

1-1 By: Nelson S.B. No. 787
1-2 (In the Senate - Filed February 11, 2009; March 4, 2009, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 14, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 14, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 787 By: Seliger

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the statute of limitations on prosecution of the
1-11 offense of bigamy.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Article 12.01, Code of Criminal Procedure, as
1-14 amended by Chapters 285 (H.B. 716), 593 (H.B. 8), 640 (H.B. 887),
1-15 and 841 (H.B. 959), Acts of the 80th Legislature, Regular Session,
1-16 2007, is reenacted and amended to read as follows:

1-17 Art. 12.01. FELONIES. Except as provided in Article 12.03,
1-18 felony indictments may be presented within these limits, and not
1-19 afterward:

1-20 (1) no limitation:

1-21 (A) murder and manslaughter;

1-22 (B) sexual assault under Section 22.011(a)(2),
1-23 Penal Code, or aggravated sexual assault under Section
1-24 22.021(a)(1)(B), Penal Code;

1-25 (C) sexual assault, if during the investigation
1-26 of the offense biological matter is collected and subjected to
1-27 forensic DNA testing and the testing results show that the matter
1-28 does not match the victim or any other person whose identity is
1-29 readily ascertained;

1-30 (D) continuous sexual abuse of young child or
1-31 children under Section 21.02, Penal Code;

1-32 (E) indecency with a child under Section 21.11,
1-33 Penal Code; or

1-34 (F) an offense involving leaving the scene of an
1-35 accident under Section 550.021, Transportation Code, if the
1-36 accident resulted in the death of a person;

1-37 (2) ten years from the date of the commission of the
1-38 offense:

1-39 (A) theft of any estate, real, personal or mixed,
1-40 by an executor, administrator, guardian or trustee, with intent to
1-41 defraud any creditor, heir, legatee, ward, distributee,
1-42 beneficiary or settlor of a trust interested in such estate;

1-43 (B) theft by a public servant of government
1-44 property over which he exercises control in his official capacity;

1-45 (C) forgery or the uttering, using or passing of
1-46 forged instruments;

1-47 (D) injury to an elderly or disabled individual
1-48 punishable as a felony of the first degree under Section 22.04,
1-49 Penal Code;

1-50 (E) sexual assault, except as provided by
1-51 Subdivision (1) [~~or (5)~~]; or

1-52 (F) arson;

1-53 (3) seven years from the date of the commission of the
1-54 offense:

1-55 (A) misapplication of fiduciary property or
1-56 property of a financial institution;

1-57 (B) securing execution of document by deception;

1-58 (C) a violation under Sections 162.403(22)-(39),
1-59 Tax Code;

1-60 (D) false statement to obtain property or credit
1-61 under Section 32.32, Penal Code;

1-62 (E) money laundering;

1-63 (F) [~~(D)~~] credit card or debit card abuse under

2-1 Section 32.31, Penal Code;
2-2 (G) [~~F~~] fraudulent use or possession of
2-3 identifying information under Section 32.51, Penal Code; or
2-4 (H) bigamy under Section 25.01, Penal Code,
2-5 except as provided by Subdivision (6);
2-6 (4) five years from the date of the commission of the
2-7 offense:
2-8 (A) theft or robbery;
2-9 (B) except as provided by Subdivision (5),
2-10 kidnapping or burglary;
2-11 (C) injury to an elderly or disabled individual
2-12 that is not punishable as a felony of the first degree under Section
2-13 22.04, Penal Code;
2-14 (D) abandoning or endangering a child; or
2-15 (E) insurance fraud;
2-16 (5) if the investigation of the offense shows that the
2-17 victim is younger than 17 years of age at the time the offense is
2-18 committed, 20 years from the 18th birthday of the victim of one of
2-19 the following offenses:
2-20 (A) sexual performance by a child under Section
2-21 43.25, Penal Code;
2-22 (B) aggravated kidnapping under Section
2-23 20.04(a)(4), Penal Code, if the defendant committed the offense
2-24 with the intent to violate or abuse the victim sexually; or
2-25 (C) burglary under Section 30.02, Penal Code, if
2-26 the offense is punishable under Subsection (d) of that section and
2-27 the defendant committed the offense with the intent to commit an
2-28 offense described by Subdivision (1)(B) or (D) of this article or
2-29 Paragraph (B) of this subdivision; [~~or~~]
2-30 (6) [~~5~~] ten years from the 18th birthday of the
2-31 victim of the offense:
2-32 (A) [~~indecentcy with a child under Section~~
2-33 ~~21.11(a)(1) or (2), Penal Code;~~
2-34 [~~(B) except as provided by Subdivision (1),~~
2-35 ~~sexual assault under Section 22.011(a)(2), Penal Code, or~~
2-36 ~~aggravated sexual assault under Section 22.021(a)(1)(B), Penal~~
2-37 ~~Code; or~~
2-38 [~~(C)~~] injury to a child under Section 22.04,
2-39 Penal Code; or
2-40 (B) bigamy under Section 25.01, Penal Code, if
2-41 the investigation of the offense shows that the person, other than
2-42 the legal spouse of the defendant, whom the defendant marries or
2-43 purports to marry or with whom the defendant lives under the
2-44 appearance of being married is younger than 18 years of age at the
2-45 time the offense is committed; or
2-46 (7) [~~6~~] three years from the date of the commission
2-47 of the offense: all other felonies.

2-48 SECTION 2. The change in law made by this Act does not apply
2-49 to an offense if the prosecution of that offense becomes barred by
2-50 limitation before the effective date of this Act. The prosecution
2-51 of that offense remains barred as if this Act had not taken effect.

2-52 SECTION 3. To the extent of any conflict, this Act prevails
2-53 over another Act of the 81st Legislature, Regular Session, 2009,
2-54 relating to nonsubstantive additions to and corrections in enacted
2-55 codes.

2-56 SECTION 4. This Act takes effect September 1, 2009.

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