

# Criminal Statutes of Limitations Indiana

*Last Updated: April 2023*

**Promotion of human sexual trafficking; promotion of child sexual trafficking; promotion of sexual trafficking of a younger child; child sexual traffic; human trafficking**

Question	Answer
What is the statute of limitations for this crime?	<ol style="list-style-type: none"><li>1. Promotion of human sexual trafficking: Level Four felony</li><li>2. Promotion of child sexual trafficking: Level Three felony</li><li>3. Promotion of sexual trafficking of a younger child: Level Three felony</li><li>4. Child sexual trafficking: Level Two felony</li><li>5. Human trafficking: Level Four felony</li></ol> <p>The statute of limitations for this crime depends upon the crime's classification, detailed above.</p> <ol style="list-style-type: none"><li>1. For a Level Three and Four felony:<ul style="list-style-type: none"><li>• If the victim is under the age of 18: A prosecution must be brought within ten years after commission of the offense or within four years after the person ceases to be dependent of the person alleged to have committed the offense, whichever occurs later.<ul style="list-style-type: none"><li>• Provided, however, if the prosecution would otherwise be barred under the foregoing section (a), a prosecution may be commenced not later than five years after the earlier of the date on which: (i) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (ii) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (iii) a person confesses to the offense.</li></ul></li><li>• If the victim is 18 or older: A prosecution must be</li></ul></li></ol>

	<p>brought within five years after commission of the offense.</p> <ul style="list-style-type: none"> <li>• Provided, however, if the prosecution would otherwise be barred under the foregoing section (b), a prosecution may be commenced within one year after the earlier of the date on which the state: (i) first discovers evidence sufficient to charge the offender with the offense through DNA analysis; or (ii) could have discovered evidence sufficient to charge the offender with the offense through DNA analysis through the exercise of due diligence.</li> </ul> <p>2. For a Level Two felony: Prosecution may be commenced at any time.</p>
Statutory citation(s):	<p>1. Citation for the crime:</p> <ul style="list-style-type: none"> <li>• Promotion of Human Sexual Trafficking: Ind. Code § 35-42-3.5-1.1;</li> <li>• Promotion of Child Sexual Trafficking; promotion of sexual trafficking on a younger child: Ind. Code § 35-42-3.5-1.2;</li> <li>• Child sexual trafficking: Ind. Code § 35-42-3.5-1.3;</li> <li>• Human trafficking: Ind. Code Ann. § 35-42-3.5-1.4.</li> </ul> <p>2. Citation for the statute of limitations: Ind. Code § 35-41-4-2</p>

## Rape

Question	Answer
What is the statute of limitations for this crime?	<p>Rape is a:</p> <ol style="list-style-type: none"> <li>1. Level Three felony if the offender knowingly or intentionally has sexual intercourse with another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct when victim is compelled by force or imminent threat of force, victim is unaware that sexual intercourse is occurring,</li> </ol>

or victim is so mentally disabled or deficient that consent to sexual intercourse cannot be given; or

2. Level One felony if, in addition to the circumstances described above:

- The rape is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- The rape results in serious bodily injury to someone other than perpetrator; or
- The commission of the rape is facilitated by furnishing the victim, without victim's knowledge, with a drug or controlled substance, or knowing that victim was furnished with a drug or controlled substance without victim's knowledge.

The statute of limitations for this crime depends upon the crime's classification, detailed above.

1. For a Level Three felony:

- If the victim is under the age of 18: A prosecution must be brought within ten years after commission of the offense or within four years after the person ceases to be dependent of the person alleged to have committed the offense, whichever occurs later.
  - Provided, however, if the prosecution would otherwise be barred under the foregoing section (a), a prosecution may be commenced not later than five years after the earlier of the date on which: (i) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (ii) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (iii) a person confesses to the offense.
- If the victim is 18 or older: A prosecution must be brought within five years after commission of the offense.
  - Provided, however, if the prosecution would otherwise be barred under the foregoing

	<p>section (b), a prosecution may be commenced within one year after the earlier of the date on which the state: (i) first discovers evidence sufficient to charge the offender with the offense through DNA analysis; or (ii) could have discovered evidence sufficient to charge the offender with the offense through DNA analysis through the exercise of due diligence.</p> <p>2. For a Level One felony: A prosecution may be commenced at any time.</p>
Statutory citation(s):	<p>1. Citation for the crime: Ind. Code § 35-42-4-1.  2. Citation for the statute of limitations: Ind. Code § 35-41-4-2.</p>

## Child molesting

Question	Answer
<p>What is the statute of limitations for this crime?</p>	<p>Child molesting is a:</p> <p>Level Three felony, if a person who, with a child under 14 years of age, knowingly or intentionally performs or submits to sexual intercourse or other sexual conduct. However, the offense is a Level One felony if:</p> <ul style="list-style-type: none"> <li>• It is committed by a person at least 21 years of age;</li> <li>• It is committed by using or threatening the use of deadly force or while armed with a deadly weapon;</li> <li>• It results in serious bodily injury;</li> <li>• The commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug or controlled substance, or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge; or</li> <li>• It results in the transmission of a dangerous sexually</li> </ul>

transmitted disease and the person knew that the person was infected with the disease.

Level Four felony, if a person who, with a child under 14 years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person. However, the offense is a Level Two felony if:

- It is committed by using or threatening the use of deadly force;
- It is committed while armed with a deadly weapon; or
- The commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug or a controlled substance, or knowing that the victim was furnished the drug or controlled substance without the victim's knowledge.

The statute of limitations for this crime is as follows:

1. A prosecution must be commenced before the date that the alleged victim of the offense reaches 31 years of age.
2. Provided, however, if the prosecution would otherwise be barred under the foregoing section (1), a prosecution may be commenced not later than five years after the earlier of the date on which: (i) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (ii) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (iii) a person confesses to the offense.

Statutory citation(s):

1. Citation for the crime: Ind. Code § 35-42-4-3.
2. Citation for the statute of limitations: Ind. Code §§ 35-41-4-2(e), (p).

## Child Exploitation/Possession of Child Pornography

Question	Answer
What is the statute of limitations for this crime?	<p>Child exploitation is a:</p> <ul style="list-style-type: none"><li>• Level Five felony for a person who:<ul style="list-style-type: none"><li>• Knowingly or intentionally manages, produces, sponsors, presents, exhibits, photographs, films, videotapes, or creates a digitized image of any performance or incident that includes sexual conduct by a child under 18 years of age; or</li><li>• Knowingly or intentionally disseminates, exhibits to another person, offers to disseminate or exhibit to another person, or sends or brings into Indiana for dissemination or exhibition matter that depicts or describes sexual conduct by a child under 18 years of age; or</li><li>• Knowingly or intentionally makes a computer available to another person that contains matter that depicts or describes sexual conduct by a child less than 18;</li><li>• With the intent to satisfy or arouse the sexual desires of any person, knowingly or intentionally manages, produces, sponsors, presents, exhibits, photographs, films, videotapes or creates digitized images of, or disseminates or exhibits, or offers to disseminate or exhibit or sends or brings into Indiana for dissemination or exhibition, any photographs, films, videotapes; or creates a digitalized image of, any performances or incident that includes the uncovered genitals of a child less than 18 or the exhibition of the female breast with less than a fully opaque covering of any part of the nipple of a child less than 18; or making available to another person a computer, knowing that the computer contains the above described matter; or</li><li>• Knowingly or intentionally produces, disseminates, or possesses with intent to disseminate an image that depicts or describes sexual conduct (a) by a child who the person knows is less than 18 years of age, (b) by a child</li></ul></li></ul>

less than 18 years of age, or by a person who appears to be a child less than 18 years of age, if the image is obscene, or (c) that is simulated sexual conduct involving a representation that appears to be a child less than 18 years of age, if the representation of the image is obscene.

- Level Four felony:
  - However the offense described above is a Level Four felony if (a) the sexual conduct, matter, performance, or incident depicts or describes a child less than 18 years engaging in bestiality; is mentally disabled or deficient; participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force; physically or verbally resists participating in the sexual conduct, matter, performance, or incident; receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or is less than 12 years of age; or (b) the child less than 18 years of age: engages in bestiality; is mentally disabled or deficient; participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force; physically or verbally resists participating in the sexual conduct, matter, performance, or incident; receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or is less than 12 years of age.

Possession of Child Pornography is a:

- Level Six felony:
  - If a person knowingly or intentionally possesses or accesses with intent to view a picture, drawing, photograph, negative image, undeveloped film, motion picture, videotape; digitalized image, or any pictorial representation, that depict or describe sexual conduct by a child who the person knows is under 18, a child under 18 or looks to be less than 18 if the representation of the image is obscene, or that is simulated sexual conduct involving a representation that appears to

be a child under 18 if the representation of the image is obscene.

- Level Five felony:
  - However, the offense described above constitutes a Level Five felony if (a) the sexual conduct, matter, performance, or incident depicts or describes a child less than 18 years engaging in bestiality; is mentally disabled or deficient; participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force; physically or verbally resists participating in the sexual conduct, matter, performance, or incident; receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or is less than 12 years of age; or (b) the child less than 18 years of age: engages in bestiality; is mentally disabled or deficient; participates in the sexual conduct, matter, performance, or incident by use of force or the threat of force; physically or verbally resists participating in the sexual conduct, matter, performance, or incident; receives a bodily injury while participating in the sexual conduct, matter, performance, or incident; or is less than 12 years of age.

The statute of limitations for this crime is as follows:

1. Prosecution must be commenced within ten years after the commission of the offense, or within four years after the victim ceases to be a dependent of the person alleged to have committed the offense, whichever occurs later.
2. Provided, however, if the prosecution would otherwise be barred under the foregoing section (1), a prosecution may be commenced not later than five years after the earlier of the date on which: (i) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (ii) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (iii) a person confesses

to the offense.

Statutory citation(s):

1. Citation for the crime: Ind. Code § 35-42-4-4.
2. Citation for the statute of limitations: Ind. Code §§ 35-41-4- 2(m), (p).

### **Vicarious sexual gratification; fondling in the presence of a minor.**

Question

What is the statute of limitations for this crime?

Answer

Vicarious sexual gratification is a:

- Level Five felony for an offender 18 or older who knowingly or intentionally directs, aids, induces, or causes a child under the age of 16 to touch or fondle himself or another child under the age of 16 with intent to arouse or satisfy the sexual desires of a child or the older person. However, the offense is a:
  - Level Four felony if a child involved in the offense is under the age of 14;
  - Level Three felony if the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon; or the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug or a controlled substance or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge or if it results in serious bodily injury.
- Level Four felony if a person 18 years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age 16 to: engage in sexual intercourse with another child under 16 years of age; engage in sexual conduct with an animal other than a human being; or engage in other sexual conduct with another person; all with intent to arouse or satisfy the sexual desires of a child or the older person. However,

the offense is a:

- Level Three felony if a child involved in the offense is under the age of 14;
- Level Two felony if the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon; or the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug or a controlled substance or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge or if it results in serious bodily injury.
- Level Six felony if a person 18 years of age or older who knowingly or intentionally engages in sexual intercourse; engages in other sexual conduct; or touches or fondles the person's own body in the presence of a child less than 14 years of age with the intent to arouse or satisfy the sexual desires of the child or the older persons commits performing sexual conduct in the presence of a minor.

The statute of limitations for this crime is as follows:

1. A prosecution must be commenced before the date that the alleged victim of the offense reaches 31 years of age.
2. Provided, however, if the prosecution would otherwise be barred under the foregoing section (1), a prosecution may be commenced not later than five years after the earlier of the date on which: (i) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (ii) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (iii) a person confesses to the offense.

Statutory citation(s):

1. Citation for the crime: Ind. Code § 35-42-4-5.
2. Citation for the statute of limitations: Ind. Code §§ 35-41-4-2(e), (p).

## Child solicitation

Question	Answer
Statutory citation(s):	<p>Child solicitation is a:</p> <ul style="list-style-type: none"><li>• Level Five felony if a person age 18 or older knowingly or intentionally solicits a child under 14 years of age, or an individual the person believes to be a child under 14 years of age, to engage in (a) sexual intercourse, (b) other sexual conduct, or (c) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person.</li><li>• Level Four felony if the above crime is committed by using a computer network (as defined in § 35-43-2-3) and the offender travels to meet the child, or the offender has a previous unrelated conviction for a child solicitation offense.</li><li>• Level Five felony if a person age 21 or older knowingly or intentionally solicits an individual at least 14 years old but less than 16 years old (or a person the offender believes to be between 14 years old and 16 years old) to engage in (1) sexual intercourse, (2) other sexual conduct, or (3) any fondling or touching intended to arouse or satisfy the sexual desires of either the child or the older person.</li><li>• Level Four felony if the above crime is committed by a person who solicits the child or individual the person believes to be a child at least 14 years of age but less than 16 years of age by using a computer network (as defined in § 35-43-2-3) and the offender travels to meet the child, or the offender has a previous unrelated conviction for an offense under this section.</li></ul> <p>The statute of limitations for this crime is as follows:</p> <ol style="list-style-type: none"><li>1. A prosecution must be commenced before the date that</li></ol>

	<p>the alleged victim of the offense reaches 31 years of age.</p> <p>2. Provided, however, if the prosecution would otherwise be barred under the foregoing section (1), a prosecution may be commenced not later than five years after the earlier of the date on which: (i) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (ii) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (iii) a person confesses to the offense.</p>
<p>What is the statute of limitations for this crime?</p>	<p>1. Citation for the crime: Ind. Code § 35-42-4-6.  2. Citation for the statute of limitations: Ind. Code §§ 35-41-4-2(e), (p).</p>

## Child seduction

Question	Answer
<p>What is the statute of limitations for this crime?</p>	<p>Child seduction is a:</p> <ul style="list-style-type: none"> <li>• Level Six felony if the child is at least 16 years of age but less than 18 years of age and the person or law enforcement officer engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of the child or the person or law enforcement officer;</li> <li>• Level Five felony if the child is at least 16 years of age but less than 18 years of age and the person or law enforcement officer engaged in sexual intercourse or other sexual conduct with the child;</li> <li>• Level Five felony if the child is at least 14 years of age but less than 16 years of age and the person or law enforcement officer engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of the child the person or law enforcement</li> </ul>

- officer;
- Level Four felony if the child is at least 14 years of age but less than 16 years of age and the person or law enforcement officer engaged in sexual intercourse or other sexual conduct with the child;
- Level Three felony if the child is thirteen years of age or under and the person or law enforcement officer engaged in any fondling or touching with the intent to arouse or satisfy the sexual desires of the child or the person or law enforcement officer; and
- Level Two felony if the child is thirteen years of age or under and the person or law enforcement officer engaged in sexual intercourse or other sexual conduct with the child.

The statute of limitations for this crime is as follows:

1. A prosecution must be commenced before the date that the alleged victim of the offense reaches 31 years of age.
2. Provided, however, if the prosecution would otherwise be barred under the foregoing section (1), a prosecution may be commenced not later than five years after the earlier of the date on which: (i) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (ii) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (iii) a person confesses to the offense.

Statutory citation(s):

1. Citation for the crime: Ind. Code § 35-42-4-7.
2. Citation for the statute of limitations: Ind. Code §§ 35-41-4-2(e), (p).

## Sexual battery

Question

Answer

What is the statute of limitations for this crime?

Sexual battery is a:

- Level Six felony if the perpetrator, with the intent to arouse or satisfy perpetrator's own sexual desires or the sexual desires of another:
  - Touches victim when victim is compelled to submit to the touching by force or the imminent threat of force or so mentally disabled or deficient that consent to the touching cannot be given; or
  - Touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring.
- Level Four felony if, along with description above, the offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon, or if commission of the offense is facilitated by furnishing the victim, without victim's knowledge, with a drug or controlled substance, or knowing that victim was furnished with a drug or controlled substance without victim's knowledge.

The statute of limitations for this crime depends upon the crime's classification, detailed above.

1. For a Level Four or Six felony:

- If the victim is under the age of 18: A prosecution must be brought within ten years after commission of the offense or within four years after the person ceases to be dependent of the person alleged to have committed the offense, whichever occurs later.
  - Provided, however, if the prosecution would otherwise be barred under the foregoing section (a), a prosecution may be commenced not later than five years after the earlier of the date on which: (i) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (ii) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (iii) a person confesses

	<p>to the offense.</p> <ul style="list-style-type: none"> <li>• If the victim is 18 or older: A prosecution must be brought within five years after commission of the offense. <ul style="list-style-type: none"> <li>• Provided, however, for a Level Four felony only, if the prosecution would otherwise be barred under the foregoing section (b), a prosecution may be commenced within one year after the earlier of the date on which the state: (i) first discovers evidence sufficient to charge the offender with the offense through DNA analysis; or (ii) could have discovered evidence sufficient to charge the offender with the offense through DNA analysis through the exercise of due diligence.</li> </ul> </li> </ul>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ind. Code § 35-42-4-8.</li> <li>2. Citation for the statute of limitations: Ind. Code § 35-41-4-2.</li> </ol>

## Sexual misconduct with a minor

Question	Answer
What is the statute of limitations for this crime?	<p>Sexual misconduct with a minor is a:</p> <ul style="list-style-type: none"> <li>• Level Five felony if a person at least 18 knowingly or intentionally performs or submits to sexual intercourse or other sexual conduct with a child less than 16, but: <ul style="list-style-type: none"> <li>• Level Four felony if perpetrator is at least 21; or</li> <li>• Level One felony if offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon, if it results in serious bodily injury or if commission of the offense is facilitated by furnishing the victim, without victim's knowledge, with a drug or</li> </ul> </li> </ul>

controlled substance, or knowing that victim was furnished with a drug or controlled substance without victim's knowledge.

- Level Six felony if a person at least 18 knowingly or intentionally performs or submits to any fondling or touching with a child less than 16 with intent to arouse or satisfy the sexual desires of either the child or the older person, but:
  - Level Five felony if perpetrator is at least 21; or
  - Level Two felony if offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon, or if commission of the offense is facilitated by furnishing the victim, without victim's knowledge, with a drug or controlled substance, or knowing that victim was furnished with a drug or controlled substance without victim's knowledge.

The statute of limitations for this crime is as follows:

1. A prosecution must be commenced before the date that the alleged victim of the offense reaches 31 years of age.
2. Provided, however, if the prosecution would otherwise be barred under the foregoing section (1), a prosecution may be commenced not later than five years after the earlier of the date on which: (i) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (ii) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (iii) a person confesses to the offense.

Statutory citation(s):

1. Citation for the crime: Ind. Code § 35-42-4-9.
2. Citation for the statute of limitations: Ind. Code §§ 35-41-4-2(e), (p).

**Incest (Applies to offenders age 18 or older)**

Question	Answer
What is the statute of limitations for this crime?	<p>Incest is a:</p> <ul style="list-style-type: none"> <li>• Level Five felony if the offender engages in sexual intercourse or other sexual conduct with another person, when the person knows that the other person is related to the person biologically as a parent, child, grandparent, grandchild, sibling, aunt, uncle, niece, or nephew and the victim is over the age of 16.</li> <li>• Level Four felony if the victim is under the age of 16.</li> </ul> <p>The statute of limitations for this crime is as follows:</p> <ol style="list-style-type: none"> <li>1. A prosecution must be commenced before the date that the alleged victim of the offense reaches 31 years of age.</li> <li>2. Provided, however, if the prosecution would otherwise be barred under the foregoing section (1), a prosecution may be commenced not later than five years after the earlier of the date on which: (i) the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis; (ii) the state first becomes aware of the existence of a recording that provides evidence sufficient to charge the offender with the offense; or (iii) a person confesses to the offense.</li> </ol>
Statutory citation(s):	<ol style="list-style-type: none"> <li>1. Citation for the crime: Ind. Code § 35-46-1-3.</li> <li>2. Citation for the statute of limitations: Ind. Code § 35-41-4-2(e), (p).</li> </ol>

### **Failure of carriers of dangerous communicable diseases to warn persons at risk**

Question	Answer
What is the statute of limitations for this crime?	This statute has been repealed.
Statutory citation(s):	This statute has been repealed.

## Are there any exceptions to the statute of limitations laws?

Question	Answer
Exceptions	<ul style="list-style-type: none"><li>• A prosecution for a Class B or C felony (for a crime committed before July 1, 2014) or a Level Three, Four, or Five felony (for a crime committed after June 30, 2014) that would otherwise be barred may be commenced within one year after the earlier of the date on which the state first discovers evidence sufficient to charge the offender with the offense through DNA analysis, or the date on which the state could have discovered evidence sufficient to charge the offender with the offense through DNA analysis by the exercise of due diligence. Ind. Code § 35-41-4-2.</li></ul>

## Anything else I should know?

Question	Answer
Anything else I should know?	<ul style="list-style-type: none"><li>• Pursuant to Ind. Code § 35-41-4-2(h), the period within which a prosecution must be commenced does not include any period in which:<ul style="list-style-type: none"><li>• The accused person is not usually and publicly resident in the state or so conceals himself or herself that process cannot be served;</li><li>• The accused person conceals evidence of the offense, and evidence sufficient to charge the person with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; example:<ul style="list-style-type: none"><li>• If an offender conceals the molestation of a child through intimidation, that action tolls the statute of limitations, not merely until the date the offender's molestation ceased, as pursuant to the tolling statute, because once concealment of evidence of an offense by a defendant has been established, statutes of limitations for criminal offenses are tolled until a prosecuting authority becomes aware or should have become aware of sufficient evidence to charge the defendant. <i>Sloan v. State</i>, 947 N.E.2d 917 (Ind. 2011).</li></ul></li></ul></li></ul>

- For purposes of tolling the period of limitations only, a prosecution is considered commenced on the earliest of these dates: (1) The date of filing of an indictment, information, or complaint before a court having jurisdiction; (2) The date of issuance of a valid arrest warrant; or (3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest. Ind. Code § 35-41-4-2(h).
- A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the statute of limitations has expired. Ind. Code § 35-41-4-2(j).
- If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal. Ind. Code § 35-41-4-2(g).
- An individual who remains silent and fails to report to: (1) the Dept. of Child Services; or (2) the local law enforcement agency, when has reason to believe that a child is a victim of child abuse or neglect, incurs in concealment that tolls the statute for the offense of failure to report until a prosecutor receives evidence about the possibility of prior knowledge by this defendant of the alleged misconduct. Ind. Code § 31-33-5-2, § 31-33-5-2. *See also, Gilliland v. State*, 979 N.E.2d 1049 (Ind. Ct. App. 2012).