

## **BILL ANALYSIS**

Senate Research Center

H.B. 467  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The statute of limitations period for certain assault crimes is currently only two or three years, depending on whether the crime is a misdemeanor or felony. Oftentimes in cases where victims are family members of or are in various types of relationship with the defendant, the victims are unable to expeditiously report the abusive behavior given the continuing control their abusers exert over their lives. Attention was brought to this matter by a local district attorney requesting additional time to bring these types of situations to trial.

H.B. 467 seeks to address this issue by extending the statute of limitations period from two years to three years for misdemeanor assault, and from three years to five years for felony assault, committed against family members or against victims who may have various types of relationships with the defendant. This mirrors legislation that was passed by the Texas House of Representatives as H.B. 148 during the 87th Legislature but failed to receive a final vote in the Texas Senate.

#### **Bill Provisions:**

H.B. 467 amends the Code of Criminal Procedure to prohibit the detention of an applicable defendant in jail pending trial for a cumulative period that, when considering the maximum credit toward the defendant's sentence to which the defendant would be entitled to earn as a result of the defendant's conduct while confined in the county jail of the county in which the offense occurred, exceeds the maximum term of confinement that may be imposed on conviction of the offense of which the defendant is accused. The bill excludes the following defendants from the prohibition:

- a defendant who is being evaluated for competency or subject to an order of commitment issued after the defendant is found incompetent to stand trial;
- a defendant charged with a Class C misdemeanor for public intoxication and no other offense; or
- a defendant charged with any other Class C misdemeanor who is also being detained due to an outstanding warrant for any offense.

H.B. 467 applies to a person who is arrested on or after the bill's effective date. No significant fiscal implication to the State is anticipated.

H.B. 467 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 change 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; or

(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, except as provided by Subsection (b), to be presented within two years from the date of the commission of the offense, and not afterward:

(1) an indictment or information for any Class A or Class B misdemeanor; and

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

Makes nonsubstantive changes.

(b) Authorizes an indictment, information, or complaint, as applicable, for assault under Section 22.01, Penal Code, to be presented within three 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.

Makes nonsubstantive changes.

SECTION 3. Provides that the 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 the prosecution of that offense remains barred as if this Act had not taken effect.

SECTION 4. Effective date: September 1, 2023.