

1-1 By: Creighton S.B. No. 2798  
1-2 (In the Senate - Filed March 14, 2025; April 3, 2025, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 16, 2025, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; April 16, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Flores	X		
1-9	Parker	X		
1-10	Hagenbuch	X		
1-11	Hinojosa of Hidalgo	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

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

1-17 relating to certain statutes of limitations for criminal offenses,  
1-18 including the statute of limitations for certain fraud offenses.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 12.01, Code of Criminal Procedure, as  
1-21 amended by Chapters 93 (S.B. 1527), 118 (H.B. 467), 127 (H.B. 1207),  
1-22 422 (H.B. 1769), 520 (H.B. 3025), 689 (H.B. 1506), 704 (H.B. 2019),  
1-23 709 (H.B. 2190), 768 (H.B. 4595), 830 (H.B. 2187), 885 (H.B. 4635),  
1-24 and 1041 (S.B. 129), Acts of the 88th Legislature, Regular Session,  
1-25 2023, is reenacted and amended to read as follows:

1-26 Art. 12.01. FELONIES. Except as provided in Articles  
1-27 12.015 and 12.03, felony indictments may be presented within these  
1-28 limits, and not afterward:

1-29 (1) no limitation:

1-30 (A) murder and manslaughter;

1-31 (B) sexual assault under Section 22.011(a)(2),  
1-32 Penal Code, or aggravated sexual assault under Section  
1-33 22.021(a)(1)(B), Penal Code;

1-34 (C) sexual assault, if:

1-35 (i) during the investigation of the offense  
1-36 biological matter is collected and the matter:

1-37 (a) has not yet been subjected to  
1-38 forensic DNA testing; or

1-39 (b) has been subjected to forensic DNA  
1-40 testing and the testing results show that the matter does not match  
1-41 the victim or any other person whose identity is readily  
1-42 ascertained; or

1-43 (ii) probable cause exists to believe that  
1-44 the defendant has committed the same or a similar sex offense  
1-45 against five or more victims;

1-46 (D) continuous sexual abuse of young child or  
1-47 disabled individual under Section 21.02, Penal Code;

1-48 (E) indecency with a child under Section 21.11,  
1-49 Penal Code;

1-50 (F) an offense involving leaving the scene of a  
1-51 collision under Section 550.021, Transportation Code, if the  
1-52 collision resulted in the death of a person;

1-53 (G) trafficking of persons under Section  
1-54 20A.02(a)(7) or (8), Penal Code;

1-55 (H) continuous trafficking of persons under  
1-56 Section 20A.03, Penal Code;

1-57 (I) compelling prostitution under Section  
1-58 43.05(a)(2) or (3), Penal Code; ~~or~~

1-59 (J) tampering with physical evidence under  
1-60 Section 37.09(a)(1) or (d)(1), Penal Code, if:

1-61 (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) ~~[(J)]~~ interference with child custody under Section 25.03(a)(3), Penal Code; or

(L) ~~[(J)]~~ 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;

(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 (9) ~~[(8)]~~;

(F) arson;

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

(H) compelling prostitution under Section 43.05(a)(1), 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) [misapplication of fiduciary property or property of a financial institution];~~

(B) ~~[fraudulent securing of document execution,~~

~~[(C)] a felony violation under Chapter 162, Tax Code;~~

~~[(D)] false statement to obtain property or credit under Section 32.32, Penal Code;~~

(C) ~~[(E)] money laundering;~~

~~[(F)] credit card or debit card abuse under Section 32.31, Penal Code;~~

~~[(G)] fraudulent use or possession of identifying information under Section 32.51, Penal Code;~~

~~[(H)] exploitation of a child, elderly individual, or disabled individual under Section 32.53, Penal Code;~~

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

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

(F) ~~[(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:

3-1 (A) theft or robbery;  
 3-2 (B) except as provided by Subdivision (5),  
 3-3 kidnapping;  
 3-4 (C) [~~(B-1)~~] except as provided by Subdivision  
 3-5 (1) or (5), burglary;  
 3-6 (D) [~~(C)~~] injury to an elderly or disabled  
 3-7 individual that is not punishable as a felony of the first degree  
 3-8 under Section 22.04, Penal Code;  
 3-9 (E) [~~(D)~~] abandoning or endangering an [~~a~~  
 3-10 ~~child,~~] elderly [~~individual,~~] or disabled individual;  
 3-11 (F) [~~(E)~~] insurance fraud;  
 3-12 (G) [~~(F)~~] assault under Section 22.01, Penal  
 3-13 Code, if the assault was committed against a person whose  
 3-14 relationship to or association with the defendant is described by  
 3-15 Section 71.0021(b), 71.003, or 71.005, Family Code;  
 3-16 (H) [~~(G)~~] continuous violence against the family  
 3-17 under Section 25.11, Penal Code; or  
 3-18 (I) [~~(H)~~] aggravated assault under Section  
 3-19 22.02, Penal Code;  
 3-20 (5) if the investigation of the offense shows that the  
 3-21 victim is younger than 17 years of age at the time the offense is  
 3-22 committed, 20 years from the 18th birthday of the victim of one of  
 3-23 the following offenses:  
 3-24 (A) kidnapping under Section 20.03, Penal Code,  
 3-25 or aggravated kidnapping under Section 20.04, Penal Code; or  
 3-26 (B) subject to Subdivision (1)(L) [~~(1)(J)~~],  
 3-27 burglary under Section 30.02, Penal Code, if the offense is  
 3-28 punishable under Subsection (d) of that section because the  
 3-29 defendant entered a habitation with the intent to commit an offense  
 3-30 described by Subdivision (1)(B) or (D) of this article or Paragraph  
 3-31 (A) of this subdivision;  
 3-32 (6) 20 years from the 18th birthday of the victim of  
 3-33 one of the following offenses:  
 3-34 (A) trafficking of a child [~~persons~~] under  
 3-35 Section 20A.02(a)(5) or (6), Penal Code; or  
 3-36 (B) sexual performance by a child under Section  
 3-37 43.25, Penal Code;  
 3-38 (7) ten years from the 18th birthday of the victim of  
 3-39 the offense:  
 3-40 (A) injury to a child under Section 22.04, Penal  
 3-41 Code;  
 3-42 (B) bigamy under Section 25.01, Penal Code, if  
 3-43 the investigation of the offense shows that the person, other than  
 3-44 the legal spouse of the defendant, whom the defendant marries or  
 3-45 purports to marry or with whom the defendant lives under the  
 3-46 appearance of being married is younger than 18 years of age at the  
 3-47 time the offense is committed; or  
 3-48 (C) [~~(D)~~] abandoning or endangering a child;  
 3-49 (8) [~~(7)~~] ten years from the date the offense was  
 3-50 discovered: trafficking of a disabled individual under Section  
 3-51 20A.02(a)(5) or (6), Penal Code;  
 3-52 (9) [~~(8)~~] two years from the date the offense was  
 3-53 discovered: sexual assault punishable as a state jail felony under  
 3-54 Section 22.011(f)(2), Penal Code; or  
 3-55 (10) [~~(9)~~] three years from the date of the commission  
 3-56 of the offense: all other felonies.  
 3-57 SECTION 2. The change in law made by this Act does not apply  
 3-58 to an offense if the prosecution of that offense becomes barred by  
 3-59 limitation before the effective date of this Act. The prosecution  
 3-60 of that offense remains barred as if this Act had not taken effect.  
 3-61 SECTION 3. This Act takes effect September 1, 2025.

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