

BILL ANALYSIS

Senate Research Center

H.B. 148
By: Toth et al. (Alvarado)
Criminal Justice
5/14/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

What does this bill do?

- H.B. 148 extends the statute of limitations for certain offenses committed against a person with whom the defendant has a dating, family, or household relationship or association.

Background and Purpose:

- It has been suggested that the current statute of limitations for certain violent crimes does not allow an adequate amount of time to report the crime.
- Concerns have been raised specifically regarding the statute of limitations for certain assault offenses committed against family members or against victims who may have various types of relationships with the defendant.
- Oftentimes, these victims are unable to expeditiously report such behavior given the continuing control their abusers exert over their lives.

H.B. 148 Provisions:

- Extends the statute of limitations from three years to five years for the following felonies:
 - Assault or aggravated assault committed against a person with whom the defendant has a dating, family, or household relationship.
 - Continuous violence against the family.
- Extends the statute of limitations from two to three years for misdemeanor assault against a person whom the defendant has a dating, family, or household relationship or association.

H.B. 148 amends current law relating to the limitations period for certain criminal offenses based on assaultive conduct.

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, as follows:

Art. 12.01. FELONIES. Authorizes felony indictments, except as provided in Article 12.03 (Aggravated Offenses, Attempt, Conspiracy, Solicitation, Organized Criminal Activity), to be presented within these limits, and not afterward:

- (1) - (3) makes no changes to these subdivisions;
- (4) five years from the date of the commission of the offense:
 - (A) - (C) makes no changes to these paragraphs;
 - (D) makes a nonsubstantive change to this paragraph;
 - (E) makes no changes to this paragraph;

(F) assault under Section 22.01 (Assault), Penal Code, if the assault was committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b) (relating to the definition of "dating relationship"), 71.003 (Family), or 71.005 (Household), Family Code;

(G) continuous violence against the family under Section 25.11 (Continuous Violence Against the Family), Penal Code; or

(H) aggravated assault under Section 22.02 (Aggravated Assault), Penal Code;

(5) - (8) makes no changes to these subdivisions.

SECTION 2. Amends Article 12.02, Code of Criminal Procedure, as follows:

Art. 12.02. MISDEMEANORS. (a) Authorizes the following charging instruments to be presented within two years from the date of the commission of the offense, except as provided by Subsection (b), and not afterward:

(1) creates this subdivision from existing text and makes nonsubstantive changes; and

(2) a complaint or information for any Class C misdemeanor.

Makes conforming changes.

(b) Authorizes an indictment, information, or complaint, as applicable, for assault under Section 22.01, Penal Code, to be presented within three, rather than two, years from the date of the commission of the offense, and not afterward, if the offense:

(1) is punishable as a misdemeanor; and

(2) was committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code.

SECTION 3. Provides that change in law made by this Act does not apply to an offense if the prosecution of that offense becomes barred by limitation before the effective date of this Act. Provides that prosecution of that offense remains barred as if this Act had not taken effect.

SECTION 4. Effective date: September 1, 2021.