

SUBJECT: Extending statute of limitations for injury to children, elderly, disabled

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 7 ayes — Hinojosa, Keel, Talton, Garcia, Green, Kitchen, Martinez Fischer
0 nays
2 absent — Dunnam, Shields

SENATE VOTE: On final passage, February 8 — voice vote

WITNESSES: No public hearing

BACKGROUND: Code of Criminal Procedure, art. 12.01 sets time limitations on when felony indictments can be presented for certain crimes. The limitation on felony offenses not covered by the article is three years from the date of the commission of the offense. Felony injury to a child, elderly person, or disabled person is subject to this three-year limitation.

DIGEST: SB 328 would extend to 10 years from the date of the offense the limitation on presenting an indictment for first-degree felony injury to a child, elderly person, or disabled person.

SUPPORTERS SAY: Statutes of limitations are, in effect, acts of amnesty to criminals. Violent criminals like those who injure children, the elderly, or the disabled do not deserve amnesty only three years after they commit these crimes.

Extending the statute of limitations to 10 years for first-degree-felony injury to a child or to an elderly or disabled person would be an appropriate way for the Legislature to demonstrate to victims that the state takes these crimes at least as seriously as forgery and theft of government property by an official — other crimes already covered by the 10-year limitation. Injury crimes can be difficult to solve quickly, so expanding the time period for an indictment to be presented would help law enforcement and prosecutors make sure that criminals are held accountable for their actions.

It would be appropriate to extend the statute of limitations to 10 years for a person who intentionally or knowingly causes serious bodily or mental injury to a child or to an elderly or disabled person, because these victims are least able to defend themselves. Many times, the perpetrators of these crimes are family members, and the victims are unable or afraid to tell authorities until years later — often after the three-year statute of limitations has expired.

OPPONENTS
SAY:

Expanding the statute of limitations would not produce a more reliable verdict, but rather could mean that innocent people would be more likely to lose their liberty. As more time elapses between an alleged crime and the prosecution of the crime, witness testimony becomes shakier and an alleged victim's possible ulterior motives become obscured. Defendants have a harder time defending themselves as evidence that could prove them innocent, such as documentation of their whereabouts or other witness testimony, fades away. This bill could result in innocent people being sent to prison, which is what the limitations period seeks to prevent.

NOTES:

SB 214 by Bernsen, which also would extend the statute of limitations to ten years from the commission of the offense for first-degree felony injury to a child, elderly person, or disabled person and would extend the limitation period to five years for the same offense that was less than a first-degree felony, along with extending the limitation period for other offenses, was set on the House General State Calendar for May 15 and was postponed until today.