

BILL ANALYSIS

H.B. 959
By: Bonnen
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, under Section 12.01, Code of Criminal Procedure, the statute of limitations for injury to a child is five or ten years from the date of the commission of the offense, depending on whether or not the offense is punishable as a felony of the first degree under Section 22.04, Penal Code. The current law does not allow for children who are unable to report the offense because they are still in the oppressive environment of the abuser. The purpose of House Bill 959 is to change the statute of limitations for injury to a child to be ten years from that child's 18th birthday.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

House Bill 959 amends the Code of Criminal Procedure by removing the offense of injury to a child from the list of offenses holding a statute of limitations of ten years from the date of the commission of the offense if the offense is punishable as a felony of the first degree under Section 22.04, Penal Code. The bill also removes injury to a child from the list of offenses holding a statute of limitations of five years from the date of the commission of the offense if the offense is not punishable as a felony of the first degree under Section 22.04, Penal Code.

H.B. 959 provides that the statute of limitations for injury to a child under Section 22.04, Penal Code, is ten years from that child's 18th birthday.

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

EFFECTIVE DATE

September 1, 2007.