

1-1 By: Thompson of Harris, Moody, Guillen H.B. No. 189  
 1-2 (Senate Sponsor - Taylor of Collin)  
 1-3 (In the Senate - Received from the House May 4, 2015;  
 1-4 May 5, 2015, read first time and referred to Committee on Criminal  
 1-5 Justice; May 21, 2015, reported favorably by the following vote:  
 1-6 Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED  
 1-17 AN ACT

1-18 relating to the elimination of the statute of limitations for the  
 1-19 offenses of sexual assault and aggravated sexual assault.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 12.01, Code of Criminal Procedure, is  
 1-22 amended to read as follows:

1-23 Art. 12.01. FELONIES. Except as provided in Article 12.03,  
 1-24 felony indictments may be presented within these limits, and not  
 1-25 afterward:

1-26 (1) no limitation:

1-27 (A) murder and manslaughter;

1-28 (B) sexual assault under Section 22.011(a)(2),  
 1-29 Penal Code, or aggravated sexual assault under Section  
 1-30 22.021(a)(1)(B), Penal Code;

1-31 (C) sexual assault, if:

1-32 (i) during the investigation of the offense  
 1-33 biological matter is collected and subjected to forensic DNA  
 1-34 testing and the testing results show that the matter does not match  
 1-35 the victim or any other person whose identity is readily  
 1-36 ascertained; or

1-37 (ii) probable cause exists to believe that  
 1-38 the defendant has committed the same or a similar sexual offense  
 1-39 against five or more victims;

1-40 (D) continuous sexual abuse of young child or  
 1-41 children under Section 21.02, Penal Code;

1-42 (E) indecency with a child under Section 21.11,  
 1-43 Penal Code;

1-44 (F) an offense involving leaving the scene of an  
 1-45 accident under Section 550.021, Transportation Code, if the  
 1-46 accident resulted in the death of a person;

1-47 (G) trafficking of persons under Section  
 1-48 20A.02(a)(7) or (8), Penal Code; or

1-49 (H) continuous trafficking of persons under  
 1-50 Section 20A.03, Penal Code;

1-51 (2) ten years from the date of the commission of the  
 1-52 offense:

1-53 (A) theft of any estate, real, personal or mixed,  
 1-54 by an executor, administrator, guardian or trustee, with intent to  
 1-55 defraud any creditor, heir, legatee, ward, distributee,  
 1-56 beneficiary or settlor of a trust interested in such estate;

1-57 (B) theft by a public servant of government  
 1-58 property over which he exercises control in his official capacity;

1-59 (C) forgery or the uttering, using or passing of  
 1-60 forged instruments;

1-61 (D) injury to an elderly or disabled individual

2-1 punishable as a felony of the first degree under Section 22.04,  
2-2 Penal Code;

2-3 (E) sexual assault, except as provided by  
2-4 Subdivision (1);

2-5 (F) arson;

2-6 (G) trafficking of persons under Section  
2-7 20A.02(a)(1), (2), (3), or (4), Penal Code; or

2-8 (H) compelling prostitution under Section  
2-9 43.05(a)(1), Penal Code;

2-10 (3) seven years from the date of the commission of the  
2-11 offense:

2-12 (A) misapplication of fiduciary property or  
2-13 property of a financial institution;

2-14 (B) securing execution of document by deception;

2-15 (C) a felony violation under Chapter 162, Tax  
2-16 Code;

2-17 (D) false statement to obtain property or credit  
2-18 under Section 32.32, Penal Code;

2-19 (E) money laundering;

2-20 (F) credit card or debit card abuse under Section  
2-21 32.31, Penal Code;

2-22 (G) fraudulent use or possession of identifying  
2-23 information under Section 32.51, Penal Code;

2-24 (H) Medicaid fraud under Section 35A.02, Penal  
2-25 Code; or

2-26 (I) bigamy under Section 25.01, Penal Code,  
2-27 except as provided by Subdivision (6);

2-28 (4) five years from the date of the commission of the  
2-29 offense:

2-30 (A) theft or robbery;

2-31 (B) except as provided by Subdivision (5),  
2-32 kidnapping or burglary;

2-33 (C) injury to an elderly or disabled individual  
2-34 that is not punishable as a felony of the first degree under Section  
2-35 22.04, Penal Code;

2-36 (D) abandoning or endangering a child; or

2-37 (E) insurance fraud;

2-38 (5) if the investigation of the offense shows that the  
2-39 victim is younger than 17 years of age at the time the offense is  
2-40 committed, 20 years from the 18th birthday of the victim of one of  
2-41 the following offenses:

2-42 (A) sexual performance by a child under Section  
2-43 43.25, Penal Code;

2-44 (B) aggravated kidnapping under Section  
2-45 20.04(a)(4), Penal Code, if the defendant committed the offense  
2-46 with the intent to violate or abuse the victim sexually; or

2-47 (C) burglary under Section 30.02, Penal Code, if  
2-48 the offense is punishable under Subsection (d) of that section and  
2-49 the defendant committed the offense with the intent to commit an  
2-50 offense described by Subdivision (1)(B) or (D) of this article or  
2-51 Paragraph (B) of this subdivision;

2-52 (6) ten years from the 18th birthday of the victim of  
2-53 the offense:

2-54 (A) trafficking of persons under Section  
2-55 20A.02(a)(5) or (6), Penal Code;

2-56 (B) injury to a child under Section 22.04, Penal  
2-57 Code;

2-58 (C) compelling prostitution under Section  
2-59 43.05(a)(2), Penal Code; or

2-60 (D) bigamy under Section 25.01, Penal Code, if  
2-61 the investigation of the offense shows that the person, other than  
2-62 the legal spouse of the defendant, whom the defendant marries or  
2-63 purports to marry or with whom the defendant lives under the  
2-64 appearance of being married is younger than 18 years of age at the  
2-65 time the offense is committed; or

2-66 (7) three years from the date of the commission of the  
2-67 offense: all other felonies.

2-68 SECTION 2. The change in law made by this Act does not apply  
2-69 to an offense if the prosecution of that offense becomes barred by

3-1 limitation before the effective date of this Act. The prosecution  
3-2 of that offense remains barred as if this Act had not taken effect.  
3-3 SECTION 3. This Act takes effect September 1, 2015.

3-4

\* \* \* \* \*