

By: Giddings

H.B. No. 887

Substitute the following for H.B. No. 887:

By: Bohac

C.S.H.B. No. 887

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations for the offenses of credit card or debit card abuse, false statement to obtain property or credit, and fraudulent use or possession of identifying information.

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

SECTION 1. Article 12.01, Code of Criminal Procedure, 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, 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) 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,

1 by an executor, administrator, guardian or trustee, with intent to
2 defraud any creditor, heir, legatee, ward, distributee,
3 beneficiary or settlor of a trust interested in such estate;

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

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

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

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

13 (F) arson;

14 (3) seven years from the date of the commission of the
15 offense:

16 (A) misapplication of fiduciary property or
17 property of a financial institution;

18 (B) securing execution of document by deception;
19 ~~[or]~~

20 (C) a violation under Sections 162.403(22)-(39),
21 Tax Code;

22 (D) credit card or debit card abuse under Section
23 32.31, Penal Code;

24 (E) false statement to obtain property or credit
25 under Section 32.32, Penal Code; or

26 (F) fraudulent use or possession of identifying
27 information under Section 32.51, Penal Code;

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

3 (A) theft, burglary, robbery;

4 (B) kidnapping;

5 (C) injury to a child, elderly individual, or
6 disabled individual that is not punishable as a felony of the first
7 degree under Section 22.04, Penal Code;

8 (D) abandoning or endangering a child; or

9 (E) insurance fraud;

10 (5) ten years from the 18th birthday of the victim of
11 the offense:

12 (A) indecency with a child under Section
13 21.11(a)(1) or (2), Penal Code; or

14 (B) except as provided by Subdivision (1), sexual
15 assault under Section 22.011(a)(2), Penal Code, or aggravated
16 sexual assault under Section 22.021(a)(1)(B), Penal Code; or

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

19 SECTION 2. The change in law made by this Act to Article
20 12.01, Code of Criminal Procedure, does not apply to an offense if
21 the prosecution of that offense became barred by limitation before
22 the effective date of this Act. The prosecution of that offense
23 remains barred as if this Act had not taken effect.

24 SECTION 3. This Act takes effect September 1, 2007.