

1-1 By: Neave Criado, Collier, Cook H.B. No. 2019
 1-2 (Senate Sponsor - Huffman)
 1-3 (In the Senate - Received from the House May 12, 2023;
 1-4 May 12, 2023, read first time and referred to Committee on Criminal
 1-5 Justice; May 19, 2023, reported favorably by the following vote:
 1-6 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

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

1-18 relating to the statute of limitations for certain burglary
 1-19 offenses.

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; or

1-56 (J) burglary under Section 30.02, Penal Code, if:

1-57 (i) the offense is punishable under
 1-58 Subsection (d) of that section because the defendant entered a
 1-59 habitation with the intent to commit an offense under Section
 1-60 22.011 or 22.021, Penal Code; and

1-61 (ii) during the investigation of the

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

3-1 (C) subject to Subdivision (1)(J), burglary
3-2 under Section 30.02, Penal Code, if the offense is punishable under
3-3 Subsection (d) of that section because [and] the defendant entered
3-4 a habitation [committed the offense] with the intent to commit an
3-5 offense described by Subdivision (1)(B) or (D) of this article or
3-6 Paragraph (B) of this subdivision;

3-7 (6) ten years from the 18th birthday of the victim of
3-8 the offense:

3-9 (A) trafficking of persons under Section
3-10 20A.02(a)(5) or (6), Penal Code;

3-11 (B) injury to a child under Section 22.04, Penal
3-12 Code; or

3-13 (C) bigamy under Section 25.01, Penal Code, if
3-14 the investigation of the offense shows that the person, other than
3-15 the legal spouse of the defendant, whom the defendant marries or
3-16 purports to marry or with whom the defendant lives under the
3-17 appearance of being married is younger than 18 years of age at the
3-18 time the offense is committed;

3-19 (7) two years from the date the offense was
3-20 discovered: sexual assault punishable as a state jail felony under
3-21 Section 22.011(f)(2), Penal Code; or

3-22 (8) three years from the date of the commission of the
3-23 offense: all other felonies.

3-24 SECTION 2. The change in law made by this Act does not apply
3-25 to an offense if the prosecution of that offense becomes barred by
3-26 limitation before the effective date of this Act. The prosecution
3-27 of that offense remains barred as if this Act had not taken effect.

3-28 SECTION 3. This Act takes effect September 1, 2023.

3-29 * * * * *