

1-1 By: Toth, et al. (Senate Sponsor - Alvarado) H.B. No. 148
 1-2 (In the Senate - Received from the House April 27, 2021;
 1-3 May 10, 2021, read first time and referred to Committee on Criminal
 1-4 Justice; May 20, 2021, reported favorably by the following vote:
 1-5 Yeas 6, Nays 0; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the limitations period for certain criminal offenses
 1-18 based on assaultive conduct.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 12.01, Code of Criminal Procedure, is
 1-21 amended to read as follows:

1-22 Art. 12.01. FELONIES. Except as provided in Article 12.03,
 1-23 felony indictments may be presented within these limits, and not
 1-24 afterward:

1-25 (1) no limitation:

1-26 (A) murder and manslaughter;

1-27 (B) sexual assault under Section 22.011(a)(2),
 1-28 Penal Code, or aggravated sexual assault under Section
 1-29 22.021(a)(1)(B), Penal Code;

1-30 (C) sexual assault, if:

1-31 (i) during the investigation of the offense
 1-32 biological matter is collected and the matter:

1-33 (a) has not yet been subjected to
 1-34 forensic DNA testing; or

1-35 (b) has been subjected to forensic DNA
 1-36 testing and the testing results show that the matter does not match
 1-37 the victim or any other person whose identity is readily
 1-38 ascertained; or

1-39 (ii) probable cause exists to believe that
 1-40 the defendant has committed the same or a similar sex offense
 1-41 against five or more victims;

1-42 (D) continuous sexual abuse of young child or
 1-43 children under Section 21.02, Penal Code;

1-44 (E) indecency with a child under Section 21.11,
 1-45 Penal Code;

1-46 (F) an offense involving leaving the scene of an
 1-47 accident under Section 550.021, Transportation Code, if the
 1-48 accident resulted in the death of a person;

1-49 (G) trafficking of persons under Section
 1-50 20A.02(a)(7) or (8), Penal Code;

1-51 (H) continuous trafficking of persons under
 1-52 Section 20A.03, Penal Code; or

1-53 (I) compelling prostitution under Section
 1-54 43.05(a)(2), Penal Code;

1-55 (2) ten years from the date of the commission of the
 1-56 offense:

1-57 (A) theft of any estate, real, personal or mixed,
 1-58 by an executor, administrator, guardian or trustee, with intent to
 1-59 defraud any creditor, heir, legatee, ward, distributee,
 1-60 beneficiary or settlor of a trust interested in such estate;

1-61 (B) theft by a public servant of government

2-1 property over which the public servant exercises control in the
2-2 public servant's official capacity;
2-3 (C) forgery or the uttering, using or passing of
2-4 forged instruments;
2-5 (D) injury to an elderly or disabled individual
2-6 punishable as a felony of the first degree under Section 22.04,
2-7 Penal Code;
2-8 (E) sexual assault, except as provided by
2-9 Subdivision (1) or (7);
2-10 (F) arson;
2-11 (G) trafficking of persons under Section
2-12 20A.02(a)(1), (2), (3), or (4), Penal Code; or
2-13 (H) compelling prostitution under Section
2-14 43.05(a)(1), Penal Code;
2-15 (3) seven years from the date of the commission of the
2-16 offense:
2-17 (A) misapplication of fiduciary property or
2-18 property of a financial institution;
2-19 (B) securing execution of document by deception;
2-20 (C) a felony violation under Chapter 162, Tax
2-21 Code;
2-22 (D) false statement to obtain property or credit
2-23 under Section 32.32, Penal Code;
2-24 (E) money laundering;
2-25 (F) credit card or debit card abuse under Section
2-26 32.31, Penal Code;
2-27 (G) fraudulent use or possession of identifying
2-28 information under Section 32.51, Penal Code;
2-29 (H) exploitation of a child, elderly individual,
2-30 or disabled individual under Section 32.53, Penal Code;
2-31 (I) health care fraud under Section 35A.02, Penal
2-32 Code; or
2-33 (J) bigamy under Section 25.01, Penal Code,
2-34 except as provided by Subdivision (6);
2-35 (4) five years from the date of the commission of the
2-36 offense:
2-37 (A) theft or robbery;
2-38 (B) except as provided by Subdivision (5),
2-39 kidnapping or burglary;
2-40 (C) injury to an elderly or disabled individual
2-41 that is not punishable as a felony of the first degree under Section
2-42 22.04, Penal Code;
2-43 (D) abandoning or endangering a child; ~~[or]~~
2-44 (E) insurance fraud;
2-45 (F) assault under Section 22.01, Penal Code, if
2-46 the assault was committed against a person whose relationship to or
2-47 association with the defendant is described by Section 71.0021(b),
2-48 71.003, or 71.005, Family Code;
2-49 (G) continuous violence against the family under
2-50 Section 25.11, Penal Code; or
2-51 (H) aggravated assault under Section 22.02,
2-52 Penal Code;
2-53 (5) if the investigation of the offense shows that the
2-54 victim is younger than 17 years of age at the time the offense is
2-55 committed, 20 years from the 18th birthday of the victim of one of
2-56 the following offenses:
2-57 (A) sexual performance by a child under Section
2-58 43.25, Penal Code;
2-59 (B) aggravated kidnapping under Section
2-60 20.04(a)(4), Penal Code, if the defendant committed the offense
2-61 with the intent to violate or abuse the victim sexually; or
2-62 (C) burglary under Section 30.02, Penal Code, if
2-63 the offense is punishable under Subsection (d) of that section and
2-64 the defendant committed the offense with the intent to commit an
2-65 offense described by Subdivision (1)(B) or (D) of this article or
2-66 Paragraph (B) of this subdivision;
2-67 (6) ten years from the 18th birthday of the victim of
2-68 the offense:
2-69 (A) trafficking of persons under Section

3-1 20A.02(a)(5) or (6), Penal Code;
 3-2 (B) injury to a child under Section 22.04, Penal
 3-3 Code; or
 3-4 (C) bigamy under Section 25.01, Penal Code, if
 3-5 the investigation of the offense shows that the person, other than
 3-6 the legal spouse of the defendant, whom the defendant marries or
 3-7 purports to marry or with whom the defendant lives under the
 3-8 appearance of being married is younger than 18 years of age at the
 3-9 time the offense is committed;

3-10 (7) two years from the date the offense was
 3-11 discovered: sexual assault punishable as a state jail felony under
 3-12 Section 22.011(f)(2), Penal Code; or

3-13 (8) three years from the date of the commission of the
 3-14 offense: all other felonies.

3-15 SECTION 2. Article 12.02, Code of Criminal Procedure, is
 3-16 amended to read as follows:

3-17 Art. 12.02. MISDEMEANORS. (a) Except as provided by
 3-18 Subsection (b), the following charging instruments may be presented
 3-19 within two years from the date of the commission of the offense, and
 3-20 not afterward:

3-21 (1) an [An] indictment or information for any Class A
 3-22 or Class B misdemeanor; and

3-23 (2) a [may be presented within two years from the date
 3-24 of the commission of the offense, and not afterward.

3-25 [~~(b)~~ A] complaint or information for any Class C
 3-26 misdemeanor.

3-27 (b) An indictment, information, or complaint, as
 3-28 applicable, for assault under Section 22.01, Penal Code, may be
 3-29 presented within three [~~two~~] years from the date of the commission
 3-30 of the offense, and not afterward, if the offense:

3-31 (1) is punishable as a misdemeanor; and

3-32 (2) was committed against a person whose relationship
 3-33 to or association with the defendant is described by Section
 3-34 71.0021(b), 71.003, or 71.005, Family Code.

3-35 SECTION 3. The change in law made by this Act does not apply
 3-36 to an offense if the prosecution of that offense becomes barred by
 3-37 limitation before the effective date of this Act. The prosecution
 3-38 of that offense remains barred as if this Act had not taken effect.

3-39 SECTION 4. This Act takes effect September 1, 2021.

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