

By: Hall

S.B. No. 127

A BILL TO BE ENTITLED

AN ACT

relating to the offense of failure to report child abuse or neglect by certain professionals and the statute of limitations for that offense; harmonizing other statute of limitations provisions.

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

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

Art. 12.01. FELONIES. Except as provided in Articles 12.015 and 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

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

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

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

10 (E) indecency with a child under Section 21.11,  
11 Penal Code;

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

15 (G) trafficking of persons under Section  
16 20A.02(a)(7) or (8), Penal Code;

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

19 (I) compelling prostitution under Section  
20 43.05(a)(2) or (3), Penal Code; ~~or~~

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

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

25 (ii) the investigation of the offense shows  
26 that a reasonable person in the position of the defendant at the  
27 time of the commission of the offense would have cause to believe

1 that the evidence tampered with is related to a criminal homicide  
2 under Chapter 19, Penal Code;

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

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

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

11 (ii) during the investigation of the  
12 offense biological matter is collected and the matter:

13 (a) has not yet been subjected to  
14 forensic DNA testing; or

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

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

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

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

1 (C) forgery or the uttering, using, or passing of  
2 forged instruments;

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

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

8 (F) arson;

9 (G) trafficking of persons under Section  
10 20A.02(a)(1), (2), (3), or (4), Penal Code; or

11 (H) compelling prostitution under Section  
12 43.05(a)(1), Penal Code;

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

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

17 (B) fraudulent securing of document execution;

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

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

22 (E) money laundering;

23 (F) credit card or debit card abuse under Section  
24 32.31, Penal Code;

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

27 (H) exploitation of a child, elderly individual,

or disabled individual under Section 32.53, Penal Code;

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

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

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

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

(A) theft or robbery;

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

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

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

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

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

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

(H) [~~(G)~~] continuous violence against the family under Section 25.11, Penal Code; or

(I) [~~(H)~~] aggravated assault under Section

1 22.02, Penal Code;

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

6 (A) kidnapping under Section 20.03, Penal Code,  
7 or aggravated kidnapping under Section 20.04, Penal Code; or

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

14 (6) 20 years from the 18th birthday of the victim of  
15 one of the following offenses:

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

18 (B) sexual performance by a child under Section  
19 43.25, Penal Code;

20 (7) ten years from the 18th birthday of the victim of  
21 the offense:

22 (A) injury to a child under Section 22.04, Penal  
23 Code;

24 (B) bigamy under Section 25.01, Penal Code, if  
25 the investigation of the offense shows that the person, other than  
26 the legal spouse of the defendant, whom the defendant marries or  
27 purports to marry or with whom the defendant lives under the

appearance of being married is younger than 18 years of age at the time the offense is committed; or

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

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

(9) four years from the date the offense was discovered: failure to report child abuse or neglect if the offense is punishable as a state jail felony under Section 261.109(c), Family Code;

(10) [~~(8)~~] two years from the date the offense was discovered: sexual assault punishable as a state jail felony under Section 22.011(f)(2), Penal Code; or

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

SECTION 2. Article 12.02, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) Except as provided by Subsections [~~Subsection~~] (b) and (c), the following charging instruments may be presented within two years from the date of the commission of the offense, and not afterward:

(1) an indictment or information for any Class A or Class B misdemeanor; and

(2) a complaint or information for any Class C misdemeanor.

(c) An indictment or information, as applicable, for

1 failure to report child abuse or neglect may be presented within  
2 three years from the date the offense was discovered, and not  
3 afterward, if the offense is punishable as a Class A misdemeanor  
4 under Section 261.109(c), Family Code.

5         SECTION 3. The change in law made by this Act does not apply  
6 to the prosecution of an offense that is punishable under Section  
7 261.109(c), Family Code, if the prosecution of that offense becomes  
8 barred by limitation before the effective date of this Act. The  
9 prosecution of that offense remains barred as if this Act had not  
10 taken effect.

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