

SENATE BILL No. 7

DIGEST OF INTRODUCED BILL

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

Synopsis: Murder prosecutions. Specifies that a prosecution for murder may be commenced at any time regardless of the amount of time that passes between: (1) the date a person allegedly commits the elements of murder; and (2) the date the alleged victim of the murder dies.

Effective: July 1, 2000.

Wyss, Meeks R, Meeks C, Alexa

November 16, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.

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Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

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SENATE BILL No. 7



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 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 2. (a) Except as
- 3 otherwise provided in this section, a prosecution for an offense is
- 4 barred unless it is commenced:
- 5 (1) within five (5) years after the commission of a Class B, Class
- 6 C, or Class D felony; or
- 7 (2) within two (2) years after the commission of a misdemeanor.
- 8 (b) A prosecution for ~~murder or~~ a Class A felony may be
- 9 commenced at any time.
- 10 (c) **A prosecution for murder may be commenced:**
- 11 (1) **at any time; and**
- 12 (2) **regardless of the amount of time that passes between:**
- 13 (A) **the date a person allegedly commits the elements of**
- 14 **murder; and**
- 15 (B) **the date the alleged victim of the murder dies.**
- 16 (d) A prosecution for the following offenses is barred unless
- 17 commenced before the date that the alleged victim of the offense



- 1 reaches thirty-one (31) years of age:
- 2 (1) IC 35-42-4-3(a) (Child molesting).
- 3 (2) IC 35-42-4-5 (Vicarious sexual gratification).
- 4 (3) IC 35-42-4-6 (Child solicitation).
- 5 (4) IC 35-42-4-7 (Child seduction).
- 6 (5) IC 35-46-1-3 (Incest).
- 7 ~~(d)~~ (e) Notwithstanding subsection (c)(1), a prosecution for child
- 8 molesting under IC 35-42-4-3(c) or IC 35-42-4-3(d) where a person
- 9 who is at least sixteen (16) years of age allegedly commits the offense
- 10 against a child who is not more than two (2) years younger than the
- 11 older person, is barred unless commenced within five (5) years after the
- 12 commission of the offense.
- 13 ~~(e)~~ (f) A prosecution for forgery of an instrument for payment of
- 14 money, or for the uttering of a forged instrument, under IC 35-43-5-2,
- 15 is barred unless it is commenced within five (5) years after the maturity
- 16 of the instrument.
- 17 ~~(f)~~ (g) If a complaint, indictment, or information is dismissed
- 18 because of an error, defect, insufficiency, or irregularity, a new
- 19 prosecution may be commenced within ninety (90) days after the
- 20 dismissal even if the period of limitation has expired at the time of
- 21 dismissal, or will expire within ninety (90) days after the dismissal.
- 22 ~~(g)~~ (h) The period within which a prosecution must be commenced
- 23 does not include any period in which:
- 24 (1) the accused person is not usually and publicly resident in
- 25 Indiana or so conceals himself that process cannot be served on
- 26 him;
- 27 (2) the accused person conceals evidence of the offense, and
- 28 evidence sufficient to charge him with that offense is unknown to
- 29 the prosecuting authority and could not have been discovered by
- 30 that authority by exercise of due diligence; or
- 31 (3) the accused person is a person elected or appointed to office
- 32 under statute or constitution, if the offense charged is theft or
- 33 conversion of public funds or bribery while in public office.
- 34 ~~(h)~~ (i) For purposes of tolling the period of limitation only, a
- 35 prosecution is considered commenced on the earliest of these dates:
- 36 (1) The date of filing of an indictment, information, or complaint
- 37 before a court having jurisdiction.
- 38 (2) The date of issuance of a valid arrest warrant.
- 39 (3) The date of arrest of the accused person by a law enforcement
- 40 officer without a warrant, if the officer has authority to make the
- 41 arrest.
- 42 ~~(i)~~ (j) A prosecution is considered timely commenced for any



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1 offense to which the defendant enters a plea of guilty, notwithstanding
2 that the period of limitation has expired.

3 SECTION 2. [EFFECTIVE JULY 1, 2000] **IC 35-41-4-2, as**
4 **amended by this act, only applies to offenses committed after June**
5 **30, 2000.**

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