

By: Eissler

H.B. No. 68

A BILL TO BE ENTITLED

AN ACT

relating to the elimination of the statute of limitations for certain sexual offenses committed against children.

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

SECTION 1. Article 12.01, Code of Criminal Procedure, as amended by Chapters 371 and 1276, Acts of the 78th Legislature, Regular Session, 2003, 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 during the investigation of the offense biological matter is collected and 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;

(D) indecentcy with a child under Section 21.11(a)(1) or (2), Penal Code; or

(E) [~~C~~] an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the

1 accident resulted in the death of a person;

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 he exercises control in his official capacity;

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

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

15 (E) sexual assault, except as provided by
16 Subdivision (1) [~~or (5)~~]; or

17 (F) arson;

18 (3) seven years from the date of the commission of the
19 offense:

20 (A) misapplication of fiduciary property or
21 property of a financial institution;

22 (B) securing execution of document by deception;

23 or

24 (C) a violation under Sections 153.403(22)-(39),
25 Tax Code;

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

- 1 (A) theft, burglary, robbery;
- 2 (B) kidnapping;
- 3 (C) injury to a child, elderly individual, or
- 4 disabled individual that is not punishable as a felony of the first
- 5 degree under Section 22.04, Penal Code; or
- 6 (D) abandoning or endangering a child; or
- 7 (5) [~~ten years from the 18th birthday of the victim of~~
- 8 ~~the offense.~~
- 9 [~~(A) indecency with a child under Section~~
- 10 ~~21.11(a)(1) or (2), Penal Code; or~~
- 11 [~~(B) except as provided by Subdivision (1),~~
- 12 ~~sexual assault under Section 22.011(a)(2), Penal Code, or~~
- 13 ~~aggravated sexual assault under Section 22.021(a)(1)(B), Penal~~
- 14 ~~Code; or~~
- 15 [~~6~~] three years from the date of the commission of
- 16 the offense: all other felonies.

17 SECTION 2. (a) This Act takes effect on the 91st day after

18 the last day of the legislative session.

19 (b) The change in law made by this Act does not apply to an

20 offense if the prosecution of that offense became barred by

21 limitation before the effective date of this Act. The prosecution

22 of that offense remains barred as if this Act had not taken effect.