

By: Herrero

H.B. No. 3751

Substitute the following for H.B. No. 3751:

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C.S.H.B. No. 3751

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the prosecution of the offense of aggravated  
3 kidnapping; creating an offense.

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

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

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

10 (1) no limitation:

11 (A) murder and manslaughter;

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

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

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

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

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

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

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

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

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

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

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

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

22 (F) arson;

23 (G) trafficking of persons under Section  
24 20A.02(a)(1), (2), (3), or (4), Penal Code; or

25 (H) compelling prostitution under Section  
26 43.05(a)(1), Penal Code;

27 (3) seven years from the date of the commission of the

1 offense:

2 (A) misapplication of fiduciary property or  
3 property of a financial institution;

4 (B) securing execution of document by deception;

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

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

9 (E) money laundering;

10 (F) credit card or debit card abuse under Section  
11 32.31, Penal Code;

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

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

16 (I) bigamy under Section 25.01, Penal Code,  
17 except as provided by Subdivision (6);

18 (4) five years from the date of the commission of the  
19 offense:

20 (A) theft or robbery;

21 (B) ~~[except as provided by Subdivision (5),~~  
22 ~~kidnapping or]~~ burglary, except as provided by Subdivision (5);

23 (B-1) kidnapping, except as provided by  
24 Subdivision (5) or (6);

25 (C) injury to an elderly or disabled individual  
26 that is not punishable as a felony of the first degree under Section  
27 22.04, Penal Code;

1 (D) abandoning or endangering a child; or

2 (E) insurance fraud;

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

7 (A) sexual performance by a child under Section  
8 43.25, Penal Code;

9 (B) aggravated kidnapping under Section  
10 20.04(a)(4), Penal Code, if the defendant committed the offense  
11 with the intent to violate or abuse the victim sexually; or

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

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

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

21 (B) injury to a child under Section 22.04, Penal  
22 Code;

23 (C) compelling prostitution under Section  
24 43.05(a)(2), Penal Code; [~~or~~]

25 (D) bigamy under Section 25.01, Penal Code, if  
26 the investigation of the offense shows that the person, other than  
27 the legal spouse of the defendant, whom the defendant marries or

1 purports to marry or with whom the defendant lives under the  
2 appearance of being married is younger than 18 years of age at the  
3 time the offense is committed; or

4 (E) aggravated kidnapping under Section  
5 20.04(b-1), Penal Code; or

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

8 SECTION 2. Section 20.04, Penal Code, is amended by adding  
9 Subsection (b-1) to read as follows:

10 (b-1) A person commits an offense if the person  
11 intentionally or knowingly abducts a child younger than 18 years of  
12 age.

13 SECTION 3. (a) The change in law made by this Act to Section  
14 20.04, Penal Code, applies only to an offense committed on or after  
15 the effective date of this Act. An offense committed before the  
16 effective date of this Act is governed by the law in effect on the  
17 date the offense was committed, and the former law is continued in  
18 effect for that purpose. For purposes of this subsection, an  
19 offense was committed before the effective date of this Act if any  
20 element of the offense occurred before that date.

21 (b) The change in law made by this Act to Article 12.01, Code  
22 of Criminal Procedure, does not apply to an offense if the  
23 prosecution of that offense becomes barred by limitation before the  
24 effective date of this Act. The prosecution of that offense remains  
25 barred as if this Act had not taken effect.

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