

By: Meyer

H.B. No. 1769

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations for certain offenses committed against children.

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

SECTION 1. 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;

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

(C) sexual assault, if:

(i) during the investigation of the offense biological matter is collected and the matter:

(a) has not yet been subjected to forensic DNA testing; or

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

(ii) probable cause exists to believe that

1 the defendant has committed the same or a similar sex offense
2 against five or more victims;

3 (D) continuous sexual abuse of young child or
4 disabled individual under Section 21.02, Penal Code;

5 (E) indecency with a child under Section 21.11,
6 Penal Code;

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

10 (G) trafficking of persons under Section
11 20A.02(a)(7) or (8), Penal Code;

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

14 (I) compelling prostitution under Section
15 43.05(a)(2), Penal Code;

16 (2) ten years from the date of the commission of the
17 offense:

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

22 (B) theft by a public servant of government
23 property over which the public servant exercises control in the
24 public servant's official capacity;

25 (C) forgery or the uttering, using, or passing of
26 forged instruments;

27 (D) injury to an elderly or disabled individual

1 punishable as a felony of the first degree under Section 22.04,
2 Penal Code;

3 (E) sexual assault, except as provided by
4 Subdivision (1) or (8) [~~(7)~~];

5 (F) arson;

6 (G) trafficking of persons under Section
7 20A.02(a)(1), (2), (3), or (4), Penal Code; or

8 (H) compelling prostitution under Section
9 43.05(a)(1), Penal Code;

10 (3) seven years from the date of the commission of the
11 offense:

12 (A) misapplication of fiduciary property or
13 property of a financial institution;

14 (B) fraudulent securing of document execution;

15 (C) a felony violation under Chapter 162, Tax
16 Code;

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

19 (E) money laundering;

20 (F) credit card or debit card abuse under Section
21 32.31, Penal Code;

22 (G) fraudulent use or possession of identifying
23 information under Section 32.51, Penal Code;

24 (H) exploitation of a child, elderly individual,
25 or disabled individual under Section 32.53, Penal Code;

26 (I) health care fraud under Section 35A.02, Penal
27 Code; or

1 (J) bigamy under Section 25.01, Penal Code,
2 except as provided by Subdivision (7) [~~(6)~~];

3 (4) five years from the date of the commission of the
4 offense:

5 (A) theft or robbery;

6 (B) except as provided by Subdivision (5),
7 kidnapping or burglary;

8 (C) injury to an elderly or disabled individual
9 that is not punishable as a felony of the first degree under Section
10 22.04, Penal Code;

11 (D) abandoning or endangering a child; or

12 (E) insurance fraud;

13 (5) if the investigation of the offense shows that the
14 victim is younger than 17 years of age at the time the offense is
15 committed, 20 years from the 18th birthday of the victim of one of
16 the following offenses:

17 (A) [~~sexual performance by a child under Section~~
18 ~~43.25, Penal Code,~~

19 [~~(B)~~] aggravated kidnapping under Section
20 20.04(a)(4), Penal Code, if the defendant committed the offense
21 with the intent to violate or abuse the victim sexually; or

22 (B) [~~(C)~~] burglary under Section 30.02, Penal
23 Code, if the offense is punishable under Subsection (d) of that
24 section and the defendant committed the offense with the intent to
25 commit an offense described by Subdivision (1)(B) or (D) of this
26 article or Paragraph (A) [~~(B)~~] of this subdivision;

27 (6) 20 years from the 18th birthday of the victim of

1 one of the following offenses:

2 (A) trafficking of persons under Section
3 20A.02(a)(5) or (6), Penal Code; or

4 (B) sexual performance by a child under Section
5 43.25, Penal Code;

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

8 (A) [~~trafficking of persons under Section~~
9 20A.02(a)(5) or (6), Penal Code;

10 [~~(B)~~] injury to a child under Section 22.04,
11 Penal Code; or

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

18 (8) [~~(7)~~] two years from the date the offense was
19 discovered: sexual assault punishable as a state jail felony under
20 Section 22.011(f)(2), Penal Code; or

21 (9) [~~(8)~~] three years from the date of the commission
22 of the offense: all other felonies.

23 SECTION 2. Article 12.01, Code of Criminal Procedure, as
24 amended by this Act, does not apply to an offense if the prosecution
25 of that offense becomes barred by limitation before the effective
26 date of this Act. The prosecution of that offense remains barred as
27 if this Act had not taken effect.

1 SECTION 3. To the extent of any conflict, this Act prevails
2 over another Act of the 88th Legislature, Regular Session, 2023,
3 relating to nonsubstantive additions to and corrections in enacted
4 codes.

5 SECTION 4. This Act takes effect September 1, 2023.