

By: Watson

S.B. No. 735

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations for certain sexual assault offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 12, Code of Criminal Procedure, is amended by adding Article 12.051 to read as follows:

Art. 12.051. TOLLING OF LIMITATION PERIOD IN CERTAIN SEXUAL ASSAULT CASES. (a) This article applies only to sexual assault under Section 22.011, Penal Code, and aggravated sexual assault under Section 22.021, Penal Code.

(b) If biological matter is collected during the investigation of an offense to which this article applies, the running of the period of limitation for the offense is tolled from the date on which the biological matter is first collected until the date on which forensic DNA testing results show that all DNA profiles derived from the matter match one or more persons, all of whose identities are readily ascertained.

SECTION 2. Article 12.01, Code of Criminal Procedure, is amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation:

(A) murder and manslaughter;

1 (B) sexual assault under Section 22.011(a)(2),  
2 Penal Code, or aggravated sexual assault under Section  
3 22.021(a)(1)(B), Penal Code;

4 (C) sexual assault, if[+  
5 [~~(i) during the investigation of the~~  
6 ~~offense biological matter is collected and subjected to forensic~~  
7 ~~DNA testing and the testing results show that the matter does not~~  
8 ~~match the victim or any other person whose identity is readily~~  
9 ~~ascertained; or~~

10 [~~(ii)~~] probable cause exists to believe  
11 that the defendant has committed the same or a similar sexual  
12 offense against five or more victims;

13 (D) continuous sexual abuse of young child or  
14 children under Section 21.02, Penal Code;

15 (E) indecency with a child under Section 21.11,  
16 Penal Code;

17 (F) an offense involving leaving the scene of an  
18 accident under Section 550.021, Transportation Code, if the  
19 accident resulted in the death of a person;

20 (G) trafficking of persons under Section  
21 20A.02(a)(7) or (8), Penal Code;

22 (H) continuous trafficking of persons under  
23 Section 20A.03, Penal Code; or

24 (I) compelling prostitution under Section  
25 43.05(a)(2), Penal Code;

26 (2) ten years from the date of the commission of the  
27 offense:

1 (A) theft of any estate, real, personal or mixed,  
2 by an executor, administrator, guardian or trustee, with intent to  
3 defraud any creditor, heir, legatee, ward, distributee,  
4 beneficiary or settlor of a trust interested in such estate;

5 (B) theft by a public servant of government  
6 property over which he exercises control in his official capacity;

7 (C) forgery or the uttering, using or passing of  
8 forged instruments;

9 (D) injury to an elderly or disabled individual  
10 punishable as a felony of the first degree under Section 22.04,  
11 Penal Code;

12 (E) sexual assault, except as provided by  
13 Subdivision (1);

14 (F) arson;

15 (G) trafficking of persons under Section  
16 20A.02(a)(1), (2), (3), or (4), Penal Code; or

17 (H) compelling prostitution under Section  
18 43.05(a)(1), Penal Code;

19 (3) seven years from the date of the commission of the  
20 offense:

21 (A) misapplication of fiduciary property or  
22 property of a financial institution;

23 (B) securing execution of document by deception;

24 (C) a felony violation under Chapter 162, Tax  
25 Code;

26 (D) false statement to obtain property or credit  
27 under Section 32.32, Penal Code;

- 1 (E) money laundering;
- 2 (F) credit card or debit card abuse under Section  
3 32.31, Penal Code;
- 4 (G) fraudulent use or possession of identifying  
5 information under Section 32.51, Penal Code;
- 6 (H) exploitation of a child, elderly individual,  
7 or disabled individual under Section 32.53, Penal Code;
- 8 (I) Medicaid fraud under Section 35A.02, Penal  
9 Code; or
- 10 (J) bigamy under Section 25.01, Penal Code,  
11 except as provided by Subdivision (6);
- 12 (4) five years from the date of the commission of the  
13 offense:
- 14 (A) theft or robbery;
- 15 (B) except as provided by Subdivision (5),  
16 kidnapping or burglary;
- 17 (C) injury to an elderly or disabled individual  
18 that is not punishable as a felony of the first degree under Section  
19 22.04, Penal Code;
- 20 (D) abandoning or endangering a child; or
- 21 (E) insurance fraud;
- 22 (5) if the investigation of the offense shows that the  
23 victim is younger than 17 years of age at the time the offense is  
24 committed, 20 years from the 18th birthday of the victim of one of  
25 the following offenses:
- 26 (A) sexual performance by a child under Section  
27 43.25, Penal Code;

1 (B) aggravated kidnapping under Section  
2 20.04(a)(4), Penal Code, if the defendant committed the offense  
3 with the intent to violate or abuse the victim sexually; or

4 (C) burglary under Section 30.02, Penal Code, if  
5 the offense is punishable under Subsection (d) of that section and  
6 the defendant committed the offense with the intent to commit an  
7 offense described by Subdivision (1)(B) or (D) of this article or  
8 Paragraph (B) of this subdivision;

9 (6) ten years from the 18th birthday of the victim of  
10 the offense:

11 (A) trafficking of persons under Section  
12 20A.02(a)(5) or (6), Penal Code;

13 (B) injury to a child under Section 22.04, Penal  
14 Code; or

15 (C) bigamy under Section 25.01, Penal Code, if  
16 the investigation of the offense shows that the person, other than  
17 the legal spouse of the defendant, whom the defendant marries or  
18 purports to marry or with whom the defendant lives under the  
19 appearance of being married is younger than 18 years of age at the  
20 time the offense is committed; or

21 (7) three years from the date of the commission of the  
22 offense: all other felonies.

23 SECTION 3. The changes in law made by this Act do not apply  
24 to an offense if the prosecution of that offense becomes barred by  
25 limitation before the effective date of this Act. The prosecution  
26 of that offense remains barred as if this Act had not taken effect.

27 SECTION 4. This Act takes effect September 1, 2019.