

**INDIANA**

<b>SEXUAL OFFENSE STATUTES</b>	<b>STATUTE OF LIMITATIONS</b>	<b>DNA EXCEPTION</b>
<p>IND. CODE § 35-42-4-1 Rape</p> <p>(a) Class B felony if offender knowingly or intentionally has sexual intercourse with a member of the opposite sex when victim is compelled by force or imminent threat of force, victim is unaware that sexual intercourse is occurring, or victim is so mentally disable or deficient that consent to sexual intercourse cannot be given</p> <p>(b) Class A felony if, along with description above:</p> <ul style="list-style-type: none"> <li>• The rape is committed by using or threatening the use of deadly force or while armed with a deadly weapon</li> <li>• The rape results in serious bodily injury to someone other than perpetrator, or</li> <li>• 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</li> </ul> <p>IND. CODE § 35-42-4-2 Criminal deviate conduct</p> <p>(a) Class B felony if perpetrator knowingly or intentionally causes victim to perform or</p>	<p>IND. CODE § 35-41-4-2 Periods of limitation</p> <p>(a) (1) For a class B, class C, or class D felony, within five years after commission of the offense</p> <p>(a) (2) For a misdemeanor, within two years after commission of the offense</p> <p>(c) No time limit for a class A felony</p> <p>(e) (1) For the following offenses, prosecution must be commenced before victim reaches 31 years of age:</p> <ul style="list-style-type: none"> <li>• Child molesting (§ 35-42-4-3)</li> <li>• Incest (§ 35-46-1-3)</li> </ul>	<p>IND. CODE § 35-41-4-2 Periods of limitation</p> <p>(b) A prosecution for a class B or class C felony that would otherwise be barred by § 35-41-4-2 may be commenced within one year after 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, whichever occurs earlier</p>

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<p>submit to deviate sexual conduct when victim is compelled by force or imminent threat of force, victim is unaware that conduct is occurring, or victim is so mentally disabled or deficient that consent to conduct cannot be given</p> <p>(b) Class A felony if, along with description above:</p> <ul style="list-style-type: none"> <li>• The offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon</li> <li>• The offense results in seriously bodily injury to someone other than perpetrator, or</li> <li>• 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</li> </ul> <p>IND. CODE § 35-42-4-3 Child molesting</p> <p>(a) Class B felony if perpetrator performs or submits to sexual intercourse or deviate sexual conduct with a child under 14</p> <p>(a) Class A felony if, along with description above:</p> <ul style="list-style-type: none"> <li>• Offender is at least 21</li> <li>• The offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon, or</li> <li>• Commission of the offense is facilitated by</li> </ul>		
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<p>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</p> <p>(b) Class C felony if perpetrator performs or submits to any fondling or touching with intent to arouse or satisfy the sexual desires of either the child or the older person</p> <p>(c) Class A felony if, along with description above:</p> <ul style="list-style-type: none"> <li>• The offense is committed by using or threatening the use of deadly force or while armed with a deadly weapon, or</li> <li>• 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</li> </ul> <p>IND. CODE § 35-42-4-5 Vicarious sexual gratification.</p> <p>(a) Class D 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 commits vicarious sexual gratification.</p> <p>(b) Class C felony if a child involved in the offense is under the age of 14.</p>		
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<p>(c) Class D 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.</p> <p>(d) Class A felony if it results in serious bodily injury.</p> <p>Also:</p> <p>(e) Class C felony A person eighteen (18) years of age or older who knowingly or intentionally directs, aids, induces, or causes a child under the age 16 to: (1) engage in sexual intercourse with another child under 16 years of age; (2) engage in sexual conduct with an animal other than a human being; or (3) engage in deviate sexual conduct with another person; all with intent to arouse or satisfy the sexual desires of a child or the older person commits vicarious sexual gratification</p> <p>(f) The above (e) offense is a Class B felony if any child involved in the offense is less than 14 years of age, and it is a Class A felony if the offense is committed by using or threatening the use of deadly force, if it is committed while armed with a deadly weapon, if it results in serious bodily injury, or if the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a</p>		
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<p>drug or a controlled substance or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.</p> <p>Also:</p> <p>(g) Class D felony if a person eighteen (18) years of age or older who knowingly or intentionally: (1) engages in sexual intercourse; (2) engages in deviate sexual conduct; or (3) 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 person commits performing sexual conduct in the presence of a minor.</p> <p>IND. CODE § 35-42-4-7 Child seduction.</p> <p>Class D felony if a person who: (1) is at least 18 years of age; and (2) is: (a) the: (i) guardian, adoptive parent, adoptive grandparent, custodian, or stepparent of; or (ii) child care worker for; or (b) a military recruiter who is attempting to enlist; a child at least 16 years of age but less than eighteen 18 years of age; engages with the child in sexual intercourse, deviate sexual conduct, or any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or the adult.</p>		
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<p>IND. CODE § 35-42-4-8 Sexual battery</p> <p>(a) Class D felony if perpetrator, with 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</p> <p>(b) Class C felony if, along with description above, 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</p> <p>IND. CODE § 35-42-4-9 Sexual misconduct with a minor</p> <p>(a) Class C felony if a person at least 18 performs or submits to sexual intercourse or deviate sexual conduct with a child at least 14 but less than 16, but:</p> <ul style="list-style-type: none"> <li>• (a) (1) Class B felony if perpetrator is at least 21</li> <li>• (a) (2) Class A 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</li> </ul>		
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<p>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</p> <p>(b) Class D felony if a person at least 18 performs or submits to any fondling or touching with intent to arouse or satisfy the sexual desires of either the child or the older person, with a child at least 14 but less than 16, but:</p> <ul style="list-style-type: none"> <li>• (b) (1) Class C felony if perpetrator is at least 21</li> <li>• (b) (2) Class B 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</li> </ul> <p>IND. CODE § 35-46-1-3 Incest (Applies to offenders age 18 or older)  Class B felony if victim is under 16  Otherwise, class C felony. Marriage is a defense.</p>		
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