

## **BILL ANALYSIS**

Senate Research Center

H.B. 1769  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

What does this bill do?

- H.B. 1769 extends the statute of limitations period for certain offenses committed against children and makes related revisions.

How does the bill do it?

- It removes the requirement that the victim of sexual performance by a child was younger than 17 years old at the time the offense was committed.
- It extends the statute of limitations for the offense of trafficking persons with the intent that the trafficked person or child engage in forced labor to 20 years from the 18th birthday of the victim.

Background and Purpose:

- The statute of limitations for the offense of trafficking a child with the intent that the trafficked child engages in forced labor or services is 10 years from the 18th birthday of the victim of the offense.
- The statute of limitations for an offense of sexual performance by a child is 20 years from the victim's 18th birthday if the investigation of the offense shows that the victim was younger than 17 years of age at the time the offense was committed. However, the statute does not provide for victims who are 17 years of age at the time the offense was committed.
- The current statute of limitations for these offenses is either too short of a time to allow children who are victims to come forward or does not fully address certain victims. The statute of limitations for these crimes against children should reflect the seriousness of the crime.
- The bill would revise the statute of limitations to address certain crimes when victims were 17 years of age at the time of the offense and allow children who were victims of serious offenses more time to come forward.

H.B. 1769 amends current law relating to the statute of limitations for certain offenses committed against children.

### **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) makes no changes to this subdivision;

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

(A)-(D) makes no changes to these paragraphs;

(E) sexual assault, except as provided by Subdivision (1) or (8), rather than Subdivision (1) or (7); or

(F)-(H) makes no changes to these paragraphs;

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

(A)-(H) makes no changes to these paragraphs;

(I) makes nonsubstantive changes to this paragraph;

(J) bigamy under Section 25.01 (Bigamy), Penal Code, except as provided by Subdivision (7), rather than Subdivision (6); or

(K) possession or promotion of child pornography under Section 43.26 (Possession or Promotion of Child Pornography), Penal Code;

(4) makes no changes to this subdivision;

(5) deletes existing text authorizing felony indictments, except as provided in Article 12.03, to be presented within the limits of, and not afterward, if the investigation of the offense shows that the victim is 17 years of age at the time the offense is committed, 20 years from the 18th birthday of the victim of certain offenses, including sexual performance by a child under Section 43.25 (Sexual Performance by a Child), and makes nonsubstantive changes;

(6) 20 years from the 18th birthday of the victim of one of the following offenses:

(A) trafficking of persons under Section 20A.02(a)(5) (relating to providing that a person commits an offense if the person knowingly traffics a child with the intent that the trafficked child engage in forced labor or services) or (6) (relating to providing that a person commits an offense if the person receives a benefit from participating in a venture that involves an activity described by Subdivision (5)), Penal Code; or

(B) sexual performance by a child under Section 43.25, Penal Code;

(7) deletes existing text authorizing felony indictments, except as provided in Article 12.03, to be presented within the limits of, and not afterwards, for ten years from the 18th birthday of the victim of the offense of trafficking of persons under Section 20A.02(a)(5) or (6), Penal Code; or

(8)-(9) makes nonsubstantive changes to these subdivisions.

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.