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H.B. No. 2019

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations for certain burglary offenses.

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; or

16 (J) burglary under Section 30.02, Penal Code, if:

17 (i) the offense is punishable under
18 Subsection (d) of that section because the defendant entered a
19 habitation with the intent to commit an offense under Section
20 22.011 or 22.021, Penal Code; and

21 (ii) during the investigation of the
22 offense biological matter is collected and the matter:

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

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

1 ascertained;

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

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

8 (B) theft by a public servant of government
9 property over which the public servant exercises control in the
10 public servant's official capacity;

11 (C) forgery or the uttering, using, or passing of
12 forged instruments;

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

16 (E) sexual assault, except as provided by
17 Subdivision (1) or (7);

18 (F) arson;

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

21 (H) compelling prostitution under Section
22 43.05(a)(1), Penal Code;

23 (3) seven years from the date of the commission of the
24 offense:

25 (A) misapplication of fiduciary property or
26 property of a financial institution;

27 (B) fraudulent securing of document execution;

- 1 (C) a felony violation under Chapter 162, Tax
2 Code;
- 3 (D) false statement to obtain property or credit
4 under Section 32.32, Penal Code;
- 5 (E) money laundering;
- 6 (F) credit card or debit card abuse under Section
7 32.31, Penal Code;
- 8 (G) fraudulent use or possession of identifying
9 information under Section 32.51, Penal Code;
- 10 (H) exploitation of a child, elderly individual,
11 or disabled individual under Section 32.53, Penal Code;
- 12 (I) health care fraud under Section 35A.02, Penal
13 Code; or
- 14 (J) bigamy under Section 25.01, Penal Code,
15 except as provided by Subdivision (6);
- 16 (4) five years from the date of the commission of the
17 offense:
- 18 (A) theft or robbery;
- 19 (B) except as provided by Subdivision (5),
20 kidnapping [~~or burglary~~];
- 21 (B-1) except as provided by Subdivision (1) or
22 (5), burglary;
- 23 (C) injury to an elderly or disabled individual
24 that is not punishable as a felony of the first degree under Section
25 22.04, Penal Code;
- 26 (D) abandoning or endangering a child; or
- 27 (E) insurance fraud;

1 (5) if the investigation of the offense shows that the
2 victim is younger than 17 years of age at the time the offense is
3 committed, 20 years from the 18th birthday of the victim of one of
4 the following offenses:

5 (A) sexual performance by a child under Section
6 43.25, Penal Code;

7 (B) aggravated kidnapping under Section
8 20.04(a)(4), Penal Code, if the defendant committed the offense
9 with the intent to violate or abuse the victim sexually; or

10 (C) subject to Subdivision (1)(J), burglary
11 under Section 30.02, Penal Code, if the offense is punishable under
12 Subsection (d) of that section because ~~and~~ the defendant entered
13 a habitation ~~[committed the offense]~~ with the intent to commit an
14 offense described by Subdivision (1)(B) or (D) of this article or
15 Paragraph (B) of this subdivision;

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

18 (A) trafficking of persons under Section
19 20A.02(a)(5) or (6), Penal Code;

20 (B) injury to a child under Section 22.04, Penal
21 Code; or

22 (C) bigamy under Section 25.01, Penal Code, if
23 the investigation of the offense shows that the person, other than
24 the legal spouse of the defendant, whom the defendant marries or
25 purports to marry or with whom the defendant lives under the
26 appearance of being married is younger than 18 years of age at the
27 time the offense is committed;

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

4 (8) three years from the date of the commission of the
5 offense: all other felonies.

6 SECTION 2. The change in law made by this Act does not apply
7 to an offense if the prosecution of that offense becomes barred by
8 limitation before the effective date of this Act. The prosecution
9 of that offense remains barred as if this Act had not taken effect.

10 SECTION 3. This Act takes effect September 1, 2023.