By: Hall S.B. No. 451

A BILL TO BE ENTITLED

AN ACT

relating to the statute of limitations for the offense of improper relationship between educator and student.

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 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

(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

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

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

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

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

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

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

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

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

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

(ii) the investigation of the offense shows that a reasonable person in the position of the defendant at the time of the commission of the offense would have cause to believe that the evidence tampered with is related to a criminal homicide under Chapter 19, Penal Code;

(K) interference with child custody under Section 25.03(a)(3), Penal Code;

(L) burglary under Section 30.02, Penal Code, if:

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

(ii) 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;

(M) failure to stop or report sexual or assaultive offense against child under Section 38.17, Penal Code; or

(N) continuous promotion of prostitution under Section 43.032, Penal Code;

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

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

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

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

forged instruments;

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

(E) sexual assault, except as provided by Subdivision (1) or (10);

(F) arson;

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

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

(I) real property theft under Section 31.23, Penal Code; [~~or~~]

(J) real property fraud under Section 32.60, Penal Code; or

(K) improper relationship between educator and student under Section 21.12, Penal Code;

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

(A) an offense under Chapter 32, Penal Code, except as provided by Subdivision (2)(C) or (J);

(B) a felony violation under Chapter 162, Tax Code;

(C) money laundering;

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

(E) bigamy under Section 25.01, Penal Code,

except as provided by Subdivision (7); or

(F) 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) except as provided by Subdivision (1) or (5), burglary;

(D) 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) abandoning or endangering an elderly or disabled individual;

(F) insurance fraud;

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

(I) aggravated assault under Section 22.02, Penal Code;

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

the following offenses:

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

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

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

(A) trafficking of a child under Section 20A.02(a)(5) or (6), Penal Code; or

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

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

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

(B) bigamy under Section 25.01, Penal Code, if the investigation of the offense shows that the person, other than the legal spouse of the defendant, whom the defendant marries or 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) abandoning or endangering a child;

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

SECTION 2. The change in law made 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. The prosecution of that offense remains barred as if this Act had not taken effect.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2027.