

By: Wu

H.B. No. 491

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 the matter:

(a) has not yet been subjected to forensic DNA testing; or

(b) has been 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 sex offense

1 against five or more victims;

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

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

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

9 (G) trafficking of persons under Section
10 20A.02(a)(7) or (8), Penal Code;

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

13 (I) compelling prostitution under Section
14 43.05(a)(2), Penal Code;

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

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

21 (B) theft by a public servant of government
22 property over which the public servant exercises control in the
23 public servant's official capacity;

24 (C) forgery or the uttering, using or passing of
25 forged instruments;

26 (D) injury to an elderly or disabled individual
27 punishable as a felony of the first degree under Section 22.04,

1 Penal Code;

2 (E) sexual assault, except as provided by
3 Subdivision (1) or (7);

4 (F) arson;

5 (G) trafficking of persons under Section
6 [20A.02](#)(a)(1), (2), (3), or (4), Penal Code; or

7 (H) compelling prostitution under Section
8 [43.05](#)(a)(1), Penal Code;

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

11 (A) misapplication of fiduciary property or
12 property of a financial institution;

13 (B) securing execution of document by deception;

14 (C) a felony violation under Chapter [162](#), Tax
15 Code;

16 (D) false statement to obtain property or credit
17 under Section [32.32](#), Penal Code;

18 (E) money laundering;

19 (F) credit card or debit card abuse under Section
20 [32.31](#), Penal Code;

21 (G) fraudulent use or possession of identifying
22 information under Section [32.51](#), Penal Code;

23 (H) exploitation of a child, elderly individual,
24 or disabled individual under Section [32.53](#), Penal Code;

25 (I) health care fraud under Section [35A.02](#), Penal
26 Code; or

27 (J) bigamy under Section [25.01](#), Penal Code,

1 except as provided by Subdivision (6);

2 (4) five years from the date of the commission of the
3 offense:

4 (A) theft or robbery;

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

7 (C) injury to an elderly or disabled individual
8 that is not punishable as a felony of the first degree under Section
9 [22.04](#), Penal Code;

10 (D) abandoning or endangering a child; or

11 (E) insurance fraud;

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

16 (A) sexual performance by a child under Section
17 [43.25](#), Penal Code;

18 (B) aggravated kidnapping under Section
19 [20.04\(a\)\(4\)](#), Penal Code, if the defendant committed the offense
20 with the intent to violate or abuse the victim sexually; or

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

26 (6) ten years from the 18th birthday of the victim of
27 the offense:

1 (A) trafficking of persons under Section
2 20A.02(a)(5) or (6), Penal Code;

3 (B) injury to a child under Section 22.04, Penal
4 Code; or

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

11 (7) two years from the date the offense was
12 discovered: sexual assault punishable as a state jail felony under
13 Section 22.011(f)(2), Penal Code; or

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

16 (A) aggravated assault; and

17 (B) all other felonies not otherwise specified by
18 this article.

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

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

26 SECTION 3. The change in law made by this Act does not apply
27 to an offense if the prosecution of that offense becomes barred by

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1 limitation before the effective date of this Act. The prosecution
2 of that offense remains barred as if this Act had not taken effect.

3 SECTION 4. This Act takes effect September 1, 2021.