

1-1 By: West S.B. No. 998  
 1-2 (In the Senate - Filed February 21, 2017; March 6, 2017,  
 1-3 read first time and referred to Committee on Criminal Justice;  
 1-4 March 23, 2017, reported favorably by the following vote: Yeas 8,  
 1-5 Nays 0; March 23, 2017, sent to printer.)

1-6 COMMITTEE VOTE

|      | Yea | Nay | Absent | PNV |
|------|-----|-----|--------|-----|
| 1-7  |     |     |        |     |
| 1-8  | X   |     |        |     |
| 1-9  | X   |     |        |     |
| 1-10 | X   |     |        |     |
| 1-11 | X   |     |        |     |
| 1-12 | X   |     |        |     |
| 1-13 | X   |     |        |     |
| 1-14 |     |     | X      |     |
| 1-15 | X   |     |        |     |
| 1-16 | X   |     |        |     |

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the statute of limitations for the offense of  
 1-20 exploitation of a child, elderly individual, or disabled  
 1-21 individual.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Article 12.01, Code of Criminal Procedure, is  
 1-24 amended to read as follows:

1-25 Art. 12.01. FELONIES. Except as provided in Article 12.03,  
 1-26 felony indictments may be presented within these limits, and not  
 1-27 afterward:

1-28 (1) no limitation:

1-29 (A) murder and manslaughter;

1-30 (B) sexual assault under Section 22.011(a)(2),

1-31 Penal Code, or aggravated sexual assault under Section  
 1-32 22.021(a)(1)(B), Penal Code;

1-33 (C) sexual assault, if:

1-34 (i) during the investigation of the offense  
 1-35 biological matter is collected and subjected to forensic DNA  
 1-36 testing and the testing results show that the matter does not match  
 1-37 the victim or any other person whose identity is readily  
 1-38 ascertained; or

1-39 (ii) probable cause exists to believe that  
 1-40 the defendant has committed the same or a similar sexual offense  
 1-41 against five or more victims;

1-42 (D) continuous sexual abuse of young child or  
 1-43 children under Section 21.02, Penal Code;

1-44 (E) indecency with a child under Section 21.11,  
 1-45 Penal Code;

1-46 (F) an offense involving leaving the scene of an  
 1-47 accident under Section 550.021, Transportation Code, if the  
 1-48 accident resulted in the death of a person;

1-49 (G) trafficking of persons under Section  
 1-50 20A.02(a)(7) or (8), Penal Code;

1-51 (H) continuous trafficking of persons under  
 1-52 Section 20A.03, Penal Code; or

1-53 (I) compelling prostitution under Section  
 1-54 43.05(a)(2), Penal Code;

1-55 (2) ten years from the date of the commission of the  
 1-56 offense:

1-57 (A) theft of any estate, real, personal or mixed,  
 1-58 by an executor, administrator, guardian or trustee, with intent to  
 1-59 defraud any creditor, heir, legatee, ward, distributee,  
 1-60 beneficiary or settlor of a trust interested in such estate;

1-61 (B) theft by a public servant of government

2-1 property over which he exercises control in his official capacity;  
 2-2 (C) forgery or the uttering, using or passing of  
 2-3 forged instruments;  
 2-4 (D) injury to an elderly or disabled individual  
 2-5 punishable as a felony of the first degree under Section 22.04,  
 2-6 Penal Code;  
 2-7 (E) sexual assault, except as provided by  
 2-8 Subdivision (1);  
 2-9 (F) arson;  
 2-10 (G) trafficking of persons under Section  
 2-11 20A.02(a)(1), (2), (3), or (4), Penal Code; or  
 2-12 (H) compelling prostitution under Section  
 2-13 43.05(a)(1), Penal Code;  
 2-14 (3) seven years from the date of the commission of the  
 2-15 offense:  
 2-16 (A) misapplication of fiduciary property or  
 2-17 property of a financial institution;  
 2-18 (B) securing execution of document by deception;  
 2-19 (C) a felony violation under Chapter 162, Tax  
 2-20 Code;  
 2-21 (D) false statement to obtain property or credit  
 2-22 under Section 32.32, Penal Code;  
 2-23 (E) money laundering;  
 2-24 (F) credit card or debit card abuse under Section  
 2-25 32.31, Penal Code;  
 2-26 (G) fraudulent use or possession of identifying  
 2-27 information under Section 32.51, Penal Code;  
 2-28 (H) exploitation of a child, elderly individual,  
 2-29 or disabled individual under Section 32.53, Penal Code;  
 2-30 (I) Medicaid fraud under Section 35A.02, Penal  
 2-31 Code; or  
 2-32 (J) [~~(I)~~] bigamy under Section 25.01, Penal  
 2-33 Code, except as provided by Subdivision (6);  
 2-34 (4) five years from the date of the commission of the  
 2-35 offense:  
 2-36 (A) theft or robbery;  
 2-37 (B) except as provided by Subdivision (5),  
 2-38 kidnapping or burglary;  
 2-39 (C) injury to an elderly or disabled individual  
 2-40 that is not punishable as a felony of the first degree under Section  
 2-41 22.04, Penal Code;  
 2-42 (D) abandoning or endangering a child; or  
 2-43 (E) insurance fraud;  
 2-44 (5) if the investigation of the offense shows that the  
 2-45 victim is younger than 17 years of age at the time the offense is  
 2-46 committed, 20 years from the 18th birthday of the victim of one of  
 2-47 the following offenses:  
 2-48 (A) sexual performance by a child under Section  
 2-49 43.25, Penal Code;  
 2-50 (B) aggravated kidnapping under Section  
 2-51 20.04(a)(4), Penal Code, if the defendant committed the offense  
 2-52 with the intent to violate or abuse the victim sexually; or  
 2-53 (C) burglary under Section 30.02, Penal Code, if  
 2-54 the offense is punishable under Subsection (d) of that section and  
 2-55 the defendant committed the offense with the intent to commit an  
 2-56 offense described by Subdivision (1)(B) or (D) of this article or  
 2-57 Paragraph (B) of this subdivision;  
 2-58 (6) ten years from the 18th birthday of the victim of  
 2-59 the offense:  
 2-60 (A) trafficking of persons under Section  
 2-61 20A.02(a)(5) or (6), Penal Code;  
 2-62 (B) injury to a child under Section 22.04, Penal  
 2-63 Code; or  
 2-64 (C) bigamy under Section 25.01, Penal Code, if  
 2-65 the investigation of the offense shows that the person, other than  
 2-66 the legal spouse of the defendant, whom the defendant marries or  
 2-67 purports to marry or with whom the defendant lives under the  
 2-68 appearance of being married is younger than 18 years of age at the  
 2-69 time the offense is committed; or

3-1 (7) three years from the date of the commission of the  
3-2 offense: all other felonies.

3-3 SECTION 2. Article 12.01, Code of Criminal Procedure, as  
3-4 amended by this Act, does not apply to an offense if the prosecution  
3-5 of that offense becomes barred by limitation before the effective  
3-6 date of this Act. The prosecution of that offense remains barred as  
3-7 if this Act had not taken effect.

3-8 SECTION 3. This Act takes effect September 1, 2017.

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