

AN ACT

relating to the statute of limitations for a suit for personal injury arising from certain offenses constituting sexual abuse of a child or for certain sexual assault offenses.

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

SECTION 1. Section 16.0045, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 16.0045. [~~FIVE-YEAR~~] LIMITATIONS PERIOD FOR CLAIMS ARISING FROM CERTAIN OFFENSES. (a) A person must bring suit for personal injury not later than 15 [~~five~~] years after the day the cause of action accrues if the injury arises as a result of conduct that violates:

(1) Section 22.011(a)(2) [~~22.011~~], Penal Code (sexual assault of a child);

(2) Section 22.021(a)(1)(B) [~~22.021~~], Penal Code (aggravated sexual assault of a child);

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

(4) Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or Section 20A.02(a)(8), Penal Code, involving an activity described by Section 20A.02(a)(7)(A), (B), (C), (D), or (H) or sexual conduct with a child trafficked in the manner described by Section 20A.02(a)(7) [~~20A.02~~], Penal Code (certain sexual trafficking of a child [~~persons~~]); [~~or~~]

1 (5) Section 43.05(a)(2) [~~43.05~~], Penal Code
2 (compelling prostitution by a child); or

3 (6) Section 21.11, Penal Code (indecency with a
4 child).

5 (b) A person must bring suit for personal injury not later
6 than five years after the day the cause of action accrues if the
7 injury arises as a result of conduct that violates:

8 (1) Section 22.011(a)(1), Penal Code (sexual
9 assault);

10 (2) Section 22.021(a)(1)(A), Penal Code (aggravated
11 sexual assault);

12 (3) Section 20A.02, Penal Code (trafficking of
13 persons), other than conduct described by Subsection (a)(4); or

14 (4) Section 43.05(a)(1), Penal Code (compelling
15 prostitution).

16 (c) In an action for injury resulting in death arising as a
17 result of conduct described by Subsection (a) or (b), the cause of
18 action accrues on the death of the injured person.

19 (d) A [~~(c) — The~~] limitations period under this section is
20 tolled for a suit on the filing of a petition by any person in an
21 appropriate court alleging that the identity of the defendant in
22 the suit is unknown and designating the unknown defendant as "John
23 or Jane Doe." The person filing the petition shall proceed with due
24 diligence to discover the identity of the defendant and amend the
25 petition by substituting the real name of the defendant for "John or
26 Jane Doe" not later than the 30th day after the date that the
27 defendant is identified to the plaintiff. The limitations period

1 begins running again on the date that the petition is amended.

2 SECTION 2. Article 12.01, Code of Criminal Procedure, is
3 amended to read as follows:

4 Art. 12.01. FELONIES. Except as provided in Article 12.03,
5 felony indictments may be presented within these limits, and not
6 afterward:

7 (1) no limitation:

8 (A) murder and manslaughter;

9 (B) sexual assault under Section 22.011(a)(2),
10 Penal Code, or aggravated sexual assault under Section
11 22.021(a)(1)(B), Penal Code;

12 (C) sexual assault, if:

13 (i) during the investigation of the offense
14 biological matter is collected and subjected to forensic DNA
15 testing and the testing results show that the matter does not match
16 the victim or any other person whose identity is readily
17 ascertained; or

18 (ii) probable cause exists to believe that
19 the defendant has committed the same or a similar sexual offense
20 against five or more victims;

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

23 (E) indecency with a child under Section 21.11,
24 Penal Code;

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

1 (G) trafficking of persons under Section
2 20A.02(a)(7) or (8), Penal Code; or

3 (H) continuous trafficking of persons under
4 Section 20A.03, Penal Code;

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);

20 (F) arson;

21 (G) trafficking of persons under Section
22 20A.02(a)(1), (2), (3), or (4), Penal Code; or

23 (H) compelling prostitution under Section
24 43.05(a)(1), Penal Code;

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

27 (A) misapplication of fiduciary property or

- 1 property of a financial institution;
- 2 (B) securing execution of document by deception;
- 3 (C) a felony violation under Chapter 162, Tax
4 Code;
- 5 (D) false statement to obtain property or credit
6 under Section 32.32, Penal Code;
- 7 (E) money laundering;
- 8 (F) credit card or debit card abuse under Section
9 32.31, Penal Code;
- 10 (G) fraudulent use or possession of identifying
11 information under Section 32.51, Penal Code;
- 12 (H) Medicaid fraud under Section 35A.02, Penal
13 Code; or
- 14 (I) bigamy under Section 25.01, Penal Code,
15 except as provided by Subdivision (6);
- 16 (4) five years from the date of the commission of the
17 offense:
- 18 (A) theft or robbery;
- 19 (B) except as provided by Subdivision (5),
20 kidnapping or burglary;
- 21 (C) injury to an elderly or disabled individual
22 that is not punishable as a felony of the first degree under Section
23 22.04, Penal Code;
- 24 (D) abandoning or endangering a child; or
- 25 (E) insurance fraud;
- 26 (5) if the investigation of the offense shows that the
27 victim is younger than 17 years of age at the time the offense is

1 committed, 20 years from the 18th birthday of the victim of one of
2 the following offenses:

3 (A) sexual performance by a child under Section
4 43.25, Penal Code;

5 (B) aggravated kidnapping under Section
6 20.04(a)(4), Penal Code, if the defendant committed the offense
7 with the intent to violate or abuse the victim sexually; or

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

13 (6) ten years from the 18th birthday of the victim of
14 the offense:

15 (A) trafficking of persons under Section
16 20A.02(a)(5) or (6), Penal Code;

17 (B) injury to a child under Section 22.04, Penal
18 Code;

19 (C) compelling prostitution under Section
20 43.05(a)(2), Penal Code; or

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

27 (7) three years from the date of the commission of the

1 offense: all other felonies.

2 SECTION 3. Section 16.0045, Civil Practice and Remedies
3 Code, as amended by this Act, applies only to a cause of action that
4 accrues on or after the effective date of this Act. A cause of
5 action that accrued before the effective date of this Act is
6 governed by the law applicable to the cause of action immediately
7 before the effective date of this Act, and that law is continued in
8 effect for that purpose.

9 SECTION 4. Article 12.01, Code of Criminal Procedure, as
10 amended by this Act, does not apply to an offense if the prosecution
11 of that offense becomes barred by limitation before the effective
12 date of this Act. The prosecution of that offense remains barred as
13 if this Act had not taken effect.

14 SECTION 5. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 189 was passed by the House on May 1, 2015, by the following vote: Yeas 133, Nays 4, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 189 on May 26, 2015, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 189 on May 30, 2015, by the following vote: Yeas 140, Nays 5, 2 present, not voting.

Chief Clerk of the House

H.B. No. 189

I certify that H.B. No. 189 was passed by the Senate, with amendments, on May 24, 2015, by the following vote: Yeas 30, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 189 on May 30, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor