

SUBJECT: Increasing the statute of limitations for certain offenses against children

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Moody, Cook, Bhojani, Bowers, Darby, Harrison, Leach, C. Morales, Schatzline

WITNESSES: For — (*Registered, but did not testify*: Jennifer Szimanski, Combined Law Enforcement Associations of Texas; Cally Conklin, Crime Stoppers of Houston; M Paige Williams, Dallas County Criminal District Attorney John Creuzot; James Parnell, Dallas Police Association; Julio Gonzalez, Dallas Police Department; Joe Morris, Game Warden Peace Officers Association; Heidi Ruiz, Houston Police Department; Ray Hunt, Houston Police Officers' Union; Tiana Sanford, Montgomery County District Attorney's Office; Carlos Ortiz, San Antonio Police Officers' Association; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs Regional Alliance; Thomas Parkinson)

Against — (*Registered, but did not testify*: Shea Place, Texas Criminal Defense Lawyers Association; Kai Bovik)

BACKGROUND: Code of Criminal Procedure art. 12.01 establishes the statutes of limitations under which felony indictments may be presented.

Under (5)(A), an indictment for the offense of sexual performance by a child can be presented within 20 years from the 18th birthday of the victim, given the victim was younger than 17 years old at the time the offense was committed.

Under (6)(A), an indictment for the offense of trafficking persons with the intent that the trafficked person or child engage in forced labor may be presented within 10 years from the 18th birthday of the victim.

DIGEST: HB 1769 would amend Code of Criminal Procedure art. 12.01 (5)(A) to remove the requirement that the victim of sexual performance by a child was younger than 17 years old at the time the offense was committed.

The bill also would extend the statute of limitations for the offense of trafficking persons with the intent that the trafficked person or child engage in forced labor to 20 years from the 18th birthday of the victim.

The bill would take effect September 1, 2023. The bill would not apply to an offense if the prosecution of that offense became barred by limitation before the effective date.

**SUPPORTERS
SAY:**

HB 1769 would revise the statute of limitations to address certain crimes when victims were 17 years of age at the time of the offense and allow children who were victims of serious offenses more time to come forward. The statute of limitations for these crimes against children should reflect the seriousness of the crime, and HB 1769 would ensure that the statute of limitations reflects this and includes certain victims.

The bill would not put defendants at a disadvantage by extending the amount of time that trials could be brought to court, but instead allows more time for guilty parties to be held accountable for their actions.

**CRITICS
SAY:**

HB 1769 could subject defendants to unfair prosecution by increasing the statute of limitations for certain crimes. If a crime could be tried up to 20 years after it occurred, defendants could have a harder time recalling details or memories from the incident. As a result, defendants could be put at a disadvantage in building their cases, which could lead to unjust verdicts.