

By: Nelson

S.B. No. 787

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations on prosecution of the offense of bigamy.

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

SECTION 1. Article 12.01, Code of Criminal Procedure, as amended by Chapters 285 (H.B. 716), 593 (H.B. 8), 640 (H.B. 887), and 841 (H.B. 959), Acts of the 80th Legislature, Regular Session, 2007, is reenacted and 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 under Section 22.011(a)(2), Penal Code, or aggravated sexual assault under Section 22.021(a)(1)(B), Penal Code;

(C) 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;

(D) continuous sexual abuse of young child or children under Section 21.02, Penal Code;

(E) indecency with a child under Section 21.11,

1 Penal Code; or

2 (F) an offense involving leaving the scene of an
3 accident under Section 550.021, Transportation Code, if the
4 accident resulted in the death of a person;

5 (2) ten years from the date of the commission of the
6 offense:

7 (A) theft of any estate, real, personal or mixed,
8 by an executor, administrator, guardian or trustee, with intent to
9 defraud any creditor, heir, legatee, ward, distributee,
10 beneficiary or settlor of a trust interested in such estate;

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

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

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

18 (E) sexual assault, except as provided by
19 Subdivision (1) [~~or (5)~~]; or

20 (F) arson;

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

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

25 (B) securing execution of document by deception;

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

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

3 (E) money laundering;

4 (F) [~~(D)~~] credit card or debit card abuse under
5 Section 32.31, Penal Code;

6 (G) [~~(F)~~] fraudulent use or possession of
7 identifying information under Section 32.51, Penal Code; or

8 (H) bigamy under Section 25.01, Penal Code,
9 except as provided by Subdivision (6);

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

12 (A) theft or robbery;

13 (B) except as provided by Subdivision (5),
14 kidnapping or burglary;

15 (C) injury to an elderly or disabled individual
16 that is not punishable as a felony of the first degree under Section
17 22.04, Penal Code;

18 (D) abandoning or endangering a child; or

19 (E) insurance fraud;

20 (5) if the investigation of the offense shows that the
21 victim is younger than 17 years of age at the time the offense is
22 committed, 20 years from the 18th birthday of the victim of one of
23 the following offenses:

24 (A) sexual performance by a child under Section
25 43.25, Penal Code;

26 (B) aggravated kidnapping under Section
27 20.04(a)(4), Penal Code, if the defendant committed the offense

1 with the intent to violate or abuse the victim sexually; or

2 (C) burglary under Section 30.02, Penal Code, if
3 the offense is punishable under Subsection (d) of that section and
4 the defendant committed the offense with the intent to commit an
5 offense described by Subdivision (1)(B) or (D) of this article or
6 Paragraph (B) of this subdivision; ~~or~~

7 (6) ~~(5)~~ ten years from the 18th birthday of the
8 victim of the offense:

9 (A) ~~[indecentcy with a child under Section~~
10 ~~21.11(a)(1) or (2), Penal Code;~~

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

15 ~~[(C)]~~ injury to a child under Section 22.04,
16 Penal Code; or

17 (B) bigamy under Section 25.01, Penal Code, if
18 the investigation of the offense shows that the person, other than
19 the legal spouse of the defendant, whom the defendant marries or
20 purports to marry or with whom the defendant lives under the
21 appearance of being married is younger than 18 years of age at the
22 time the offense is committed; or

23 (7) ~~(6)~~ three years from the date of the commission
24 of the offense: all other felonies.

25 SECTION 2. The change in law made by this Act does not apply
26 to an offense if the prosecution of that offense becomes barred by
27 limitation before the effective date of this Act. The prosecution

1 of that offense remains barred as if this Act had not taken effect.

2 SECTION 3. To the extent of any conflict, this Act prevails
3 over another Act of the 81st Legislature, Regular Session, 2009,
4 relating to nonsubstantive additions to and corrections in enacted
5 codes.

6 SECTION 4. This Act takes effect September 1, 2009.