

# The Importance of Limitations

A defense of time limits on prosecutions

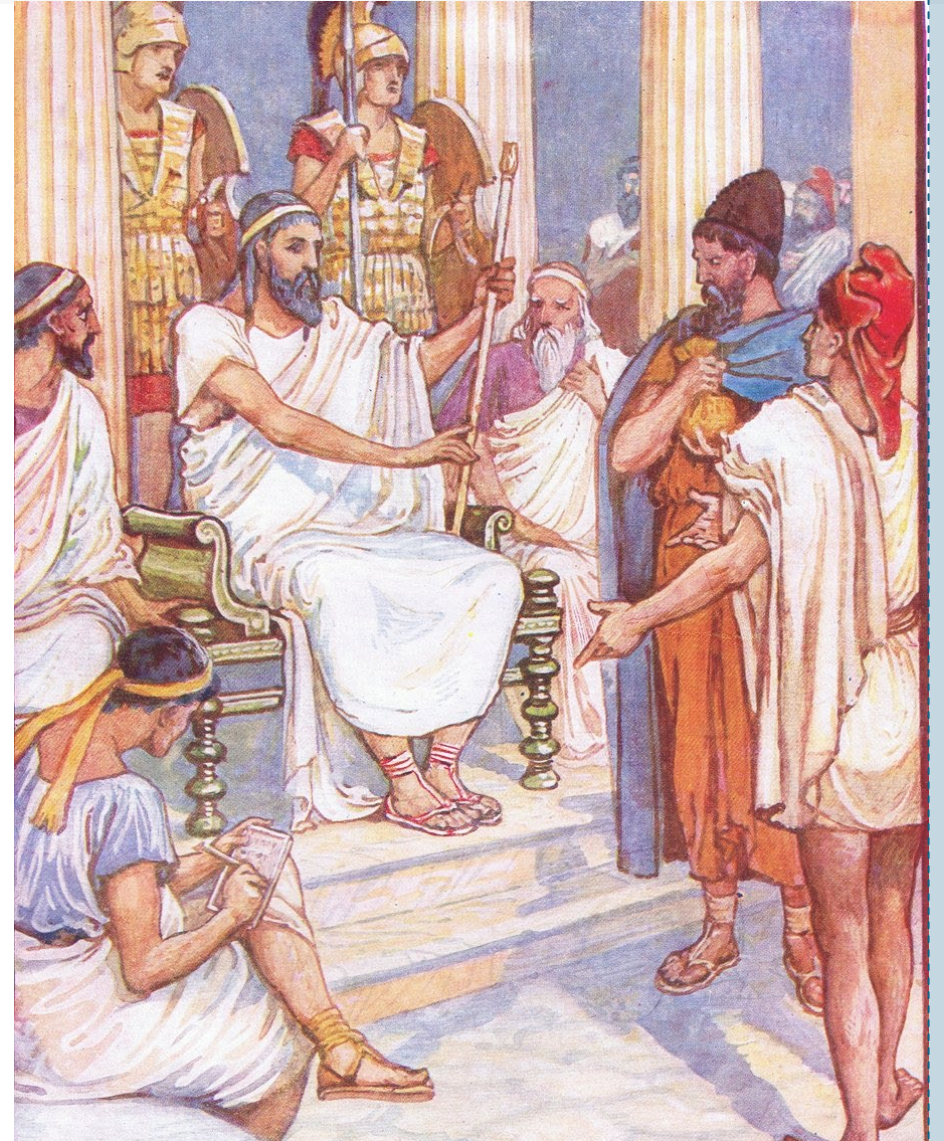


# Introduction

- At the outset, we want to acknowledge the pain of those who have suffered sexual assaults and abuse.
- IPDC fully recognizes the scope and seriousness of the trauma such abuse has caused.
- We also want to acknowledge the extensive work the General Assembly has done to deter such abuse and to help those who have suffered.
- Our testimony today reflects our view that the appropriate balance has been struck between state prosecutions and the interests of victims.

# Origins

- Time limits on litigation can be traced back to ancient Greece and Rome
- In criminal cases, time limits have been a feature of Anglo-American law since at least the early 16<sup>th</sup> Century.
- Federal crimes have been subject to a statute of limitations period since 1790.
- Limitations on actions existed in Indiana at the time of statehood.



“[Statutes of limitations] are made for the repose of society and the protection of those who may, in that time, have lost their means of defence.”

-- *St. Louis Pub. Sch. v. Walker* (1869)

# Why Statutes of Limitations Exist



## Prevent Prejudice

Protect against fading memory  
Minimize the ravages of time



## Provide Predictability

Reduce surprise  
Discourage malicious prosecution



## Promote Proactivity

Encourage early reporting  
Incentivize diligent investigation

“[S]tatutes [of limitations] represent legislative assessments of relative interests of the State and the defendant in administering and receiving justice.”

-- *United States v. Marion* (1971)

# Reaching the Right Balance

## Changes for child molesting

- In the 1990s, amendments allow prosecution of child abuse offenses long after the victim reaches adulthood.

## Changes for rape

- In 2015, limitations period was extended in cases of rape upon the discovery of DNA, recordings, or a confession.

## Changes to sexual abuse generally

- In 2020 and 2023, amendments extend exceptions for DNA, recordings, and confessions to sex offenses against children.

# Overview of Current Limitations

- Murder—none
- Class A and Level 1 and 2: none (unless its child molesting)
- All other felonies: 5 years after commission
  - Or one year after DNA is discovered
  - Or, if one of several sex crimes primarily including those against children, when the alleged victim reaches 31
  - Or, if a sex offense against a child, not included above, 10 years, or within 4 years of when the person ceases to be a dependent of the alleged defendant
  - Or, for rape as a Class B or Level 3, not later than 5 years after DNA, recording, or confession (which also applies to several of the other instances above)



# The Slippery Slope

Today

- Murder, Level 1, and Level 2 felonies

Tomorrow

- Add rape and child molesting

Eventually

- All Level 3 Felonies





# Questions?

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