

By: Wu

H.B. No. 764

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations for aggravated assault.

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:

(i) 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; or

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

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

1 (E) indecency with a child under Section 21.11,
2 Penal Code;

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

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

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

10 (I) compelling prostitution under Section
11 43.05(a)(2), Penal Code;

12 (2) ten years from the date of the commission of the
13 offense:

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

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

20 (C) forgery or the uttering, using or passing of
21 forged instruments;

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

25 (E) sexual assault, except as provided by
26 Subdivision (1);

27 (F) arson;

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

3 (H) compelling prostitution under Section
4 43.05(a)(1), Penal Code;

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

7 (A) misapplication of fiduciary property or
8 property of a financial institution;

9 (B) securing execution of document by deception;

10 (C) a felony violation under Chapter 162, Tax
11 Code;

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

14 (E) money laundering;

15 (F) credit card or debit card abuse under Section
16 32.31, Penal Code;

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

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

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

23 (J) bigamy under Section 25.01, Penal Code,
24 except as provided by Subdivision (6);

25 (4) five years from the date of the commission of the
26 offense:

27 (A) theft or robbery;

1 (B) except as provided by Subdivision (5),
2 kidnapping or burglary;

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

6 (D) abandoning or endangering a child; or

7 (E) insurance fraud;

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

12 (A) sexual performance by a child under Section
13 43.25, Penal Code;

14 (B) aggravated kidnapping under Section
15 20.04(a)(4), Penal Code, if the defendant committed the offense
16 with the intent to violate or abuse the victim sexually; or

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

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

24 (A) trafficking of persons under Section
25 20A.02(a)(5) or (6), Penal Code;

26 (B) injury to a child under Section 22.04, Penal
27 Code; or

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

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

9 (A) aggravated assault; and

10 (B) all other felonies not otherwise specified by
11 this article.

12 SECTION 2. Article 12.03(d), Code of Criminal Procedure, is
13 amended to read as follows:

14 (d) Any ~~[Except as otherwise provided by this chapter, any]~~
15 offense that bears the title "aggravated" shall carry the same
16 limitation period as the primary crime if a limitation period has
17 not otherwise been specifically provided for the aggravated offense
18 under another provision of this chapter.

19 SECTION 3. The change in law made by this Act does not apply
20 to an offense if the prosecution of that offense becomes barred by
21 limitation before the effective date of this Act. The prosecution
22 of that offense remains barred as if this Act had not taken effect.

23 SECTION 4. This Act takes effect September 1, 2019.