

BILL ANALYSIS

Senate Research Center

H.B. 1506
By: Meyer (Parker)
Criminal Justice
5/17/2023
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the statute of limitations for the offense of abandoning or endangering a child is five years from the date of the commission of the offense. This means a victim of child abandonment or endangerment must come forward against a perpetrator within five years after the commission of the offense. Interested parties believe that statute of limitations offers too short a time for victims of child abandonment or endangerment to come forward. H.B. 1506 seeks to resolve this issue by raising the statute of limitations to 10 years after the commission of the offense.

H.B. 1506 amends the Code of Criminal Procedure to extend the statute of limitations for the offense of abandoning or endangering a child from five years from the date of the commission of the offense to 10 years from that date. The bill expressly does not apply to an offense if the prosecution of that offense becomes barred by limitation before the bill's effective date, and the prosecution of that offense remains barred as if the bill had not taken effect.

H.B. 1506 amends current law relating to the statute of limitations for the offense of abandoning or endangering a child.

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, except as provided in Article 12.03 (Aggravated Offenses, Attempt, Conspiracy, Solicitation, Organized Criminal Activity), to be presented within these limits, and not afterward:

- (1)-(3) makes no changes to these subdivisions;
- (4) makes nonsubstantive changes to this subdivision;
- (5) makes no changes to this subdivision;
- (6) ten years from the 18th birthday of the victim of the offense:
 - (A) makes no changes to this paragraph;
 - (B)-(C) makes nonsubstantive changes to these paragraphs; or
 - (D) abandoning or endangering a child; or
- (7)-(8) makes no changes to these subdivisions.

Deletes existing text authorizing felony indictments of abandoning or endangering a child, except as provided in Article 12.03, to be presented within five years from the date of the commission of the offense, and not afterward.

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. Provides that this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, to the extent of any conflict relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Effective date: September 1, 2023.