

By: Giddings (Senate Sponsor - Ellis) H.B. No. 887  
(In the Senate - Received from the House March 26, 2007;  
April 3, 2007, read first time and referred to Committee on  
Criminal Justice; May 16, 2007, reported favorably by the  
following vote: Yeas 6, Nays 0; May 16, 2007, sent to printer.)

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

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

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

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

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

(F) arson;

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

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

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

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

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

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

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

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

(A) theft, burglary, robbery;

(B) kidnapping;

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

2-1 (D) abandoning or endangering a child; or  
2-2 (E) insurance fraud;  
2-3 (5) ten years from the 18th birthday of the victim of  
2-4 the offense:  
2-5 (A) indecency with a child under Section  
2-6 21.11(a)(1) or (2), Penal Code; or  
2-7 (B) except as provided by Subdivision (1), sexual  
2-8 assault under Section 22.011(a)(2), Penal Code, or aggravated  
2-9 sexual assault under Section 22.021(a)(1)(B), Penal Code; or  
2-10 (6) three years from the date of the commission of the  
2-11 offense: all other felonies.

2-12 SECTION 2. The change in law made by this Act to Article  
2-13 12.01, Code of Criminal Procedure, does not apply to an offense if  
2-14 the prosecution of that offense became barred by limitation before  
2-15 the effective date of this Act. The prosecution of that offense  
2-16 remains barred as if this Act had not taken effect.

2-17 SECTION 3. This Act takes effect September 1, 2007.

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