

By: Hinojosa

S.B. No. 1579

A BILL TO BE ENTITLED

AN ACT

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relating to registration as a sex offender as a consequence of a conviction of and to the statute of limitations for certain sexual offenses committed against victims who are younger than 21 years of age.

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; or

14 (G) improper relationship between educator and
15 student;

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

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

20 (B) securing execution of document by deception;
21 or

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

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

26 (A) theft, burglary, robbery;

27 (B) kidnapping;

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

4 (D) abandoning or endangering a child; or

5 (E) insurance fraud;

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

13 (6) ten years from the 21st birthday of the victim of
14 the offense of improper sexual activity with person in custody
15 under Section 39.04(a)(2), Penal Code, if the victim was younger
16 than 21 years of age at the time the offense was committed; or

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

19 SECTION 2. Article 62.001(5), Code of Criminal Procedure,
20 as renumbered from former Article 62.01(5), Code of Criminal
21 Procedure, and amended by Chapter 1008, Acts of the 79th
22 Legislature, Regular Session, 2005, is reenacted and amended to
23 conform to an amendment to former Article 62.01(5) by Chapter 1273,
24 Acts of the 79th Legislature, Regular Session, 2005, and is further
25 amended to read as follows:

26 (5) "Reportable conviction or adjudication" means a
27 conviction or adjudication, including an adjudication of

1 delinquent conduct or a deferred adjudication, that, regardless of
2 the pendency of an appeal, is a conviction for or an adjudication
3 for or based on:

4 (A) a violation of Section 21.11 (Indecency with
5 a child), 22.011 (Sexual assault), 22.021 (Aggravated sexual
6 assault), or 25.02 (Prohibited sexual conduct), Penal Code;

7 (B) a violation of Section 43.05 (Compelling
8 prostitution), 43.25 (Sexual performance by a child), or 43.26
9 (Possession or promotion of child pornography), Penal Code;

10 (C) a violation of Section 20.04(a)(4)
11 (Aggravated kidnapping), Penal Code, if the actor committed the
12 offense or engaged in the conduct with intent to violate or abuse
13 the victim sexually;

14 (D) a violation of Section 30.02 (Burglary),
15 Penal Code, if the offense or conduct is punishable under
16 Subsection (d) of that section and the actor committed the offense
17 or engaged in the conduct with intent to commit a felony listed in
18 Paragraph (A) or (C);

19 (E) a violation of Section 20.02 (Unlawful
20 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
21 Penal Code, if, as applicable:

22 (i) the judgment in the case contains an
23 affirmative finding under Article 42.015; or

24 (ii) the order in the hearing or the papers
25 in the case contain an affirmative finding that the victim or
26 intended victim was younger than 17 years of age;

27 (F) the second violation of Section 21.08

1 (Indecent exposure), Penal Code, but not if the second violation
2 results in a deferred adjudication;

3 (G) an attempt, conspiracy, or solicitation, as
4 defined by Chapter 15, Penal Code, to commit an offense or engage in
5 conduct listed in Paragraph (A), (B), (C), (D), [~~or~~] (E), (K), or
6 (L);

7 (H) a violation of the laws of another state,
8 federal law, the laws of a foreign country, or the Uniform Code of
9 Military Justice for or based on the violation of an offense
10 containing elements that are substantially similar to the elements
11 of an offense listed under Paragraph (A), (B), (C), (D), (E), [~~or~~]
12 (G), (J), (K), or (L), but not if the violation results in a
13 deferred adjudication; [~~or~~]

14 (I) the second violation of the laws of another
15 state, federal law, the laws of a foreign country, or the Uniform
16 Code of Military Justice for or based on the violation of an offense
17 containing elements that are substantially similar to the elements
18 of the offense of indecent exposure, but not if the second violation
19 results in a deferred adjudication;

20 (J) a violation of Section 33.021 (Online
21 solicitation of a minor), Penal Code;

22 (K) a violation of Section 21.12 (Improper
23 relationship between educator and student), Penal Code, if the
24 victim of the offense was a resident at a secure correctional
25 facility or a secure detention facility described by Section 51.02,
26 Family Code, and the actor was an employee of or worked in the
27 secure facility at the time the offense was committed; or

1 (L) a violation of Section 39.04(a)(2) (Improper
2 sexual activity with person in custody), Penal Code, if the victim
3 was younger than 21 years of age at the time the offense was
4 committed.

5 SECTION 3. (a) The changes in law made by this Act in
6 amending Chapter 62, Code of Criminal Procedure, apply to a person
7 who is subject to Chapter 62, Code of Criminal Procedure, on or
8 after the effective date of this Act, regardless of whether the
9 applicable offense or conduct occurs before, on, or after the
10 effective date of this Act.

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

16 SECTION 4. This Act takes effect September 1, 2007.