
HOUSE BILL No. 1586

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-11; IC 35-41-4-2.

Synopsis: Statute of limitations. Eliminates the statute of limitations for civil and criminal actions involving sex crimes against children.

Effective: July 1, 2007.

Hoy, Crouch

January 23, 2007, read first time and referred to Committee on Judiciary.

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Introduced

First Regular Session 115th General Assembly (2007)

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 2006 Regular Session of the General Assembly.

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HOUSE BILL No. 1586

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 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 4. **Except as provided**
3 **in section 13 of this chapter**, 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 SECTION 2. IC 34-11-2-13 IS ADDED TO THE INDIANA CODE
10 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2007]: **Sec 13. An individual may commence a civil action at any**
12 **time against a party:**
13 (1) if:
14 (A) the party was convicted of a crime under IC 35-42-4 or
15 IC 35-46-1-3; or
16 (B) the party knowingly or intentionally aided, induced, or
17 caused another person to commit a crime under IC 35-42-4



- 1 or IC 35-46-1-3 and the other person was convicted of the
2 crime under IC 35-42-4 or IC 35-46-1-3; and
3 **(2) if the individual commencing the action was:**
4 **(A) the victim of the crime under IC 35-42-4 or**
5 **IC 35-46-1-3; and**
6 **(B) less than eighteen (18) years of age at the time of the**
7 **crime.**

8 SECTION 3. IC 34-11-6-1 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. **(a)** A person who is
10 under legal disabilities when the cause of action accrues may bring the
11 action within two (2) years after the disability is removed.

12 **(b) Subsection (a) does not limit the time within which an action**
13 **subject to IC 34-11-2-13 may be brought.**

14 SECTION 4. IC 35-41-4-2, AS AMENDED BY P.L.173-2006,
15 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2007]: Sec. 2. (a) Except as otherwise provided in this section,
17 a prosecution for an offense is barred unless it is commenced:

- 18 (1) within five (5) years after the commission of the offense, in
19 the case of a Class B, Class C, or Class D felony; or
20 (2) within two (2) years after the commission of the offense, in the
21 case of a misdemeanor.

22 (b) A prosecution for a Class B or Class C felony that would
23 otherwise be barred under this section may be commenced within one
24 (1) year after the earlier of the date on which the state:

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

30 (c) A prosecution for a Class A felony may be commenced at any
31 time.

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

- 33 (1) at any time; and
34 (2) regardless of the amount of time that passes between:
35 (A) the date a person allegedly commits the elements of
36 murder; and
37 (B) the date the alleged victim of the murder dies.

38 (e) A prosecution for ~~the following offenses~~ **is barred unless an**
39 **offense:**

- 40 **(1) under IC 35-42-4 or IC 35-46-1-3; and**
41 **(2) in which the victim of the crime was less than eighteen (18)**
42 **years of age at the time of the offense;**

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1 **may be commenced before the date that the alleged victim of the**
2 **offense reaches thirty-one (31) years of age: at any time.**

- 3 (1) ~~IC 35-42-4-3(a) (Child molesting):~~
- 4 (2) ~~IC 35-42-4-5 (Vicarious sexual gratification):~~
- 5 (3) ~~IC 35-42-4-6 (Child solicitation):~~
- 6 (4) ~~IC 35-42-4-7 (Child seduction):~~
- 7 (5) ~~IC 35-46-1-3 (Incest):~~

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

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

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

- 19 (1) the accused person is not usually and publicly resident in
20 Indiana or so conceals himself or herself that process cannot be
21 served;
- 22 (2) the accused person conceals evidence of the offense, and
23 evidence sufficient to charge the person with that offense is
24 unknown to the prosecuting authority and could not have been
25 discovered by that authority by exercise of due diligence; or
- 26 (3) the accused person is a person elected or appointed to office
27 under statute or constitution, if the offense charged is theft or
28 conversion of public funds or bribery while in public office.

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

- 31 (1) The date of filing of an indictment, information, or complaint
32 before a court having jurisdiction.
- 33 (2) The date of issuance of a valid arrest warrant.
- 34 (3) The date of arrest of the accused person by a law enforcement
35 officer without a warrant, if the officer has authority to make the
36 arrest.

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

40 **SECTION 5. [EFFECTIVE JULY 1, 2007] (a) IC 34-11-2-13, as**
41 **added by this act, applies to causes of action accruing after June**
42 **30, 2007.**

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1 **(b) IC 35-41-4-2, as amended by this act, applies to offenses**
2 **committed after June 30, 2007.**

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