

By: Creighton
(Little)

S.B. No. 2798

A BILL TO BE ENTITLED

AN ACT

relating to certain statutes of limitations for criminal offenses,
including the statute of limitations for certain fraud offenses.

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

SECTION 1. Article [12.01](#), Code of Criminal Procedure, as
amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207),
422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019),
709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635),
and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session,
2023, is reenacted and amended to read as follows:

Art. 12.01. FELONIES. Except as provided in Articles
12.015 and 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

1 testing and the testing results show that the matter does not match
2 the victim or any other person whose identity is readily
3 ascertained; or

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

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

9 (E) indecency with a child under Section 21.11,
10 Penal Code;

11 (F) an offense involving leaving the scene of a
12 collision under Section 550.021, Transportation Code, if the
13 collision resulted in the death of a person;

14 (G) trafficking of persons under Section
15 20A.02(a)(7) or (8), Penal Code;

16 (H) continuous trafficking of persons under
17 Section 20A.03, Penal Code;

18 (I) compelling prostitution under Section
19 43.05(a)(2) or (3), Penal Code; ~~or~~

20 (J) tampering with physical evidence under
21 Section 37.09(a)(1) or (d)(1), Penal Code, if:

22 (i) the evidence tampered with is a human
23 corpse, as defined by that section; or

24 (ii) the investigation of the offense shows
25 that a reasonable person in the position of the defendant at the
26 time of the commission of the offense would have cause to believe
27 that the evidence tampered with is related to a criminal homicide

under Chapter 19, Penal Code;

(K) ~~[(J)]~~ interference with child custody under Section 25.03(a)(3), Penal Code; or

(L) ~~[(J)]~~ burglary under Section 30.02, Penal Code, if:

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

(ii) 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;

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

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

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

(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 (9) ~~[(8)]~~;

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) an offense under Chapter 32, Penal Code,
15 except as provided by Subdivision (2)(C) [misapplication of
16 fiduciary property or 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 (C) ~~[(E)]~~ money laundering;

23 ~~[(F) credit card or debit card abuse under~~
24 ~~Section 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, or disabled individual under Section 32.53, Penal Code;~~

(D) ~~[(I)]~~ health care fraud under Section 35A.02, Penal Code;

(E) ~~[(J)]~~ bigamy under Section 25.01, Penal Code, except as provided by Subdivision (7); or

(F) ~~[(K)]~~ possession or promotion of child pornography under Section 43.26, Penal Code;

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

(A) theft or robbery;

(B) except as provided by Subdivision (5), kidnapping;

(C) ~~[(B-1)]~~ except as provided by Subdivision (1) or (5), burglary;

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

(E) ~~[(D)]~~ abandoning or endangering an ~~an~~ ~~child,~~ elderly ~~individual,~~ or disabled individual;

(F) ~~[(E)]~~ insurance fraud;

(G) ~~[(F)]~~ assault under Section 22.01, Penal Code, if the assault was committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code;

(H) ~~[(G)]~~ continuous violence against the family under Section 25.11, Penal Code; or

1 (I) [~~(H)~~] aggravated assault under Section
2 22.02, Penal Code;

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

7 (A) kidnapping under Section 20.03, Penal Code,
8 or aggravated kidnapping under Section 20.04, Penal Code; or

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

15 (6) 20 years from the 18th birthday of the victim of
16 one of the following offenses:

17 (A) trafficking of a child [~~persons~~] under
18 Section 20A.02(a)(5) or (6), Penal Code; or

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

21 (7) ten years from the 18th birthday of the victim of
22 the offense:

23 (A) injury to a child under Section 22.04, Penal
24 Code;

25 (B) bigamy under Section 25.01, Penal Code, if
26 the investigation of the offense shows that the person, other than
27 the legal spouse of the defendant, whom the defendant marries or

1 purports to marry or with whom the defendant lives under the
2 appearance of being married is younger than 18 years of age at the
3 time the offense is committed; or

4 (C) [~~(D)~~] abandoning or endangering a child;

5 (8) [~~(7)~~] ten years from the date the offense was
6 discovered: trafficking of a disabled individual under Section
7 20A.02(a)(5) or (6), Penal Code;

8 (9) [~~(8)~~] two years from the date the offense was
9 discovered: sexual assault punishable as a state jail felony under
10 Section 22.011(f)(2), Penal Code; or

11 (10) [~~(9)~~] three years from the date of the commission
12 of the offense: all other felonies.

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

17 SECTION 3. This Act takes effect September 1, 2025.