

By: Veasey

H.B. No. 1345

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations on prosecution of the offenses of kidnapping and aggravated kidnapping of a minor.

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, if the
2 accident resulted in the death of a person;

3 (2) ten years from the date of the commission of the
4 offense:

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

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

11 (C) forgery or the uttering, using or passing of
12 forged instruments;

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

16 (E) sexual assault, except as provided by
17 Subdivision (1); or

18 (F) arson;

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

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

1 (E) money laundering;

2 (F) credit card or debit card abuse under Section
3 32.31, Penal Code; or

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

6 (4) five years from the date of the commission of the
7 offense:

8 (A) theft or robbery;

9 (B) except as provided by Subdivision (5),
10 kidnapping or burglary;

11 (C) injury to an elderly or disabled individual
12 that is not punishable as a felony of the first degree under Section
13 22.04, Penal Code;

14 (D) abandoning or endangering a child; or

15 (E) insurance fraud;

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

20 (A) sexual performance by a child under Section
21 43.25, Penal Code;

22 (B) kidnapping under Section 20.03, Penal Code,
23 or aggravated kidnapping under Section 20.04 [~~20.04(a)(4)~~], Penal
24 Code [~~, if the defendant committed the offense with the intent to~~
25 ~~violate or abuse the victim sexually~~]; or

26 (C) burglary under Section 30.02, Penal Code, if
27 the offense is punishable under Subsection (d) of that section and

1 the defendant committed the offense with the intent to commit an
2 offense described by Subdivision (1)(B) or (D) of this article or
3 Paragraph (B) of this subdivision;

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

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

8 SECTION 2. The change in law made by this Act does not apply
9 to an offense if the prosecution of that offense becomes barred by
10 limitation before the effective date of this Act. The prosecution
11 of that offense remains barred as if this Act had not taken effect.

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