

By: Riddle

H.B. No. 838

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Article 12.01, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 12.01. FELONIES. Except as provided in Article 12.03,
8 felony indictments may be presented within these limits, and not
9 afterward:

10 (1) no limitation:

11 (A) murder and manslaughter;

12 (B) sexual assault under Section 22.011(a)(2),
13 Penal Code, or aggravated sexual assault under Section
14 22.021(a)(1)(B), Penal Code;

15 (C) sexual assault, if during the investigation
16 of the offense biological matter is collected and subjected to
17 forensic DNA testing and the testing results show that the matter
18 does not match the victim or any other person whose identity is
19 readily ascertained;

20 (D) indecenty with a child under Section
21 21.11(a)(1) or (2), Penal Code; or

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

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

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

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

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

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

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

16 (F) arson;

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

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

21 (B) securing execution of document by deception;

22 or

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

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

27 (A) theft, burglary, robbery;

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

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

20 SECTION 3. This Act takes effect September 1, 2005.