

By: Cook

H.B. No. 1891

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the offense of invasive visual recording of a minor,
3 including the statute of limitations for that offense and the
4 applicability of sex offender registration requirements to that
5 offense; harmonizing other statute of limitations provisions;
6 increasing criminal penalties for certain sexual offenses.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Article 12.01, Code of Criminal Procedure, as
9 amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207),
10 422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019),
11 709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635),
12 and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session,
13 2023, is reenacted and amended to read as follows:

14 Art. 12.01. FELONIES. Except as provided in Articles
15 12.015 and 12.03, felony indictments may be presented within these
16 limits, and not afterward:

- 17 (1) no limitation:
- 18 (A) murder and manslaughter;
 - 19 (B) sexual assault under Section 22.011(a)(2),
20 Penal Code, or aggravated sexual assault under Section
21 22.021(a)(1)(B), Penal Code;
 - 22 (C) sexual assault, if:
 - 23 (i) during the investigation of the offense
24 biological matter is collected and the matter:

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

3 (b) has been subjected to forensic DNA
4 testing and the testing results show that the matter does not match
5 the victim or any other person whose identity is readily
6 ascertained; or

7 (ii) probable cause exists to believe that
8 the defendant has committed the same or a similar sex offense
9 against five or more victims;

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

12 (E) indecency with a child under Section 21.11,
13 Penal Code;

14 (F) an offense involving leaving the scene of a
15 collision under Section 550.021, Transportation Code, if the
16 collision resulted in the death of a person;

17 (G) trafficking of persons under Section
18 20A.02(a)(7) or (8), Penal Code;

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

21 (I) compelling prostitution under Section
22 43.05(a)(2) or (3), Penal Code; [~~or~~]

23 (J) tampering with physical evidence under
24 Section 37.09(a)(1) or (d)(1), Penal Code, if:

25 (i) the evidence tampered with is a human
26 corpse, as defined by that section; or

27 (ii) the investigation of the offense shows

1 that a reasonable person in the position of the defendant at the
2 time of the commission of the offense would have cause to believe
3 that the evidence tampered with is related to a criminal homicide
4 under Chapter 19, Penal Code;

5 (K) [~~(J)~~] interference with child custody under
6 Section 25.03(a)(3), Penal Code; or

7 (L) [~~(J)~~] burglary under Section 30.02, Penal
8 Code, if:

9 (i) the offense is punishable under
10 Subsection (d) of that section because the defendant entered a
11 habitation with the intent to commit an offense under Section
12 22.011 or 22.021, Penal Code; and

13 (ii) during the investigation of the
14 offense biological matter is collected and the matter:

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

17 (b) has been subjected to forensic DNA
18 testing and the testing results show that the matter does not match
19 the victim or any other person whose identity is readily
20 ascertained;

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

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

27 (B) theft by a public servant of government

1 property over which the public servant exercises control in the
2 public servant's official capacity;

3 (C) forgery or the uttering, using, or passing of
4 forged instruments;

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

8 (E) sexual assault, except as provided by
9 Subdivision (1) or (9) [~~(8)~~];

10 (F) arson;

11 (G) trafficking of persons under Section
12 20A.02(a)(1), (2), (3), or (4), Penal Code; or

13 (H) compelling prostitution under Section
14 43.05(a)(1), Penal Code;

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

17 (A) misapplication of fiduciary property or
18 property of a financial institution;

19 (B) fraudulent securing of document execution;

20 (C) a felony violation under Chapter 162, Tax
21 Code;

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

24 (E) money laundering;

25 (F) credit card or debit card abuse under Section
26 32.31, Penal Code;

27 (G) fraudulent use or possession of identifying

1 information under Section 32.51, Penal Code;

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

4 (I) health care fraud under Section 35A.02, Penal
5 Code;

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

8 (K) possession or promotion of child pornography
9 under Section 43.26, Penal Code;

10 (4) five years from the date of the commission of the
11 offense:

12 (A) theft or robbery;

13 (B) except as provided by Subdivision (5),
14 kidnapping;

15 (C) [~~(B-1)~~] except as provided by Subdivision
16 (1) or (5), burglary;

17 (D) [~~(C)~~] injury to an elderly or disabled
18 individual that is not punishable as a felony of the first degree
19 under Section 22.04, Penal Code;

20 (E) [~~(D)~~] abandoning or endangering an [~~a~~
21 ~~child,~~] elderly [~~individual,~~] or disabled individual;

22 (F) [~~(E)~~] insurance fraud;

23 (G) [~~(F)~~] assault under Section 22.01, Penal
24 Code, if the assault was committed against a person whose
25 relationship to or association with the defendant is described by
26 Section 71.0021(b), 71.003, or 71.005, Family Code;

27 (H) [~~(G)~~] continuous violence against the family

1 under Section 25.11, Penal Code; or

2 (I) [~~(H)~~] aggravated assault under Section
3 22.02, Penal Code;

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

8 (A) kidnapping under Section 20.03, Penal Code,
9 or aggravated kidnapping under Section 20.04, Penal Code; or

10 (B) subject to Subdivision (1)(L) [~~(1)(J)~~],
11 burglary under Section 30.02, Penal Code, if the offense is
12 punishable under Subsection (d) of that section because the
13 defendant entered a habitation with the intent to commit an offense
14 described by Subdivision (1)(B) or (D) of this article or Paragraph
15 (A) of this subdivision;

16 (6) 20 years from the 18th birthday of the victim of
17 one of the following offenses:

18 (A) trafficking of a child [~~persons~~] under
19 Section 20A.02(a)(5) or (6), Penal Code; [~~or~~]

20 (B) invasive visual recording under Section
21 21.15, Penal Code; or

22 (C) sexual performance by a child under Section
23 43.25, Penal Code;

24 (7) ten years from the 18th birthday of the victim of
25 the offense:

26 (A) injury to a child under Section 22.04, Penal
27 Code;

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

7 (C) [~~(D)~~] abandoning or endangering a child;

8 (8) [~~(7)~~] ten years from the date the offense was
9 discovered: trafficking of a disabled individual under Section
10 20A.02(a)(5) or (6), Penal Code;

11 (9) [~~(8)~~] 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 (10) [~~(9)~~] three years from the date of the commission
15 of the offense: all other felonies.

16 SECTION 2. Article 62.001(5), Code of Criminal Procedure,
17 is amended to read as follows:

18 (5) "Reportable conviction or adjudication" means a
19 conviction or adjudication, including an adjudication of
20 delinquent conduct or a deferred adjudication, that, regardless of
21 the pendency of an appeal, is a conviction for or an adjudication
22 for or based on:

23 (A) a violation of Section 21.02 (Continuous
24 sexual abuse of young child or disabled individual), 21.09
25 (Bestiality), 21.11 (Indecency with a child), 22.011 (Sexual
26 assault), 22.021 (Aggravated sexual assault), or 25.02 (Prohibited
27 sexual conduct), Penal Code;

1 (B) a violation of Section 43.04 (Aggravated
2 promotion of prostitution), 43.05 (Compelling prostitution), 43.25
3 (Sexual performance by a child), or 43.26 (Possession or promotion
4 of child pornography), Penal Code;

5 (B-1) a violation of Section 43.021
6 (Solicitation of Prostitution), Penal Code, if the offense is
7 punishable as a felony of the second degree;

8 (C) a violation of Section 20.04(a)(4)
9 (Aggravated kidnapping), Penal Code, if the actor committed the
10 offense or engaged in the conduct with intent to violate or abuse
11 the victim sexually;

12 (D) a violation of Section 30.02 (Burglary),
13 Penal Code, if the offense or conduct is punishable under
14 Subsection (d) of that section and the actor committed the offense
15 or engaged in the conduct with intent to commit a felony listed in
16 Paragraph (A) or (C);

17 (E) a violation of Section 20.02 (Unlawful
18 restraint), 20.03 (Kidnapping), or 20.04 (Aggravated kidnapping),
19 Penal Code, if, as applicable:

20 (i) the judgment in the case contains an
21 affirmative finding under Article 42.015; or

22 (ii) the order in the hearing or the papers
23 in the case contain an affirmative finding that the victim or
24 intended victim was younger than 17 years of age;

25 (F) the second violation of Section 21.08
26 (Indecent exposure), Penal Code, but not if the second violation
27 results in a deferred adjudication;

1 (G) an attempt, conspiracy, or solicitation, as
2 defined by Chapter 15, Penal Code, to commit an offense or engage in
3 conduct listed in Paragraph (A), (B), (C), (D), (E), (K), [~~or~~] (L),
4 or (M);

5 (H) a violation of the laws of another state,
6 federal law, the laws of a foreign country, or the Uniform Code of
7 Military Justice for or based on the violation of an offense
8 containing elements that are substantially similar to the elements
9 of an offense listed under Paragraph (A), (B), (B-1), (C), (D), (E),
10 (G), (J), (K), [~~or~~] (L), or (M), but not if the violation results in
11 a deferred adjudication;

12 (I) the second violation of the laws of another
13 state, federal law, the laws of a foreign country, or the Uniform
14 Code of Military Justice for or based on the violation of an offense
15 containing elements that are substantially similar to the elements
16 of the offense of indecent exposure, but not if the second violation
17 results in a deferred adjudication;

18 (J) a violation of Section 33.021 (Online
19 solicitation of a minor), Penal Code;

20 (K) a violation of Section 20A.02(a)(3), (4),
21 (7), or (8) (Trafficking of persons), Penal Code; [~~or~~]

22 (L) a violation of Section 20A.03 (Continuous
23 trafficking of persons), Penal Code, if the offense is based partly
24 or wholly on conduct that constitutes an offense under Section
25 20A.02(a)(3), (4), (7), or (8) of that code; or

26 (M) a violation of Section 21.15 (Invasive visual
27 recording), Penal Code, if the offense or conduct is punishable

1 under Subsection (c-1) of that section.

2 SECTION 3. Sections 12.502(b) and (c), Penal Code, are
3 amended to read as follows:

4 (b) Except as provided by Subsection (c), if it is shown on
5 the trial of an offense under Section 21.07, 21.08, 21.15, or 21.17
6 that the offense was committed in a location that was on the
7 premises of a postsecondary educational institution, the category
8 of punishment for the offense is increased to a higher category of
9 offense as follows:

10 (1) a Class C misdemeanor is increased to a Class B
11 misdemeanor;

12 (2) a Class B misdemeanor is increased to a Class A
13 misdemeanor;

14 (3) a Class A misdemeanor is increased to a state jail
15 felony; ~~and~~

16 (4) a state jail felony is increased to a felony of the
17 third degree; and

18 (5) a felony of the third degree is increased to a
19 felony of the second degree.

20 (c) For an offense otherwise punishable under Subsection
21 (b), if it is shown on the trial of the offense that the person has
22 been previously convicted twice of an offense under Section 21.07,
23 21.08, 21.15, or 21.17 for which the punishment was increased under
24 Subsection (b), the category of punishment for the offense is
25 increased to a higher category of offense as follows:

26 (1) a Class C misdemeanor is increased to a Class A
27 misdemeanor;

1 (2) a Class B misdemeanor is increased to a state jail
2 felony;

3 (3) a Class A misdemeanor is increased to a felony of
4 the third degree; ~~and~~

5 (4) a state jail felony is increased to a felony of the
6 second degree; and

7 (5) a felony of the third degree is increased to a
8 felony of the first degree.

9 SECTION 4. Section [21.15](#), Penal Code, is amended by
10 amending Subsection (c) and adding Subsection (c-1) to read as
11 follows:

12 (c) Except as provided by Subsection (c-1), an ~~An~~ offense
13 under this section is a state jail felony.

14 (c-1) An offense under this section is a felony of the third
15 degree if the victim of the offense was younger than 18 years of age
16 at the time the offense was committed.

17 SECTION 5. (a) The change in law made by this Act to Article
18 [12.01](#), Code of Criminal Procedure, does not apply to an offense if
19 the prosecution of that offense becomes barred by limitation before
20 the effective date of this Act. The prosecution of that offense
21 remains barred as if this Act had not taken effect.

22 (b) The changes in law made by this Act to Article
23 [62.001\(5\)](#), Code of Criminal Procedure, and Sections [12.502](#) and
24 [21.15](#), Penal Code, apply only to an offense committed on or after
25 the effective date of this Act. An offense committed before the
26 effective date of this Act is governed by the law in effect on the
27 date the offense was committed, and the former law is continued in

1 effect for that purpose. For purposes of this subsection, an
2 offense was committed before the effective date of this Act if any
3 element of the offense occurred before that date.

4 SECTION 6. This Act takes effect September 1, 2025.