

By: Ellis, Williams

S.B. No. 143

A BILL TO BE ENTITLED

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AN ACT

relating to the prosecution of the offense of failure to report child abuse.

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

SECTION 1. Article 12.02, Code of Criminal Procedure, is amended to read as follows:

Art. 12.02. MISDEMEANORS. (a) Except as provided by Subsection (b), an [~~An~~] indictment or information for any misdemeanor may be presented within two years from the date of the commission of the offense, and not afterward.

(b) An indictment or information for failure to report abuse or neglect under Section 261.109, Family Code, may be presented within 10 years from the 18th birthday, and not afterward, of the child whose physical or mental health or welfare has been or may have been adversely affected by abuse or neglect constituting an offense under:

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

(2) sexual assault under Section 22.011(a)(2), Penal Code; or

(3) aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code.

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

(b) The change in law made by this Act to Article 12.02, Code

1 of Criminal Procedure, does not apply to an offense if the
2 prosecution of that offense became barred by limitation before the
3 effective date of this Act. The prosecution of that offense remains
4 barred as if this Act had not taken effect.