

By: Williams

S.B. No. 367

A BILL TO BE ENTITLED

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AN ACT

2 relating to the statute of limitations for identity theft and
3 certain other crimes involving fraud, deception, or false
4 statements.

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

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

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

11 (1) no limitation:

12 (A) murder and manslaughter;

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

18 (C) an offense involving leaving the scene of an
19 accident under Section 550.021, Transportation Code, if the
20 accident resulted in the death of a person;

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

23 (A) theft of any estate, real, personal or mixed,
24 by an executor, administrator, guardian or trustee, with intent to

1 defraud any creditor, heir, legatee, ward, distributee,
2 beneficiary or settlor of a trust interested in such estate;

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

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

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

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

12 (F) arson;

13 (G) credit card or debit card abuse under Section
14 32.31, Penal Code;

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

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

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

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

23 (B) securing execution of document by deception;

24 or

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

27 (4) five years from the date of the commission of the

1 offense:

2 (A) theft, burglary, robbery;

3 (B) kidnapping;

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

7 (D) abandoning or endangering a child; or

8 (E) insurance fraud;

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

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

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

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

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

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