

## CHAPTER 330

## H.B. No. 1149

An Act relating to the period of limitation applicable to a prosecution for indecency with a child.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Article 12.01, Code of Criminal Procedure, 1965, as amended by Section 1, Chapter 85, Acts of the 68th Legislature, Regular Session, 1983, and by Section 7, Chapter 977, Acts of the 68th Legislature, Regular Session, 1983, is amended to read as follows:

Art. 12.01. **FELONIES.** Except as provided in Article 12.03, felony indictments may be presented within these limits, and not afterward:

(1) no limitation: murder and manslaughter;

(2) ten years from the date of the commission of the offense:

(A) theft of any estate, real, personal or mixed, by an executor, administrator, guardian or trustee, with intent to defraud any creditor, heir, legatee, ward, distributee, beneficiary or settlor of a trust interested in such estate;

(B) theft by a public servant of government property over which he exercises control in his official capacity;

(C) forgery or the uttering, using or passing of forged instruments;

(3) five years from the date of the commission of the offense:

(A) theft, burglary, robbery;

(B) arson;

~~(C) rape, aggravated rape, sexual abuse, aggravated sexual abuse, rape of a child, sexual abuse of a child;~~

(C) sexual assault, *indecency with a child*;

(4) three years from the date of the commission of the offense: all other felonies.

**SECTION 2.** The change in law made by this Act does not apply to an offense if the prosecution of that offense became barred by limitation before the effective date of this Act. The prosecution of that offense remains barred as though this Act had not taken effect.

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on April 30, 1985, by a non-record vote; passed by the Senate on May 17, 1985, by the following vote: Yeas 30, Nays 0.

**CH 330**

**69th LEGIS—REGULAR SESSION**

Approved: June 8, 1985  
Effective: August 26, 1985

1394