



Reprinted  
January 17, 2024

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## HOUSE BILL No. 1047

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DIGEST OF HB 1047 (Updated January 16, 2024 2:18 pm - DI 106)

**Citations Affected:** IC 34-11; IC 35-45.

**Synopsis:** Sexual offenses. Provides that an action for injury to a person that results from the sexual abuse of a child, that has expired under the current statute of limitations, may be commenced at any time against certain entities seeking bankruptcy protections. Provides that certain images created by artificial intelligence or similar means constitute an "intimate image" for purposes of the crime of distributing an intimate image.

**Effective:** Upon passage; July 1, 2024.

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January 8, 2024, read first time and referred to Committee on Courts and Criminal Code.  
January 11, 2024, amended, reported — Do Pass.  
January 16, 2024, read second time, amended, ordered engrossed.

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HB 1047—LS 6474/DI 106





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January 17, 2024

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

## HOUSE BILL No. 1047

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

- 1 SECTION 1. IC 34-11-2-4, AS AMENDED BY P.L.44-2013,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 4. (a) An action for:  
4 (1) injury to person or character;  
5 (2) injury to personal property; or  
6 (3) a forfeiture of penalty given by statute;  
7 must be commenced within two (2) years after the cause of action  
8 accrues.  
9 (b) **Except as provided in subsection (c)**, an action for injury to a  
10 person that results from the sexual abuse of a child must be  
11 commenced within the later of:  
12 (1) seven (7) years after the cause of action accrues; or  
13 (2) four (4) years after the person ceases to be a dependent of the  
14 person alleged to have performed the sexual abuse.  
15 (c) **An action for injury to a person that:**  
16 (1) **results from the sexual abuse of a child; and**  
17 (2) **is barred due to the expiration of the statute of limitations**

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1           **period described in subsection (b);**  
 2           **may be commenced by or on behalf of the injured person, at any**  
 3           **time, in a bankruptcy proceeding that was initiated on February**  
 4           **18, 2020, for a congressionally chartered organization. An action**  
 5           **brought under this subsection may only be commenced against an**  
 6           **entity seeking bankruptcy protection and not against any other**  
 7           **person or entity. This subsection expires June 30, 2026.**

8           SECTION 2. IC 35-45-4-8, AS ADDED BY P.L.185-2019,  
 9           SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10           JULY 1, 2024]: Sec. 8. (a) This section does not apply to a photograph,  
 11           digital image, or video that is distributed:

- 12           (1) to report a possible criminal act;  
 13           (2) in connection with a criminal investigation;  
 14           (3) under a court order; or  
 15           (4) to a location that is:  
 16                (A) intended solely for the storage or backup of personal data,  
 17                including photographs, digital images, and video; and  
 18                (B) password protected.

19           (b) As used in this section, "distribute" means to transfer to another  
 20           person in, or by means of, any medium, forum, telecommunications  
 21           device or network, or ~~Internet web site~~, **website**, including posting an  
 22           image on an ~~Internet web site~~ **a website** or application.

23           (c) As used in this section, "intimate image" means a photograph,  
 24           digital image, **computer generated image**, or video:

- 25           (1) that depicts:  
 26                (A) sexual intercourse;  
 27                (B) other sexual conduct (as defined in IC 35-31.5-2-221.5);  
 28                or  
 29                (C) exhibition of the uncovered buttocks, genitals, or female  
 30                breast;

31           of an individual; and

- 32           (2) taken, captured, **created, disseminated**, or recorded by:  
 33                (A) an individual depicted in the photograph, digital image, or  
 34                video and given or transmitted directly to the person described  
 35                in subsection (d); ~~or~~  
 36                (B) the person described in subsection (d) in the physical  
 37                presence of an individual depicted in the photograph, digital  
 38                image, or video; **or**  
 39                (C) **the person described in subsection (d) with respect to**  
 40                **a photograph, digital image, computer generated image, or**  
 41                **video of an individual created or modified by means of a**  
 42                **computer software program, artificial intelligence,**



1                   **application, or other digital editing tools.**  
2           (d) A person who:  
3               (1) knows or reasonably should know that an individual depicted  
4               in an intimate image does not consent to the distribution of the  
5               intimate image; and  
6               (2) distributes the intimate image;  
7           commits distribution of an intimate image, a Class A misdemeanor.  
8           However, the offense is a Level 6 felony if the person has a prior  
9           unrelated conviction under this section.  
10           **(e) It is not a necessary element of the offense described in**  
11           **subsection (d) that the individual depicted in the intimate image**  
12           **actually sent the image.**  
13           **SECTION 3. An emergency is declared for this act.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1047, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 34-11-2-4, AS AMENDED BY P.L.44-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) An action for:

- (1) injury to person or character;
- (2) injury to personal property; or
- (3) a forfeiture of penalty given by statute;

must be commenced within two (2) years after the cause of action accrues.

(b) **Except as provided in subsection (c)**, an action for injury to a person that results from the sexual abuse of a child must be commenced within the later of:

- (1) seven (7) years after the cause of action accrues; or
- (2) four (4) years after the person ceases to be a dependent of the person alleged to have performed the sexual abuse.

(c) **An action for injury to a person that:**

- (1) **results from the sexual abuse of a child; and**
- (2) **is barred due to the expiration of the statute of limitations period described in subsection (b);**

**may be commenced by or on behalf of the injured person, at any time, in a bankruptcy proceeding that was initiated on February 18, 2020, for a congressionally chartered organization. An action brought under this subsection may only be commenced against an entity seeking bankruptcy protection and not against any other person or entity. This subsection expires June 30, 2026."**

Page 2, after line 32, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1047 as introduced.)

MCNAMARA

Committee Vote: yeas 10, nays 0.

**HB 1047—LS 6474/DI 106**



HOUSE MOTION

Mr. Speaker: I move that House Bill 1047 be amended to read as follows:

Page 2, line 24, after "generated image," reset in roman "or".

Page 2, line 24, delete ", or other" and insert ":",

Page 2, delete line 25.

Page 2, line 41, after "generated image," insert "**or**".

Page 2, line 42, delete "video, or any other pictorial representation" and insert "**video**".

(Reference is to HB 1047 as printed January 11, 2024.)

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