

BILL ANALYSIS

Senate Research Center
85R10049 SMT-D

S.B. 998
By: West
Criminal Justice
3/17/2017
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 998, if passed into law, changes the statute of limitations on offenses related to the financial exploitation of vulnerable populations, generally defined as the elderly, disabled persons, and children. Under current law, the state or local authorities would have three years to present a case for criminal prosecution. S.B. 998 extends the statute of limitations for such offenses to seven years.

S.B. 998 was brought to Senator West by the Dallas County District Attorney's Office. Their motive for this legislation is that, under current law, the statute of limitations has often expired or is well spent before a case involving possible elderly financial abuse has been discovered or identified by family, legal advocates, or the courts. In preparing a case for prosecution, the process of evidence collection and identifying and locating witnesses is often lengthy and time-consuming. If the statute of limitations were extended, more of these cases could be brought to justice and the rights of those who are more susceptible to exploitation would be better protected.

Dallas County notes that the statute of limitation for other fraud-related offenses is seven years. S.B. 998 amends Article 12.01, Code of Criminal Procedure.

As proposed, S.B. 998 amends current law relating to the statute of limitations for the offense of exploitation of a child, elderly individual, or disabled individual.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 12.01, Code of Criminal Procedure, as follows:

Art. 12.01. FELONIES. Authorizes felony indictments to be presented within these limits, and not afterward, except as provided by Article 12.03 (Aggravated Offenses, Attempt, Conspiracy, Solicitation, Organized Criminal Activity):

(1) to (2) makes no changes to these subdivisions;

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

(A) to (G) makes no changes to these paragraphs;

(H) exploitation of a child, elderly individual, or disabled individual under Section 32.53 (Exploitation of Child, Elderly Individual, or Disabled Individual), Penal Code;

(I) and (J) redesignates existing Paragraphs (H) and (I) as Paragraphs (I) and (J) and makes no further changes to these paragraphs;

(4) to (7) makes no changes to these subdivisions.

SECTION 2. Provides that Article 12.01, Code of Criminal Procedure, as amended by this Act, does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date of this Act. Provides that the prosecution of that offense remains barred as if this Act had not taken effect.

SECTION 3. Effective date: September 1, 2017.