

By: West

S.B. No. 998

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the statute of limitations for the offense of
3 exploitation of a child, elderly individual, or disabled
4 individual.

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:

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

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

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

3 (E) indecency with a child under Section 21.11,
4 Penal Code;

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

8 (G) trafficking of persons under Section
9 20A.02(a)(7) or (8), Penal Code;

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

12 (I) compelling prostitution under Section
13 43.05(a)(2), Penal Code;

14 (2) ten years from the date of the commission of the
15 offense:

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

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

22 (C) forgery or the uttering, using or passing of
23 forged instruments;

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

27 (E) sexual assault, except as provided by

1 Subdivision (1);

2 (F) arson;

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

5 (H) compelling prostitution under Section
6 43.05(a)(1), Penal Code;

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

9 (A) misapplication of fiduciary property or
10 property of a financial institution;

11 (B) securing execution of document by deception;

12 (C) a felony violation under Chapter 162, Tax
13 Code;

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

16 (E) money laundering;

17 (F) credit card or debit card abuse under Section
18 32.31, Penal Code;

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

21 (H) exploitation of a child, elderly individual,
22 or disabled individual under Section 32.53, Penal Code;

23 (I) Medicaid fraud under Section 35A.02, Penal
24 Code; or

25 (J) [~~(I)~~] bigamy under Section 25.01, Penal
26 Code, except as provided by Subdivision (6);

27 (4) five years from the date of the commission of the

1 offense:

2 (A) theft or robbery;

3 (B) except as provided by Subdivision (5),
4 kidnapping or burglary;

5 (C) injury to an elderly or disabled individual
6 that is not punishable as a felony of the first degree under Section
7 [22.04](#), Penal Code;

8 (D) abandoning or endangering a child; or

9 (E) insurance fraud;

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

14 (A) sexual performance by a child under Section
15 [43.25](#), Penal Code;

16 (B) aggravated kidnapping under Section
17 [20.04\(a\)\(4\)](#), Penal Code, if the defendant committed the offense
18 with the intent to violate or abuse the victim sexually; or

19 (C) burglary under Section [30.02](#), Penal Code, if
20 the offense is punishable under Subsection (d) of that section and
21 the defendant committed the offense with the intent to commit an
22 offense described by Subdivision (1)(B) or (D) of this article or
23 Paragraph (B) of this subdivision;

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

26 (A) trafficking of persons under Section
27 [20A.02\(a\)\(5\)](#) or (6), Penal Code;

1 (B) injury to a child under Section 22.04, Penal
2 Code; or

3 (C) bigamy under Section 25.01, Penal Code, if
4 the investigation of the offense shows that the person, other than
5 the legal spouse of the defendant, whom the defendant marries or
6 purports to marry or with whom the defendant lives under the
7 appearance of being married is younger than 18 years of age at the
8 time the offense is committed; or

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

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

16 SECTION 3. This Act takes effect September 1, 2017.