

SENATE BILL No. 151

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-41-4-2.

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

Effective: July 1, 2025.

Alexander

January 8, 2025, read first time and referred to Committee on Corrections and Criminal Law.



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. 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 35-41-4-2, AS AMENDED BY P.L.3-2023,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 2. (a) Except as otherwise provided in this section,
4 a prosecution for an offense is barred unless it is commenced:
5 (1) within five (5) years after the commission of the offense, in
6 the case of a Class B, Class C, or Class D felony (for a crime
7 committed before July 1, 2014) or a Level 3, Level 4, Level 5, or
8 Level 6 felony (for a crime committed after June 30, 2014); or
9 (2) within two (2) years after the commission of the offense, in the
10 case of a misdemeanor.
11 (b) A prosecution for a Class B or Class C felony (for a crime
12 committed before July 1, 2014) or a Level 3, Level 4, or Level 5 felony
13 (for a crime committed after June 30, 2014) that would otherwise be
14 barred under this section may be commenced within one (1) year after
15 the earlier of the date on which the state:
16 (1) first discovers evidence sufficient to charge the offender with
17 the offense through DNA (deoxyribonucleic acid) analysis; or



- 1 (2) could have discovered evidence sufficient to charge the
 2 offender with the offense through DNA (deoxyribonucleic acid)
 3 analysis by the exercise of due diligence.
 4 However, if the offense is a sex offense against a child described in
 5 subsection (m), a prosecution otherwise barred under this section may
 6 be prosecuted in accordance with subsection (p).
- 7 (c) ~~Except as provided in subsection (e);~~ A prosecution for a ~~Class~~
 8 ~~A felony (for a crime committed before July 1, 2014) or a Level 1~~
 9 ~~felony or Level 2 felony (for a crime committed after June 30, 2014)~~
 10 ~~the following~~ may be commenced at any time:
- 11 (1) ~~A Class A felony (for a crime committed before July 1,~~
 12 ~~2014).~~
- 13 (2) ~~A Level 1 felony or Level 2 felony (for a crime committed~~
 14 ~~after June 30, 2014).~~
- 15 (3) ~~Rape (IC 35-42-4-1) as a Level 3 felony.~~
- 16 (4) ~~Child molesting (IC 35-42-4-3) as a Level 3 felony.~~
- 17 (d) A prosecution for murder may be commenced:
- 18 (1) at any time; and
- 19 (2) regardless of the amount of time that passes between:
- 20 (A) the date a person allegedly commits the elements of
 21 murder; and
- 22 (B) the date the alleged victim of the murder dies.
- 23 (e) Except as provided in subsection (p), a prosecution for the
 24 following offenses is barred unless commenced before the date that the
 25 alleged victim of the offense reaches thirty-one (31) years of age:
- 26 ~~(1) IC 35-42-4-3 (Child molesting);~~
- 27 ~~(2) (1) IC 35-42-4-5 (Vicarious sexual gratification).~~
- 28 ~~(3) (2) IC 35-42-4-6 (Child solicitation).~~
- 29 ~~(4) (3) IC 35-42-4-7 (Child seduction).~~
- 30 ~~(5) (4) IC 35-42-4-9 (Sexual misconduct with a minor).~~
- 31 ~~(6) (5) IC 35-46-1-3 (Incest).~~
- 32 (f) A prosecution for forgery of an instrument for payment of
 33 money, or for the uttering of a forged instrument, under IC 35-43-5-2,
 34 is barred unless it is commenced within five (5) years after the maturity
 35 of the instrument.
- 36 (g) If a complaint, indictment, or information is dismissed because
 37 of an error, defect, insufficiency, or irregularity, a new prosecution may
 38 be commenced within ninety (90) days after the dismissal even if the
 39 period of limitation has expired at the time of dismissal, or will expire
 40 within ninety (90) days after the dismissal.
- 41 (h) The period within which a prosecution must be commenced does
 42 not include any period in which:



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



1 offense listed in IC 11-8-8-4.5 that is committed against a child and
2 that is not:

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

6 **(2) rape (IC 35-42-4-1) as a Level 3 felony;**

7 **(3) child molesting (IC 35-42-4-3) as a Level 3 felony;** or

8 ~~(2)~~ **(4)** listed in subsection (e);

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

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

18 (1) the state first discovers evidence sufficient to charge the
19 offender with the offense through DNA (deoxyribonucleic acid)
20 analysis;

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

24 (3) a person confesses to the offense.

25 (o) A prosecution for criminal deviate conduct (IC 35-42-4-2)
26 (repealed) as a Class B felony for a crime committed before July 1,
27 2014, that would otherwise be barred under this section may be
28 commenced not later than five (5) years after the earliest of the date on
29 which:

30 (1) the state first discovers evidence sufficient to charge the
31 offender with the offense through DNA (deoxyribonucleic acid)
32 analysis;

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

36 (3) a person confesses to the offense.

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

41 (1) the state first discovers evidence sufficient to charge the
42 offender with the offense through DNA (deoxyribonucleic acid)



- 1 analysis;
- 2 (2) the state first becomes aware of the existence of a recording
- 3 (as defined in IC 35-31.5-2-273) that provides evidence sufficient
- 4 to charge the offender with the offense; or
- 5 (3) a person confesses to the offense.
- 6 **(q) If a prosecution for an offense under this section is barred**
- 7 **due to the expiration of a previous statute of limitation, a**
- 8 **prosecution for that offense may still be commenced under**
- 9 **subsection (b), (n), (o), or (p), if applicable.**

