

## **BILL ANALYSIS**

C.S.H.B. 3025  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In April 1995, Deana Hebert's 20-month-old child, Bianca, was taken by her father from Texas to Mexico in violation of a court-ordered child custody arrangement. Bianca's father was charged with interference with child custody and a court issued a warrant for his arrest. Deana spent over sixteen years trying to find her daughter. In May 2021, Deana and Bianca were reunited briefly near Cancun, Mexico, after a private investigator tracked down Bianca's father. While Mexican authorities briefly took Bianca's father into custody, they did not extradite him back to Texas, purportedly because Mexico does not deem interference with child custody to be an extraditable offense under the Geneva Conventions. In addition, the statute of limitations period for charging Bianca's father with kidnapping had ended. C.S.H.B. 3025 seeks to reduce the likelihood of a similar injustice taking place by extending or eliminating the statute of limitations for crimes involving similar circumstances.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3025 amends the Code of Criminal Procedure to revise the statute of limitations period for certain felony offenses, as follows:

- eliminates the statute of limitations period for interference with child custody if the person takes or retains a child younger than 18 years of age outside of the United States with the intent to deprive a person entitled to possession of or access to the child of that possession or access and without the permission of that person;
- extends the statute of limitations period for kidnapping from five years from the date of the commission of the offense to 20 years from the 18th birthday of the victim, if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed; and
- establishes that the statute of limitations period for any aggravated kidnapping offense is 20 years from the 18th birthday of the victim, if the investigation of the offense shows that the victim is younger than 17 years of age at the time the offense is committed.

These provisions do not apply to the prosecution of an offense if that prosecution becomes barred by limitation before the bill's effective date.

C.S.H.B. 3025 amends the Penal Code to establish that if conduct constituting interference with child custody in which the actor takes or retains a child younger than 18 years of age outside of

the United States with the intent to deprive a person entitled to possession of or access to the child of that possession or access and without the permission of that person also constitutes kidnapping, the actor may only be prosecuted for kidnapping. This provision applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date

#### **EFFECTIVE DATE**

September 1, 2023.

#### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 3025 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

While the introduced eliminated the statute of limitations period for interference with child custody, the substitute eliminates the statute of limitations period for interference with child custody if that interference involves taking or retaining a child younger than 18 years of age outside of the United States with the intent to deprive a person entitled to possession of or access to the child of that possession or access and without the permission of that person.