

1-1 By: Hall S.B. No. 127
 1-2 (In the Senate - Filed November 12, 2024; February 3, 2025,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 23, 2025, reported favorably by the following vote: Yeas 6,
 1-5 Nays 0; April 23, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the offense of failure to report child abuse or neglect
 1-18 by certain professionals and the statute of limitations for that
 1-19 offense; harmonizing other statute of limitations provisions.

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

1-21 SECTION 1. Article 12.01, Code of Criminal Procedure, as
 1-22 amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207),
 1-23 422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019),
 1-24 709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635),
 1-25 and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session,
 1-26 2023, is reenacted and amended to read as follows:

1-27 Art. 12.01. FELONIES. Except as provided in Articles
 1-28 12.015 and 12.03, felony indictments may be presented within these
 1-29 limits, and not afterward:

1-30 (1) no limitation:

1-31 (A) murder and manslaughter;

1-32 (B) sexual assault under Section 22.011(a)(2),
 1-33 Penal Code, or aggravated sexual assault under Section
 1-34 22.021(a)(1)(B), Penal Code;

1-35 (C) sexual assault, if:

1-36 (i) during the investigation of the offense
 1-37 biological matter is collected and the matter:

1-38 (a) has not yet been subjected to
 1-39 forensic DNA testing; or

1-40 (b) has been subjected to forensic DNA
 1-41 testing and the testing results show that the matter does not match
 1-42 the victim or any other person whose identity is readily
 1-43 ascertained; or

1-44 (ii) probable cause exists to believe that
 1-45 the defendant has committed the same or a similar sex offense
 1-46 against five or more victims;

1-47 (D) continuous sexual abuse of young child or
 1-48 disabled individual under Section 21.02, Penal Code;

1-49 (E) indecency with a child under Section 21.11,
 1-50 Penal Code;

1-51 (F) an offense involving leaving the scene of a
 1-52 collision under Section 550.021, Transportation Code, if the
 1-53 collision resulted in the death of a person;

1-54 (G) trafficking of persons under Section
 1-55 20A.02(a)(7) or (8), Penal Code;

1-56 (H) continuous trafficking of persons under
 1-57 Section 20A.03, Penal Code;

1-58 (I) compelling prostitution under Section
 1-59 43.05(a)(2) or (3), Penal Code; ~~or~~

1-60 (J) tampering with physical evidence under
 1-61 Section 37.09(a)(1) or (d)(1), Penal Code, if:

2-1 (i) the evidence tampered with is a human
2-2 corpse, as defined by that section; or
2-3 (ii) the investigation of the offense shows
2-4 that a reasonable person in the position of the defendant at the
2-5 time of the commission of the offense would have cause to believe
2-6 that the evidence tampered with is related to a criminal homicide
2-7 under Chapter 19, Penal Code;
2-8 (K) [~~(J)~~] interference with child custody under
2-9 Section 25.03(a)(3), Penal Code; or
2-10 (L) [~~(J)~~] burglary under Section 30.02, Penal
2-11 Code, if:
2-12 (i) the offense is punishable under
2-13 Subsection (d) of that section because the defendant entered a
2-14 habitation with the intent to commit an offense under Section
2-15 22.011 or 22.021, Penal Code; and
2-16 (ii) during the investigation of the
2-17 offense biological matter is collected and the matter:
2-18 (a) has not yet been subjected to
2-19 forensic DNA testing; or
2-20 (b) has been subjected to forensic DNA
2-21 testing and the testing results show that the matter does not match
2-22 the victim or any other person whose identity is readily
2-23 ascertained;
2-24 (2) ten years from the date of the commission of the
2-25 offense:
2-26 (A) theft of any estate, real, personal or mixed,
2-27 by an executor, administrator, guardian or trustee, with intent to
2-28 defraud any creditor, heir, legatee, ward, distributee,
2-29 beneficiary or settlor of a trust interested in such estate;
2-30 (B) theft by a public servant of government
2-31 property over which the public servant exercises control in the
2-32 public servant's official capacity;
2-33 (C) forgery or the uttering, using, or passing of
2-34 forged instruments;
2-35 (D) injury to an elderly or disabled individual
2-36 punishable as a felony of the first degree under Section 22.04,
2-37 Penal Code;
2-38 (E) sexual assault, except as provided by
2-39 Subdivision (1) or (9) [~~(8)~~];
2-40 (F) arson;
2-41 (G) trafficking of persons under Section
2-42 20A.02(a)(1), (2), (3), or (4), Penal Code; or
2-43 (H) compelling prostitution under Section
2-44 43.05(a)(1), Penal Code;
2-45 (3) seven years from the date of the commission of the
2-46 offense:
2-47 (A) misapplication of fiduciary property or
2-48 property of a financial institution;
2-49 (B) fraudulent securing of document execution;
2-50 (C) a felony violation under Chapter 162, Tax
2-51 Code;
2-52 (D) false statement to obtain property or credit
2-53 under Section 32.32, Penal Code;
2-54 (E) money laundering;
2-55 (F) credit card or debit card abuse under Section
2-56 32.31, Penal Code;
2-57 (G) fraudulent use or possession of identifying
2-58 information under Section 32.51, Penal Code;
2-59 (H) exploitation of a child, elderly individual,
2-60 or disabled individual under Section 32.53, Penal Code;
2-61 (I) health care fraud under Section 35A.02, Penal
2-62 Code;
2-63 (J) bigamy under Section 25.01, Penal Code,
2-64 except as provided by Subdivision (7); or
2-65 (K) possession or promotion of child pornography
2-66 under Section 43.26, Penal Code;
2-67 (4) five years from the date of the commission of the
2-68 offense:
2-69 (A) theft or robbery;

3-1 (B) except as provided by Subdivision (5),
3-2 kidnapping;
3-3 (C) [~~(B-1)~~] except as provided by Subdivision
3-4 (1) or (5), burglary;
3-5 (D) [~~(C)~~] injury to an elderly or disabled
3-6 individual that is not punishable as a felony of the first degree
3-7 under Section 22.04, Penal Code;
3-8 (E) [~~(D)~~] abandoning or endangering an [~~a~~
3-9 ~~child,~~] elderly [~~individual,~~] or disabled individual;
3-10 (F) [~~(E)~~] insurance fraud;
3-11 (G) [~~(F)~~] assault under Section 22.01, Penal
3-12 Code, if the assault was committed against a person whose
3-13 relationship to or association with the defendant is described by
3-14 Section 71.0021(b), 71.003, or 71.005, Family Code;
3-15 (H) [~~(G)~~] continuous violence against the family
3-16 under Section 25.11, Penal Code; or
3-17 (I) [~~(H)~~] aggravated assault under Section
3-18 22.02, Penal Code;
3-19 (5) if the investigation of the offense shows that the
3-20 victim is younger than 17 years of age at the time the offense is
3-21 committed, 20 years from the 18th birthday of the victim of one of
3-22 the following offenses:
3-23 (A) kidnapping under Section 20.03, Penal Code,
3-24 or aggravated kidnapping under Section 20.04, Penal Code; or
3-25 (B) subject to Subdivision (1)(L) [~~(1)(J)~~],
3-26 burglary under Section 30.02, Penal Code, if the offense is
3-27 punishable under Subsection (d) of that section because the
3-28 defendant entered a habitation with the intent to commit an offense
3-29 described by Subdivision (1)(B) or (D) of this article or Paragraph
3-30 (A) of this subdivision;
3-31 (6) 20 years from the 18th birthday of the victim of
3-32 one of the following offenses:
3-33 (A) trafficking of a child [~~persons~~] under
3-34 Section 20A.02(a)(5) or (6), Penal Code; or
3-35 (B) sexual performance by a child under Section
3-36 43.25, Penal Code;
3-37 (7) ten years from the 18th birthday of the victim of
3-38 the offense:
3-39 (A) injury to a child under Section 22.04, Penal
3-40 Code;
3-41 (B) bigamy under Section 25.01, Penal Code, if
3-42 the investigation of the offense shows that the person, other than
3-43 the legal spouse of the defendant, whom the defendant marries or
3-44 purports to marry or with whom the defendant lives under the
3-45 appearance of being married is younger than 18 years of age at the
3-46 time the offense is committed; or
3-47 (C) [~~(D)~~] abandoning or endangering a child;
3-48 (8) [~~(7)~~] ten years from the date the offense was
3-49 discovered: trafficking of a disabled individual under Section
3-50 20A.02(a)(5) or (6), Penal Code;
3-51 (9) four years from the date the offense was
3-52 discovered: failure to report child abuse or neglect if the offense
3-53 is punishable as a state jail felony under Section 261.109(c),
3-54 Family Code;
3-55 (10) [~~(8)~~] two years from the date the offense was
3-56 discovered: sexual assault punishable as a state jail felony under
3-57 Section 22.011(f)(2), Penal Code; or
3-58 (11) [~~(9)~~] three years from the date of the commission
3-59 of the offense: all other felonies.
3-60 SECTION 2. Article 12.02, Code of Criminal Procedure, is
3-61 amended by amending Subsection (a) and adding Subsection (c) to
3-62 read as follows:
3-63 (a) Except as provided by Subsections [~~Subsection~~] (b) and
3-64 (c), the following charging instruments may be presented within two
3-65 years from the date of the commission of the offense, and not
3-66 afterward:
3-67 (1) an indictment or information for any Class A or
3-68 Class B misdemeanor; and
3-69 (2) a complaint or information for any Class C

4-1 misdemeanor.

4-2 (c) An indictment or information, as applicable, for
4-3 failure to report child abuse or neglect may be presented within
4-4 three years from the date the offense was discovered, and not
4-5 afterward, if the offense is punishable as a Class A misdemeanor
4-6 under Section 261.109(c), Family Code.

4-7 SECTION 3. The change in law made by this Act does not apply
4-8 to the prosecution of an offense that is punishable under Section
4-9 261.109(c), Family Code, if the prosecution of that offense becomes
4-10 barred by limitation before the effective date of this Act. The
4-11 prosecution of that offense remains barred as if this Act had not
4-12 taken effect.

4-13 SECTION 4. This Act takes effect September 1, 2025.

4-14

* * * * *