

By: Vasut, Ramos, et al.

H.B. No. 3025

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prosecution of the criminal offenses of aggravated  
3 kidnapping, kidnapping, and interference with child custody.

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

5 SECTION 1. This Act may be cited as Bianca's Law.

6 SECTION 2. Article 12.01, Code of Criminal Procedure, is  
7 amended to read as follows:

8 Art. 12.01. FELONIES. Except as provided in Article 12.03,  
9 felony indictments may be presented within these limits, and not  
10 afterward:

11 (1) no limitation:

12 (A) murder and manslaughter;

13 (B) sexual assault under Section 22.011(a)(2),  
14 Penal Code, or aggravated sexual assault under Section  
15 22.021(a)(1)(B), Penal Code;

16 (C) sexual assault, if:

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

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

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

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

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

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

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

11 (G) trafficking of persons under Section  
12 20A.02(a)(7) or (8), Penal Code;

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

15 (I) compelling prostitution under Section  
16 43.05(a)(2), Penal Code; or

17 (J) interference with child custody under  
18 Section 25.03(a)(3), Penal Code;

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

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

25 (B) theft by a public servant of government  
26 property over which the public servant exercises control in the  
27 public servant's official capacity;

1 (C) forgery or the uttering, using, or passing of  
2 forged instruments;

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

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

8 (F) arson;

9 (G) trafficking of persons under Section  
10 20A.02(a)(1), (2), (3), or (4), Penal Code; or

11 (H) compelling prostitution under Section  
12 43.05(a)(1), Penal Code;

13 (3) seven years from the date of the commission of the  
14 offense:

15 (A) misapplication of fiduciary property or  
16 property of a financial institution;

17 (B) fraudulent securing of document execution;

18 (C) a felony violation under Chapter 162, Tax  
19 Code;

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

22 (E) money laundering;

23 (F) credit card or debit card abuse under Section  
24 32.31, Penal Code;

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

27 (H) exploitation of a child, elderly individual,

1 or disabled individual under Section 32.53, Penal Code;

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

4 (J) bigamy under Section 25.01, Penal Code,  
5 except as provided by Subdivision (6);

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

8 (A) theft or robbery;

9 (B) except as provided by Subdivision (5),  
10 kidnapping or burglary;

11 (C) injury to an elderly or disabled individual  
12 that is not punishable as a felony of the first degree under Section  
13 22.04, Penal Code;

14 (D) abandoning or endangering a child; or

15 (E) insurance fraud;

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

20 (A) sexual performance by a child under Section  
21 43.25, Penal Code;

22 (B) kidnapping under Section 20.03, Penal Code,  
23 or aggravated kidnapping under Section 20.04 [20.04(a)(4)], Penal  
24 Code~~[, if the defendant committed the offense with the intent to~~  
25 ~~violate or abuse the victim sexually]~~; or

26 (C) burglary under Section 30.02, Penal Code, if  
27 the offense is punishable under Subsection (d) of that section and

1 the defendant committed the offense with the intent to commit an  
2 offense described by Subdivision (1)(B) or (D) of this article or  
3 Paragraph (B) of this subdivision;

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

6 (A) trafficking of persons under Section  
7 20A.02(a)(5) or (6), Penal Code;

8 (B) injury to a child under Section 22.04, Penal  
9 Code; or

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

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

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

21 SECTION 3. Section 25.03, Penal Code, is amended by adding  
22 Subsection (e) to read as follows:

23 (e) If conduct that constitutes an offense under Subsection  
24 (a)(3) also constitutes an offense under Section 20.03, the actor  
25 may be prosecuted only under Section 20.03.

26 SECTION 4. Article 12.01, Code of Criminal Procedure, as  
27 amended by this Act, does not apply to the prosecution of an offense

1 if that prosecution becomes barred by limitation before the  
2 effective date of this Act. The prosecution of the offense remains  
3 barred as if this Act had not taken effect.

4       SECTION 5. Section 25.03(e), Penal Code, as added by this  
5 Act, applies only to an offense committed on or after the effective  
6 date of this Act. An offense committed before the effective date of  
7 this Act is governed by the law in effect on the date the offense was  
8 committed, and the former law is continued in effect for that  
9 purpose. For purposes of this section, an offense was committed  
10 before the effective date of this Act if any element of the offense  
11 occurred before that date.

12       SECTION 6. This Act takes effect September 1, 2023.