

By: Gutierrez

H.B. No. 3588

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of and consequences for certain acts of official oppression; providing penalties.

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

SECTION 1. Article 12.01, Code of Criminal Procedure, as amended by Chapters 1 (S.B. 24), 122 (H.B. 3000), 222 (H.B. 253), and 620 (S.B. 688), Acts of the 82nd Legislature, Regular Session, 2011, 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;

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; ~~[or]~~

5 (G) trafficking of persons under Section
6 20A.02(a)(7) or (8), Penal Code;

7 (H) ~~[(G)]~~ continuous trafficking of persons
8 under Section 20A.03, Penal Code;

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

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

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

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

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

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

24 (F) arson;

25 (G) trafficking of persons under Section
26 20A.02(a)(1), (2), (3), or (4), Penal Code; or

27 (H) compelling prostitution under Section

1 43.05(a)(1), Penal Code;

2 (I) official oppression under Section 39.03,
3 Penal Code;

4 (3) seven years from the date of the commission of the
5 offense:

6 (A) misapplication of fiduciary property or
7 property of a financial institution;

8 (B) securing execution of document by deception;

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

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

13 (E) money laundering;

14 (F) credit card or debit card abuse under Section
15 32.31, Penal Code;

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

18 (H) Medicaid fraud under Section 35A.02, Penal
19 Code; or

20 (I) ~~[(H)]~~ bigamy under Section 25.01, Penal
21 Code, except as provided by Subdivision (6);

22 (4) five years from the date of the commission of the
23 offense:

24 (A) theft or robbery;

25 (B) except as provided by Subdivision (5),
26 kidnapping or burglary;

27 (C) injury to an elderly or disabled individual

1 that is not punishable as a felony of the first degree under Section
2 22.04, Penal Code;

3 (D) abandoning or endangering a child; or

4 (E) insurance fraud;

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

9 (A) sexual performance by a child under Section
10 43.25, Penal Code;

11 (B) aggravated kidnapping under Section
12 20.04(a)(4), Penal Code, if the defendant committed the offense
13 with the intent to violate or abuse the victim sexually; or

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

19 (6) ten years from the 18th birthday of the victim of
20 the offense:

21 (A) trafficking of persons under Section
22 20A.02(a)(5) or (6), Penal Code;

23 (B) injury to a child under Section 22.04, Penal
24 Code; ~~or~~

25 (C) compelling prostitution under Section
26 43.05(a)(2), Penal Code; or

27 (D) ~~(B)~~ bigamy under Section 25.01, Penal

1 Code, if the investigation of the offense shows that the person,
2 other than the legal spouse of the defendant, whom the defendant
3 marries or purports to marry or with whom the defendant lives under
4 the appearance of being married is younger than 18 years of age at
5 the time the offense is committed; 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 applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect on the date the offense was committed,
12 and the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense occurred
15 before that date.

16 SECTION 3. To the extent of any conflict, this Act prevails
17 over another Act of the 83rd Legislature, Regular Session, 2013,
18 relating to nonsubstantive additions to and corrections in enacted
19 codes.

20 SECTION 4. This Act takes effect September 1, 2013.