

By: Taylor of Collin

S.B. No. 701

A BILL TO BE ENTITLED

AN ACT

relating to the elimination of the statute of limitations for the offense of sexual performance by a child.

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;

(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; or

7 (I) sexual performance by a child under Section
8 43.25, 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 (3) seven years from the date of the commission of the
3 offense:

4 (A) misapplication of fiduciary property or
5 property of a financial institution;

6 (B) securing execution of document by deception;

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

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

11 (E) money laundering;

12 (F) credit card or debit card abuse under Section
13 32.31, Penal Code;

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

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

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

20 (4) five years from the date of the commission of the
21 offense:

22 (A) theft or robbery;

23 (B) except as provided by Subdivision (5),
24 kidnapping or burglary;

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 (B) [~~(C)~~] burglary under Section 30.02, Penal
13 Code, if the offense is punishable under Subsection (d) of that
14 section and the defendant committed the offense with the intent to
15 commit an offense described by Subdivision (1)(B) or (D) of this
16 article or 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 (7) three years from the date of the commission of the
5 offense: all other felonies.

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

10 SECTION 3. This Act takes effect September 1, 2015.