



January 31, 2024

SENATE BILL No. 151

DIGEST OF SB 151 (Updated January 30, 2024 10:17 am - DI 106)

Citations Affected: IC 5-2; IC 35-41.

Synopsis: Statute of limitations. Allows the prosecution of Level 3 felony rape and child molesting offenses to be commenced at any time. Makes conforming changes.

Effective: July 1, 2024.

**Alexander, Crider, Donato, Alting,
Doriot, Charbonneau, Becker,
Bohacek, Rogers, Buck**

January 8, 2024, read first time and referred to Committee on Corrections and Criminal Law.
January 30, 2024, amended, reported favorably — Do Pass.

SB 151—LS 6308/DI 149



January 31, 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.

SENATE BILL No. 151

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 5-2-6.1-16, AS AMENDED BY P.L.31-2020,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 16. (a) A person eligible for assistance under
4 section 12 of this chapter may file an application for assistance with the
5 division if the violent crime was committed in Indiana.
6 (b) Except as provided in subsections (e) and (f), the application
7 must be received by the division not more than one hundred eighty
8 (180) days after the date the crime was committed. The division may
9 grant an extension of time for good cause shown by the claimant.
10 However, and except as provided in subsections (e) and (f), the
11 division may not accept an application that is received more than two
12 (2) years after the date the crime was committed.
13 (c) The application must be filed in the office of the division in
14 person, through the division's ~~Internet web site~~, **website**, or by first
15 class or certified mail. If requested, the division shall assist a victim in
16 preparing the application.
17 (d) The division shall accept all applications filed in compliance

SB 151—LS 6308/DI 149



1 with this chapter. Upon receipt of a complete application, the division
2 shall promptly begin the investigation and processing of an application.

3 (e) An alleged victim of a child sex crime may submit an application
4 to the division until the victim becomes thirty-one (31) years of age or
5 in accordance with subsection (f).

6 (f) An alleged victim of a child sex crime described in
7 IC 35-41-4-2(e) which meets the requirements of IC 35-41-4-2(p) may
8 submit an application to the division not later than five (5) years after
9 the earliest of the date on which:

10 (1) the state first discovers evidence sufficient to charge the
11 offender with the offense through DNA (deoxyribonucleic acid)
12 analysis;

13 (2) the state first becomes aware of the existence of a recording
14 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
15 to charge the offender with the offense; or

16 (3) a person confesses to the offense.

17 (g) An alleged victim of a battery offense included in IC 35-42-2
18 upon a child less than fourteen (14) years of age may submit an
19 application to the division not later than five (5) years after the
20 commission of the offense.

21 SECTION 2. IC 35-41-4-2, AS AMENDED BY P.L.3-2023,
22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2024]: Sec. 2. (a) Except as otherwise provided in this section,
24 a prosecution for an offense is barred unless it is commenced:

25 (1) within five (5) years after the commission of the offense, in
26 the case of a Class B, Class C, or Class D felony (for a crime
27 committed before July 1, 2014) or a Level 3, Level 4, Level 5, or
28 Level 6 felony (for a crime committed after June 30, 2014); or

29 (2) within two (2) years after the commission of the offense, in the
30 case of a misdemeanor.

31 (b) A prosecution for a Class B or Class C felony (for a crime
32 committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony
33 (for a crime committed after June 30, 2014) that would otherwise be
34 barred under this section may be commenced within one (1) year after
35 the earlier of the date on which the state:

36 (1) first discovers evidence sufficient to charge the offender with
37 the offense through DNA (deoxyribonucleic acid) analysis; or

38 (2) could have discovered evidence sufficient to charge the
39 offender with the offense through DNA (deoxyribonucleic acid)
40 analysis by the exercise of due diligence.

41 However, if the offense is a sex offense against a child described in
42 subsection (m), a prosecution otherwise barred under this section may



1 be prosecuted in accordance with subsection (p).

2 (c) ~~Except as provided in subsection (c),~~ A prosecution for ~~a Class~~
 3 ~~A felony (for a crime committed before July 1, 2014) or a Level 1~~
 4 ~~felony or Level 2 felony (for a crime committed after June 30, 2014)~~
 5 **the following** may be commenced at any time:

6 **(1) A Class A felony (for a crime committed before July 1,**
 7 **2014).**

8 **(2) A Level 1 felony or a Level 2 felony (for a crime**
 9 **committed after June 30, 2014).**

10 **(3) Rape (IC 35-42-4-1) as a Level 3 felony.**

11 **(4) Child molesting (IC 35-42-4-3) as a Level 3 felony.**

12 (d) A prosecution for murder may be commenced:

13 (1) at any time; and

14 (2) regardless of the amount of time that passes between:

15 (A) the date a person allegedly commits the elements of
 16 murder; and

17 (B) the date the alleged victim of the murder dies.

18 (e) Except as provided in subsection (p), a prosecution for the
 19 following offenses is barred unless commenced before the date that the
 20 alleged victim of the offense reaches thirty-one (31) years of age:

21 ~~(1) IC 35-42-4-3 (Child molesting).~~

22 ~~(2) (1) IC 35-42-4-5 (Vicarious sexual gratification).~~

23 ~~(3) (2) IC 35-42-4-6 (Child solicitation).~~

24 ~~(4) (3) IC 35-42-4-7 (Child seduction).~~

25 ~~(5) (4) IC 35-42-4-9 (Sexual misconduct with a minor).~~

26 ~~(6) (5) IC 35-46-1-3 (Incest).~~

27 (f) A prosecution for forgery of an instrument for payment of
 28 money, or for the uttering of a forged instrument, under IC 35-43-5-2,
 29 is barred unless it is commenced within five (5) years after the maturity
 30 of the instrument.

31 (g) If a complaint, indictment, or information is dismissed because
 32 of an error, defect, insufficiency, or irregularity, a new prosecution may
 33 be commenced within ninety (90) days after the dismissal even if the
 34 period of limitation has expired at the time of dismissal, or will expire
 35 within ninety (90) days after the dismissal.

36 (h) The period within which a prosecution must be commenced does
 37 not include any period in which:

38 (1) the accused person is not usually and publicly resident in
 39 Indiana or so conceals himself or herself that process cannot be
 40 served;

41 (2) the accused person conceals evidence of the offense, and
 42 evidence sufficient to charge the person with that offense is



- 1 unknown to the prosecuting authority and could not have been
 2 discovered by that authority by exercise of due diligence; or
 3 (3) the accused person is a person elected or appointed to office
 4 under statute or constitution, if the offense charged is theft or
 5 conversion of public funds or bribery while in public office.
- 6 (i) For purposes of tolling the period of limitation only, a
 7 prosecution is considered commenced on the earliest of these dates:
 8 (1) The date of filing of an indictment, information, or complaint
 9 before a court having jurisdiction.
 10 (2) The date of issuance of a valid arrest warrant.
 11 (3) The date of arrest of the accused person by a law enforcement
 12 officer without a warrant, if the officer has authority to make the
 13 arrest.
- 14 (j) A prosecution is considered timely commenced for any offense
 15 to which the defendant enters a plea of guilty, notwithstanding that the
 16 period of limitation has expired.
- 17 (k) The following apply to the specified offenses:
 18 (1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of
 19 funeral trust funds) is barred unless commenced within five (5)
 20 years after the date of death of the settlor (as described in
 21 IC 30-2-9).
 22 (2) A prosecution for an offense under IC 30-2-10-9(b) (misuse
 23 of funeral trust funds) is barred unless commenced within five (5)
 24 years after the date of death of the settlor (as described in
 25 IC 30-2-10).
 26 (3) A prosecution for an offense under IC 30-2-13-38(f) (misuse
 27 of funeral trust or escrow account funds) is barred unless
 28 commenced within five (5) years after the date of death of the
 29 purchaser (as defined in IC 30-2-13-9).
- 30 (l) A prosecution for an offense under IC 23-2-6, IC 23-2.5,
 31 IC 23-14-48-9, or IC 23-19 is barred unless commenced within five (5)
 32 years after the earlier of the date on which the state:
 33 (1) first discovers evidence sufficient to charge the offender with
 34 the offense; or
 35 (2) could have discovered evidence sufficient to charge the
 36 offender with the offense by the exercise of due diligence.
- 37 (m) Except as provided in subsection (p), a prosecution for a sex
 38 offense listed in IC 11-8-8-4.5 that is committed against a child and
 39 that is not:
 40 (1) a Class A felony (for a crime committed before July 1, 2014)
 41 or a Level 1 felony or Level 2 felony (for a crime committed after
 42 June 30, 2014);



- 1 **(2) Rape (IC 35-42-4-1) as a Level 3 felony;**
 2 **(3) Child molesting (IC 35-42-4-3) as a Level 3 felony; or**
 3 ~~(2)~~ **(4) listed in subsection (e);**

4 is barred unless commenced within ten (10) years after the commission
 5 of the offense, or within four (4) years after the person ceases to be a
 6 dependent of the person alleged to have committed the offense,
 7 whichever occurs later.

8 (n) A prosecution for rape (IC 35-42-4-1) as a Class B felony (for a
 9 crime committed before July 1, 2014) or as a Level 3 felony (for a
 10 crime committed after June 30, 2014) that would otherwise be barred
 11 under this section may be commenced not later than five (5) years after
 12 the earlier of the date on which:

- 13 (1) the state first discovers evidence sufficient to charge the
 14 offender with the offense through DNA (deoxyribonucleic acid)
 15 analysis;
 16 (2) the state first becomes aware of the existence of a recording
 17 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
 18 to charge the offender with the offense; or
 19 (3) a person confesses to the offense.

20 (o) A prosecution for criminal deviate conduct (IC 35-42-4-2)
 21 (repealed) as a Class B felony for a crime committed before July 1,
 22 2014, that would otherwise be barred under this section may be
 23 commenced not later than five (5) years after the earliest of the date on
 24 which:

- 25 (1) the state first discovers evidence sufficient to charge the
 26 offender with the offense through DNA (deoxyribonucleic acid)
 27 analysis;
 28 (2) the state first becomes aware of the existence of a recording
 29 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
 30 to charge the offender with the offense; or
 31 (3) a person confesses to the offense.

32 (p) A prosecution for an offense described in subsection **(c)**, **(e)**, or
 33 ~~subsection (m)~~ that would otherwise be barred under this section may
 34 be commenced not later than five (5) years after the earliest of the date
 35 on which:

- 36 (1) the state first discovers evidence sufficient to charge the
 37 offender with the offense through DNA (deoxyribonucleic acid)
 38 analysis;
 39 (2) the state first becomes aware of the existence of a recording
 40 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
 41 to charge the offender with the offense; or
 42 (3) a person confesses to the offense.



1 **(q) If a prosecution for an offense under this section is barred**
2 **due to the expiration of a previous statute of limitation, a**
3 **prosecution for that offense may still be commenced under**
4 **subsection (b), (n), (o), or (p), if applicable.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 151, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 7, reset in roman "IC 35-41-4-2(e)".

Page 2, line 7, delete "IC 35-41-4-2(l)".

Page 2, line 8, reset in roman "IC 35-41-4-2(p)".

Page 2, line 8, delete "IC 35-41-4-2(m)".

Page 2, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 2. IC 35-41-4-2, AS AMENDED BY P.L.3-2023, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

- (1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, Level 5, or Level 6 felony (for a crime committed after June 30, 2014); or
- (2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony (for a crime committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

- (1) first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis; or
- (2) could have discovered evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis by the exercise of due diligence.

However, if the offense is a sex offense against a child described in subsection (m), a prosecution otherwise barred under this section may be prosecuted in accordance with subsection (p).

(c) ~~Except as provided in subsection (e);~~ A prosecution for a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014) **the following** may be commenced at any time:

- (1) A Class A felony (for a crime committed before July 1, 2014).



(2) A Level 1 felony or a Level 2 felony (for a crime committed after June 30, 2014).

(3) Rape (IC 35-42-4-1) as a Level 3 felony.

(4) Child molesting (IC 35-42-4-3) as a Level 3 felony.

(d) A prosecution for murder may be commenced:

(1) at any time; and

(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) Except as provided in subsection (p), a prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

~~(1) IC 35-42-4-3 (Child molesting).~~

~~(2) (1) IC 35-42-4-5 (Vicarious sexual gratification).~~

~~(3) (2) IC 35-42-4-6 (Child solicitation).~~

~~(4) (3) IC 35-42-4-7 (Child seduction).~~

~~(5) (4) IC 35-42-4-9 (Sexual misconduct with a minor).~~

~~(6) (5) IC 35-46-1-3 (Incest).~~

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

(1) the accused person is not usually and publicly resident in Indiana or so conceals himself or herself that process cannot be served;

(2) the accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or

(3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:



(1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.

(2) The date of issuance of a valid arrest warrant.

(3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

(k) The following apply to the specified offenses:

(1) A prosecution for an offense under IC 30-2-9-7(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-9).

(2) A prosecution for an offense under IC 30-2-10-9(b) (misuse of funeral trust funds) is barred unless commenced within five (5) years after the date of death of the settlor (as described in IC 30-2-10).

(3) A prosecution for an offense under IC 30-2-13-38(f) (misuse of funeral trust or escrow account funds) is barred unless commenced within five (5) years after the date of death of the purchaser (as defined in IC 30-2-13-9).

(l) A prosecution for an offense under IC 23-2-6, IC 23-2.5, IC 23-14-48-9, or IC 23-19 is barred unless commenced within five (5) years after the earlier of the date on which the state:

(1) first discovers evidence sufficient to charge the offender with the offense; or

(2) could have discovered evidence sufficient to charge the offender with the offense by the exercise of due diligence.

(m) Except as provided in subsection (p), a prosecution for a sex offense listed in IC 11-8-8-4.5 that is committed against a child and that is not:

(1) a Class A felony (for a crime committed before July 1, 2014) or a Level 1 felony or Level 2 felony (for a crime committed after June 30, 2014);

(2) Rape (IC 35-42-4-1) as a Level 3 felony;

(3) Child molesting (IC 35-42-4-3) as a Level 3 felony; or

~~(4)~~ **(4) listed in subsection (e);**

is barred unless commenced within ten (10) years after the commission of the offense, or within four (4) years after the person ceases to be a dependent of the person alleged to have committed the offense, whichever occurs later.



(n) A prosecution for rape (IC 35-42-4-1) as a Class B felony (for a crime committed before July 1, 2014) or as a Level 3 felony (for a crime committed after June 30, 2014) that would otherwise be barred under this section may be commenced not later than five (5) years after the earlier of the date on which:

- (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;
- (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or
- (3) a person confesses to the offense.

(o) A prosecution for criminal deviate conduct (IC 35-42-4-2) (repealed) as a Class B felony for a crime committed before July 1, 2014, that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:

- (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;
- (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or
- (3) a person confesses to the offense.

(p) A prosecution for an offense described in subsection (c), (e), or ~~subsection (m)~~ that would otherwise be barred under this section may be commenced not later than five (5) years after the earliest of the date on which:

- (1) the state first discovers evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) analysis;
- (2) the state first becomes aware of the existence of a recording (as defined in IC 35-31.5-2-273) that provides evidence sufficient to charge the offender with the offense; or
- (3) a person confesses to the offense.

(q) If a prosecution for an offense under this section is barred due to the expiration of a previous statute of limitation, a prosecution for that offense may still be commenced under subsection (b), (n), (o), or (p), if applicable."

Delete pages 3 through 6.

Re-number all SECTIONS consecutively.



and when so amended that said bill do pass.

(Reference is to SB 151 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 7, Nays 0.

