

1-1 By: Meyer, Metcalf, Morales of Maverick H.B. No. 1769  
1-2 (Senate Sponsor - Alvarado)  
1-3 (In the Senate - Received from the House April 26, 2023;  
1-4 April 26, 2023, read first time and referred to Committee on  
1-5 Criminal Justice; May 17, 2023, reported favorably by the  
1-6 following vote: Yeas 7, Nays 0; May 17, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt	X		
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 A BILL TO BE ENTITLED  
1-17 AN ACT

1-18 relating to the statute of limitations for certain offenses  
1-19 committed against children.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 12.01, Code of Criminal Procedure, is  
1-22 amended to read as follows:

1-23 Art. 12.01. FELONIES. Except as provided in Article 12.03,  
1-24 felony indictments may be presented within these limits, and not  
1-25 afterward:

1-26 (1) no limitation:

1-27 (A) murder and manslaughter;

1-28 (B) sexual assault under Section 22.011(a)(2),  
1-29 Penal Code, or aggravated sexual assault under Section  
1-30 22.021(a)(1)(B), Penal Code;

1-31 (C) sexual assault, if:

1-32 (i) during the investigation of the offense  
1-33 biological matter is collected and the matter:

1-34 (a) has not yet been subjected to  
1-35 forensic DNA testing; or

1-36 (b) has been subjected to forensic DNA  
1-37 testing and the testing results show that the matter does not match  
1-38 the victim or any other person whose identity is readily  
1-39 ascertained; or

1-40 (ii) probable cause exists to believe that  
1-41 the defendant has committed the same or a similar sex offense  
1-42 against five or more victims;

1-43 (D) continuous sexual abuse of young child or  
1-44 disabled individual under Section 21.02, Penal Code;

1-45 (E) indecency with a child under Section 21.11,  
1-46 Penal Code;

1-47 (F) an offense involving leaving the scene of an  
1-48 accident under Section 550.021, Transportation Code, if the  
1-49 accident resulted in the death of a person;

1-50 (G) trafficking of persons under Section  
1-51 20A.02(a)(7) or (8), Penal Code;

1-52 (H) continuous trafficking of persons under  
1-53 Section 20A.03, Penal Code; or

1-54 (I) compelling prostitution under Section  
1-55 43.05(a)(2), Penal Code;

1-56 (2) ten years from the date of the commission of the  
1-57 offense:

1-58 (A) theft of any estate, real, personal or mixed,  
1-59 by an executor, administrator, guardian or trustee, with intent to  
1-60 defraud any creditor, heir, legatee, ward, distributee,  
1-61 beneficiary or settlor of a trust interested in such estate;

2-1 (B) theft by a public servant of government  
 2-2 property over which the public servant exercises control in the  
 2-3 public servant's official capacity;  
 2-4 (C) forgery or the uttering, using, or passing of  
 2-5 forged instruments;  
 2-6 (D) injury to an elderly or disabled individual  
 2-7 punishable as a felony of the first degree under Section 22.04,  
 2-8 Penal Code;  
 2-9 (E) sexual assault, except as provided by  
 2-10 Subdivision (1) or (8) [~~(7)~~];  
 2-11 (F) arson;  
 2-12 (G) trafficking of persons under Section  
 2-13 20A.02(a)(1), (2), (3), or (4), Penal Code; or  
 2-14 (H) compelling prostitution under Section  
 2-15 43.05(a)(1), Penal Code;  
 2-16 (3) seven years from the date of the commission of the  
 2-17 offense:  
 2-18 (A) misapplication of fiduciary property or  
 2-19 property of a financial institution;  
 2-20 (B) fraudulent securing of document execution;  
 2-21 (C) a felony violation under Chapter 162, Tax  
 2-22 Code;  
 2-23 (D) false statement to obtain property or credit  
 2-24 under Section 32.32, Penal Code;  
 2-25 (E) money laundering;  
 2-26 (F) credit card or debit card abuse under Section  
 2-27 32.31, Penal Code;  
 2-28 (G) fraudulent use or possession of identifying  
 2-29 information under Section 32.51, Penal Code;  
 2-30 (H) exploitation of a child, elderly individual,  
 2-31 or disabled individual under Section 32.53, Penal Code;  
 2-32 (I) health care fraud under Section 35A.02, Penal  
 2-33 Code; [~~or~~]  
 2-34 (J) bigamy under Section 25.01, Penal Code,  
 2-35 except as provided by Subdivision (7) [~~(6)~~]; or  
 2-36 (K) possession or promotion of child pornography  
 2-37 under Section 43.26, Penal Code;  
 2-38 (4) five years from the date of the commission of the  
 2-39 offense:  
 2-40 (A) theft or robbery;  
 2-41 (B) except as provided by Subdivision (5),  
 2-42 kidnapping or burglary;  
 2-43 (C) injury to an elderly or disabled individual  
 2-44 that is not punishable as a felony of the first degree under Section  
 2-45 22.04, Penal Code;  
 2-46 (D) abandoning or endangering a child; or  
 2-47 (E) insurance fraud;  
 2-48 (5) if the investigation of the offense shows that the  
 2-49 victim is younger than 17 years of age at the time the offense is  
 2-50 committed, 20 years from the 18th birthday of the victim of one of  
 2-51 the following offenses:  
 2-52 (A) [~~sexual performance by a child under Section~~  
 2-53 ~~43.25, Penal Code,~~  
 2-54 [~~(B)~~] aggravated kidnapping under Section  
 2-55 20.04(a)(4), Penal Code, if the defendant committed the offense  
 2-56 with the intent to violate or abuse the victim sexually; or  
 2-57 (B) [~~(C)~~] burglary under Section 30.02, Penal  
 2-58 Code, if the offense is punishable under Subsection (d) of that  
 2-59 section and the defendant committed the offense with the intent to  
 2-60 commit an offense described by Subdivision (1)(B) or (D) of this  
 2-61 article or Paragraph (A) [~~(B)~~] of this subdivision;  
 2-62 (6) 20 years from the 18th birthday of the victim of  
 2-63 one of the following offenses:  
 2-64 (A) trafficking of persons under Section  
 2-65 20A.02(a)(5) or (6), Penal Code; or  
 2-66 (B) sexual performance by a child under Section  
 2-67 43.25, Penal Code;  
 2-68 (7) ten years from the 18th birthday of the victim of  
 2-69 the offense:

3-1 (A) [~~trafficking of persons under Section~~  
3-2 ~~20A.02(a)(5) or (6), Penal Code,~~  
3-3 [~~B~~] injury to a child under Section 22.04,  
3-4 Penal Code; or  
3-5 (B) [~~C~~] bigamy under Section 25.01, Penal  
3-6 Code, if the investigation of the offense shows that the person,  
3-7 other than the legal spouse of the defendant, whom the defendant  
3-8 marries or purports to marry or with whom the defendant lives under  
3-9 the appearance of being married is younger than 18 years of age at  
3-10 the time the offense is committed;

3-11 (8) [~~7~~] two years from the date the offense was  
3-12 discovered: sexual assault punishable as a state jail felony under  
3-13 Section 22.011(f)(2), Penal Code; or

3-14 (9) [~~8~~] three years from the date of the commission  
3-15 of the offense: all other felonies.

3-16 SECTION 2. Article 12.01, Code of Criminal Procedure, as  
3-17 amended by this Act, does not apply to an offense if the prosecution  
3-18 of that offense becomes barred by limitation before the effective  
3-19 date of this Act. The prosecution of that offense remains barred as  
3-20 if this Act had not taken effect.

3-21 SECTION 3. To the extent of any conflict, this Act prevails  
3-22 over another Act of the 88th Legislature, Regular Session, 2023,  
3-23 relating to nonsubstantive additions to and corrections in enacted  
3-24 codes.

3-25 SECTION 4. This Act takes effect September 1, 2023.

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