

BILL ANALYSIS

Senate Research Center
80R1296 JRH-D

H.B. 959
By: Bonnen (Seliger)
Criminal Justice
5/13/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, under Article 12.01 (Felonies), Code of Criminal Procedure, the statute of limitations for an offense of causing injury to a child is five or 10 years from the date the offense was committed, depending on whether the offense is punishable as a first degree felony under Section 22.04 (Requisites of Citation), Penal Code. Current law does not allow additional time for children who are unable to report the offense because they are under the age of 18 or reside with their abuser.

H.B. 959 changes the statute of limitations for such an offense to 10 years after the victim's 18th birthday.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 12.01, Code of Criminal Procedure, to set forth the offenses and corresponding statute of limitations for which a felony indictment may be presented and to provide a statute of limitation of 10 years after the date of the victim's 18th birthday, rather than 10 years from the date of the offense, for an offense causing injury to a child under Section 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), Penal Code. Makes conforming changes.

SECTION 2. Provides that the change in law made by this Act to Article 12.01, Code of Criminal Procedure, does not apply to an offense if the prosecution of that offense became barred by limitation before the effective date of this Act. Provides that the prosecution of that offense remains barred as if this Act had not taken effect.

SECTION 3. Effective date: September 1, 2007.