

By: Vasut

H.B. No. 559

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations for interference with child custody.

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

1 the defendant has committed the same or a similar sex offense
2 against five or more victims;

3 (D) continuous sexual abuse of young child or
4 disabled individual under Section 21.02, Penal Code;

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

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

10 (G) trafficking of persons under Section
11 20A.02(a)(7) or (8), Penal Code;

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

14 (I) compelling prostitution under Section
15 43.05(a)(2), Penal Code; or

16 (J) interference with child custody under
17 Section 25.03, Penal Code;

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

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

24 (B) theft by a public servant of government
25 property over which the public servant exercises control in the
26 public servant's official capacity;

27 (C) forgery or the uttering, using or passing of

1 forged instruments;

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

5 (E) sexual assault, except as provided by
6 Subdivision (1) or (7);

7 (F) arson;

8 (G) trafficking of persons under Section
9 20A.02(a)(1), (2), (3), or (4), Penal Code; or

10 (H) compelling prostitution under Section
11 43.05(a)(1), Penal Code;

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

14 (A) misapplication of fiduciary property or
15 property of a financial institution;

16 (B) fraudulent securing of document execution;

17 (C) a felony violation under Chapter 162, Tax
18 Code;

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

21 (E) money laundering;

22 (F) credit card or debit card abuse under Section
23 32.31, Penal Code;

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

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

1 (I) health care fraud under Section 35A.02, Penal
2 Code; or

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

5 (4) five years from the date of the commission of the
6 offense:

7 (A) theft or robbery;

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

10 (C) injury to an elderly or disabled individual
11 that is not punishable as a felony of the first degree under Section
12 22.04, Penal Code;

13 (D) abandoning or endangering a child; or

14 (E) insurance fraud;

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

19 (A) sexual performance by a child under Section
20 43.25, Penal Code;

21 (B) aggravated kidnapping under Section
22 20.04(a)(4), Penal Code, if the defendant committed the offense
23 with the intent to violate or abuse the victim sexually; or

24 (C) burglary under Section 30.02, Penal Code, if
25 the offense is punishable under Subsection (d) of that section and
26 the defendant committed the offense with the intent to commit an
27 offense described by Subdivision (1)(B) or (D) of this article or

1 Paragraph (B) of this subdivision;

2 (6) ten years from the 18th birthday of the victim of
3 the offense:

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

6 (B) injury to a child under Section [22.04](#), Penal
7 Code; or

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

14 (7) two years from the date the offense was
15 discovered: sexual assault punishable as a state jail felony under
16 Section [22.011](#)(f)(2), Penal Code; or

17 (8) three years from the date of the commission of the
18 offense: all other felonies.

19 SECTION 2. 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 3. This Act takes effect September 1, 2023.