

By: Callegari

H.B. No. 182

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations for the offense of arson.

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

SECTION 1. Article 12.01, Code of Criminal Procedure, as amended by Chapters 12, 1479, and 1482, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and 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; ~~[or]~~

(B) 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; or

(C) ~~[, and]~~ an offense involving leaving the scene of an accident under Section 550.021, Transportation Code, if the accident resulted in the death of a person;

(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

1 defraud any creditor, heir, legatee, ward, distributee,  
2 beneficiary or settlor of a trust interested in such estate;

3 (B) theft by a public servant of government  
4 property over which he exercises control in his official capacity;

5 (C) forgery or the uttering, using or passing of  
6 forged instruments;

7 (D) injury to a child, elderly individual, or  
8 disabled individual punishable as a felony of the first degree  
9 under Section 22.04, Penal Code; ~~[or]~~

10 (E) sexual assault, except as provided by  
11 Subdivision (1) or (5); or

12 (F) arson;

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) securing execution of document by deception;  
18 or

19 (C) a violation under Sections 153.403(22)-(39),  
20 Tax Code;

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

23 (A) theft, burglary, robbery; ~~[or]~~

24 (B) ~~[arson;~~

25 ~~[(C)]~~ kidnapping;

26 (C) ~~[(D)]~~ injury to a child, elderly individual,  
27 or disabled individual that is not punishable as a felony of the

1 first degree under Section 22.04, Penal Code; or

2 (D) [~~(E)~~] abandoning or endangering a child;

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

5 (A) indecency with a child under Section  
6 21.11(a)(1) or (2), Penal Code; or

7 (B) except as provided by Subdivision (1), sexual  
8 assault under Section 22.011(a)(2), Penal Code, or aggravated  
9 sexual assault under Section 22.021(a)(1)(B), Penal Code; or

10 (6) three years from the date of the commission of the  
11 offense: all other felonies.

12 SECTION 2. (a) This Act takes effect September 1, 2003.

13 (b) The change in law made by this Act to Article 12.01, Code  
14 of Criminal Procedure, does not apply to an offense if the  
15 prosecution of that offense became barred by limitation before the  
16 effective date of this Act. The prosecution of that offense remains  
17 barred as if this Act had not taken effect.