

By: Dutton

H.B. No. 348

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the punishment for certain conduct constituting the
3 offense of official oppression and to the statute of limitation on
4 prosecution of that conduct.

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

6 SECTION 1. Article 12.01, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 12.01. FELONIES. Except as provided in Article 12.03,
9 felony indictments may be presented within these limits, and not
10 afterward:

11 (1) no limitation:

12 (A) murder and manslaughter;

13 (B) sexual assault under Section 22.011(a)(2),
14 Penal Code, or aggravated sexual assault under Section
15 22.021(a)(1)(B), Penal Code;

16 (C) sexual assault, if during the investigation
17 of the offense biological matter is collected and subjected to
18 forensic DNA testing and the testing results show that the matter
19 does not match the victim or any other person whose identity is
20 readily ascertained;

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;

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

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

6 (H) continuous trafficking of persons under
7 Section 20A.03, Penal Code; or

8 (I) official oppression under Section 39.03,
9 Penal Code, if the offense is punishable under Subsection (e)(2) of
10 that section;

11 (2) ten years from the date of the commission of the
12 offense:

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

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

19 (C) forgery or the uttering, using or passing of
20 forged instruments;

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

24 (E) sexual assault, except as provided by
25 Subdivision (1);

26 (F) arson;

27 (G) trafficking of persons under Section

1 20A.02(a)(1), (2), (3), or (4), Penal Code; or

2 (H) compelling prostitution under Section
3 43.05(a)(1), 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;

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

20 (I) bigamy under Section 25.01, Penal Code,
21 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;

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

27 (D) bigamy under Section [25.01](#), Penal Code, if

1 the investigation of the offense shows that the person, other than
2 the legal spouse of the defendant, whom the defendant marries or
3 purports to marry or with whom the defendant lives under the
4 appearance of being married is younger than 18 years of age at the
5 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. Section 39.03, Penal Code, is amended by
9 amending Subsection (d) and adding Subsection (e) to read as
10 follows:

11 (d) Except as provided by Subsection (e), an [An] offense
12 under this section is a Class A misdemeanor.

13 (e) An [~~, except that an~~] offense under this section is a
14 felony of the third degree if:

15 (1) the public servant acted with the intent to impair
16 the accuracy of data reported to the Texas Education Agency through
17 the Public Education Information Management System (PEIMS)
18 described by Section 42.006, Education Code, under a law requiring
19 that reporting; or

20 (2) the conduct constituting the offense consists of
21 the intentional or knowing suppression of evidence favorable to a
22 defendant and material to the defendant's guilt or punishment in a
23 criminal trial.

24 SECTION 3. (a) The change in law made by this Act to Section
25 39.03, Penal Code, applies only to an offense committed on or after
26 the effective date of this Act. An offense committed before the
27 effective date of this Act is governed by the law in effect on the

1 date the offense was committed, and the former law is continued in
2 effect for that purpose. For purposes of this subsection, an
3 offense was committed before the effective date of this Act if any
4 element of the offense occurred before that date.

5 (b) The change in law made by this Act to Article [12.01](#), Code
6 of Criminal Procedure, does not apply to an offense if the
7 prosecution of that offense becomes barred by limitation before the
8 effective date of this Act. The prosecution of that offense remains
9 barred as if this Act had not taken effect.

10 SECTION 4. This Act takes effect September 1, 2015.