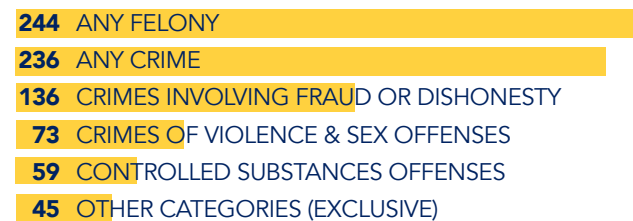
FIGURE E
CONSEQUENCE DURATION



TRIGGERING OFFENSES

Collateral consequences can be triggered by convictions for a wide range of criminal offenses. Some consequences are triggered by specific offenses, while others are triggered by broader categories of offenses such as “any felony” or “violent crimes.” FIG. F highlights some of the triggering offense categories used by the NICCC and the number of Indiana’s employment-related consequences triggered by convictions within each category. Note that a consequence assigned to a triggering offense category like “controlled substances offenses” may be triggered only by one specific type of controlled substance offense in the jurisdiction, not all controlled substances offenses.

FIGURE F
NUMBER OF EMPLOYMENT-RELATED CONSEQUENCES TRIGGERED BY OFFENSE CATEGORIES



GENERAL RELIEF FROM COLLATERAL CONSEQUENCES

RECORD CLEARANCE: Expungement is available upon petition for many offenses and is mandatory for most misdemeanors and low-level felonies if eligibility requirements are met. A waiting period of 1 to 10 years applies and prior convictions may impact eligibility. Expungement limits the imposition of most consequences.

LIMITS ON CONSIDERATION OF CONVICTIONS: Most convictions may only be factored into occupational licensing decisions for 10 years and may only be the basis for denial where the offense directly relates to the licensed activity. Licensing bodies are required to consider mitigating factors including the age of the offense and evidence of rehabilitation.

For information on record clearance in Indiana, see the Clean Slate Clearinghouse website at CleanSlateClearinghouse.org.

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