

By: Vasut, et al.

H.B. No. 3025

Substitute the following for H.B. No. 3025:

By: Moody

C.S.H.B. No. 3025

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the criminal offenses of aggravated kidnapping, kidnapping, and interference with child custody.

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

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

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

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

27 (C) forgery or the uttering, using, or passing of

- 1 forged instruments;
- 2 (D) injury to an elderly or disabled individual
3 punishable as a felony of the first degree under Section 22.04,
4 Penal Code;
- 5 (E) sexual assault, except as provided by
6 Subdivision (1) or (7);
- 7 (F) arson;
- 8 (G) trafficking of persons under Section
9 20A.02(a)(1), (2), (3), or (4), Penal Code; or
- 10 (H) compelling prostitution under Section
11 43.05(a)(1), Penal Code;
- 12 (3) seven years from the date of the commission of the
13 offense:
- 14 (A) misapplication of fiduciary property or
15 property of a financial institution;
- 16 (B) fraudulent securing of document execution;
- 17 (C) a felony violation under Chapter 162, Tax
18 Code;
- 19 (D) false statement to obtain property or credit
20 under Section 32.32, Penal Code;
- 21 (E) money laundering;
- 22 (F) credit card or debit card abuse under Section
23 32.31, Penal Code;
- 24 (G) fraudulent use or possession of identifying
25 information under Section 32.51, Penal Code;
- 26 (H) exploitation of a child, elderly individual,
27 or disabled individual under Section 32.53, Penal Code;

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

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

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

7 (A) theft or robbery;

8 (B) except as provided by Subdivision (5),
9 [~~kidnapping or~~] burglary;

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

13 (D) abandoning or endangering a child; or

14 (E) insurance fraud;

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

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

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

25 (C) burglary under Section 30.02, Penal Code, if
26 the offense is punishable under Subsection (d) of that section and
27 the defendant committed the offense with the intent to commit an

1 offense described by Subdivision (1)(B) or (D) of this article or
2 Paragraph (B) of this subdivision;

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

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

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

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

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

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

20 SECTION 2. Section 25.03, Penal Code, is amended by adding
21 Subsection (e) to read as follows:

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

25 SECTION 3. Article 12.01, Code of Criminal Procedure, as
26 amended by this Act, does not apply to the prosecution of an offense
27 if that prosecution becomes barred by limitation before the

1 effective date of this Act. The prosecution of the offense remains
2 barred as if this Act had not taken effect.

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

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