

CHAPTER 716

H.B. No. 494

AN ACT

relating to the statute of limitations for the offense of sexual assault.

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

SECTION 1. Article 12.01, Code of Criminal Procedure, 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;
 - (D) *sexual assault under Section 22.011(a)(2) of the Penal Code; indecency with a child;*
- (3) five years from the date of the commission of the offense:
 - (A) theft, burglary, robbery;
 - (B) arson;
 - (C) sexual assault, *except as provided in Subsection (2)(D) of this article [indecency with a child];*
- (4) three years from the date of the commission of the offense: all other felonies.

SECTION 2. Article 12.01, Code of Criminal Procedure, as amended 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. This Act takes effect September 1, 1987.

SECTION 4. 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.

Passed by the House on May 22, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 494 on May 31, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by a viva-voce vote.

Approved June 18, 1987.

Effective Sept. 1, 1987.