



February 14, 2025

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## SENATE BILL No. 141

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DIGEST OF SB 141 (Updated February 11, 2025 12:30 pm - DI 106)

**Citations Affected:** IC 35-31.5; IC 35-33.

**Synopsis:** Eyewitness identification procedures. Establishes a procedure to be used by a law enforcement agency in conducting a lineup.

**Effective:** July 1, 2025.

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**Brown L, Glick, Bohacek, Pol Jr.,  
Koch, Clark**

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January 8, 2025, read first time and referred to Committee on Corrections and Criminal Law.  
February 13, 2025, amended, reported favorably — Do Pass.

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SB 141—LS 6432/DI 149





February 14, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

## SENATE BILL No. 141

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 35-31.5-2-126.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2025]: **Sec. 126.5. "Eyewitness", for purposes**
- 4 **of IC 35-33-4.5, has the meaning set forth in IC 35-33-4.5-1.**
- 5 SECTION 2. IC 35-31.5-2-127.3 IS ADDED TO THE INDIANA
- 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 7 [EFFECTIVE JULY 1, 2025]: **Sec. 127.3. "Facial recognition**
- 8 **technology", for purposes of IC 35-33-4.5, has the meaning set**
- 9 **forth in IC 35-33-4.5-2.**
- 10 SECTION 3. IC 35-31.5-2-132.3 IS ADDED TO THE INDIANA
- 11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2025]: **Sec. 132.3. "Filler", for purposes of**
- 13 **IC 35-33-4.5, has the meaning set forth in IC 35-33-4.5-3.**
- 14 SECTION 4. IC 35-31.5-2-183, AS AMENDED BY P.L.144-2018,
- 15 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2025]: **Sec. 183. (a) "Law enforcement agency," for purposes**
- 17 **of receiving information concerning a violation of IC 35-42-3.5-1**

SB 141—LS 6432/DI 149



through IC 35-42-3.5-1.4 (human trafficking), means:

(1) an agency or department of:

(A) the state; or

(B) a political subdivision of the state;

whose principal function is the apprehension of criminal offenders; and

(2) the attorney general.

(b) "Law enforcement agency", for purposes of **IC 35-33-4.5** and **IC 35-47-15**, has the meaning set forth in **IC 35-47-15-2**.

SECTION 5. IC 35-31.5-2-187.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 187.3. "Lineup", for purposes of IC 35-33-4.5, has the meaning set forth in IC 35-33-4.5-4.**

SECTION 6. IC 35-31.5-2-187.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 187.4. "Lineup investigator", for purposes of IC 35-33-4.5, has the meaning set forth in IC 35-33-4.5-5.**

SECTION 7. IC 35-31.5-2-235.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 235.6. "Photo lineup", for purposes of IC 35-33-4.5, has the meaning set forth in IC 35-33-4.5-6.**

SECTION 8. IC 35-33-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

**Chapter 4.5. Eyewitness Identification Procedures**

**Sec. 1.** As used in this chapter, "eyewitness" means a person whose identification by sight of another person may be relevant in a criminal proceeding.

**Sec. 2.** As used in this chapter, "facial recognition technology" means a computer application that uses biometric algorithms to analyze facial features and is used to assist in the unique personal identification of individuals in still or video images.

**Sec. 3.** As used in this chapter, "filler" means a person or a photograph of a person who is not suspected of the offense under investigation and is included in a lineup.

**Sec. 4.** As used in this chapter, "lineup" includes a photo lineup.

**Sec. 5.** As used in this chapter, "lineup investigator" means the person who conducts a lineup and who is:

(1) a current employee of a law enforcement agency, regardless of the person's primary job description; and



(2) unaware of which person in the lineup is the suspect.

Sec. 6. As used in this chapter, "photo lineup" means a procedure in which an array of photographs is displayed to an eyewitness for the purpose of determining if the eyewitness can identify the perpetrator of a crime.

Sec. 7. (a) Except as provided in subsection (b), a lineup conducted by a law enforcement agency, or an employee of a law enforcement agency, shall be conducted in accordance with this chapter.

(b) If it is impossible or impracticable to follow the procedures set forth in this chapter, a law enforcement agency may conduct a lineup using an alternative procedure approved by the law enforcement training board. However, an alternative procedure used under this subsection must include the requirement that the lineup investigator is unaware of which person in the lineup is the suspect.

(c) Failure to comply with any of the requirements of this chapter, or, if applicable, an alternative procedure approved by the law enforcement training board, is admissible to support a claim of eyewitness misidentification, if the evidence is not otherwise inadmissible.

Sec. 8. If facial recognition technology is used to identify a suspect, a law enforcement agency, or an employee of a law enforcement agency, may not conduct a lineup unless there is other evidence, in addition to the use of facial recognition technology, to support a belief that the suspect committed the crime under investigation.

Sec. 9. Except as provided in section 7 of this chapter, a lineup must be conducted as follows:

(1) A lineup investigator shall conduct the lineup.

(2) Only one (1) suspect may be included in the lineup.

(3) No one may speak to the eyewitness concerning the suspect's position in the lineup or regarding anything that might influence the eyewitness's identification.

(4) Each filler in the lineup must generally resemble the eyewitness's description of the perpetrator.

(5) The composition of the lineup must ensure that the suspect does not unduly stand out from the fillers.

(6) The lineup must include at least five (5) fillers who resemble, as much as practicable, the eyewitness description of the perpetrator in significant features, including any unique or unusual features.



1 (7) If the eyewitness has previously viewed a lineup in  
2 connection with the identification of another person suspected  
3 of involvement in the offense, the fillers in the lineup in which  
4 the current suspect participates must be different from the  
5 fillers used in any prior lineups.

6 (8) If there are multiple eyewitnesses, the suspect must be  
7 placed in a different position in the lineup for each eyewitness.

8 (9) If the eyewitness makes an identification during the lineup,  
9 the lineup investigator shall document any statement from the  
10 eyewitness as to the eyewitness's confidence level that the  
11 person identified in the lineup is the perpetrator.

12 Sec. 10. If the eyewitness is presented with a photo lineup, the  
13 photograph of the suspect must be recent and, to the extent  
14 practicable, must resemble the suspect's appearance at the time of  
15 the offense. All procedures set forth in section 9 of this chapter  
16 must also be followed.



## COMMITTEE REPORT

Mr. President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 141, 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 16, delete "administrator" and insert "**investigator**".

Page 2, delete lines 19 through 22.

Page 2, line 27, delete "IC 35-33-4.5-7." and insert "**IC 35-33-4.5-6.**".

Page 2, line 42, delete "means" and insert "**includes**".

Page 2, line 42, delete "lineup or" and insert "**lineup.**".

Page 3, delete line 1.

Page 3, line 2, delete "administrator" and insert "**investigator**".

Page 3, delete lines 7 through 10.

Page 3, line 11, delete "Sec. 7." and insert "**Sec. 6.**".

Page 3, line 15, delete "Sec. 8." and insert "**Sec. 7.**".

Page 3, line 24, delete "administrator" and insert "**investigator**".

Page 3, line 31, delete "Sec. 9." and insert "**Sec. 8.**".

Page 3, line 33, delete "is a" and insert "**is**".

Page 3, line 34, delete "basis, independent of" and insert "**other evidence, in addition to**".

Page 3, line 35, delete "believe" and insert "**support a belief that**".

Page 3, line 36, delete "Sec. 10." and insert "**Sec. 9.**".

Page 3, line 36, delete "section 8" and insert "**section 7**".

Page 3, line 38, delete "administrator" and insert "**investigator**".

Page 4, line 17, delete "administrator" and insert "**investigator**".

Page 4, line 17, delete "a clear" and insert "**any**".

Page 4, line 18, delete "eyewitness, in the eyewitness's own words," and insert "**eyewitness**".

Page 4, line 21, delete "Sec. 11." and insert "**Sec. 10.**".

Page 4, line 24, delete "10" and insert "**9**".

Page 4, delete lines 26 through 42.

Delete page 5.

and when so amended that said bill do pass.

(Reference is to SB 141 as introduced.)

FREEMAN, Chairperson

Committee Vote: Yeas 9, Nays 0.

SB 141—LS 6432/DI 149

