

By: Fletcher

H.B. No. 739

A BILL TO BE ENTITLED

AN ACT

relating to the elimination of the statute of limitations for certain felony offenses.

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 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, Penal Code; [~~or~~]

(F) an offense involving leaving the scene of an

1 accident under Section 550.021, Transportation Code, or Section
2 31.127(d), Parks and Wildlife Code, if the accident resulted in the
3 death of a person; or

4 (G) tampering with or fabricating physical
5 evidence under Section 37.09, Penal Code, if the evidence relates
6 to an investigation or official proceeding involving the death of a
7 person;

8 (2) ten years from the date of the commission of the
9 offense:

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

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

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

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

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

23 (F) arson;

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

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

1 (B) securing execution of document by deception;

2 (C) a felony violation under Chapter 162, Tax
3 Code;

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

6 (E) money laundering;

7 (F) credit card or debit card abuse under Section
8 32.31, Penal Code; or

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

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

13 (A) theft or robbery;

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

16 (C) injury to an elderly or disabled individual
17 that is not punishable as a felony of the first degree under Section
18 22.04, Penal Code;

19 (D) abandoning or endangering a child; or

20 (E) insurance fraud;

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

25 (A) sexual performance by a child under Section
26 43.25, Penal Code;

27 (B) aggravated kidnapping under Section

1 20.04(a)(4), Penal Code, if the defendant committed the offense
2 with the intent to violate or abuse the victim sexually; or

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

8 (6) ten years from the 18th birthday of the victim of
9 the offense: injury to a child under Section 22.04, Penal Code; or

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

12 SECTION 2. The change in law made by this Act applies only
13 to an offense committed on or after the effective date of this Act.
14 An offense committed before the effective date of this Act is
15 governed by the law in effect on the date the offense was committed,
16 and the former law is continued in effect for that purpose. For
17 purposes of this section, an offense was committed before the
18 effective date of this Act if any element of the offense occurred
19 before that date.

20 SECTION 3. This Act takes effect September 1, 2011.