

SUBJECT: Setting the statute of limitation for aggravated assault

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 4 ayes — Herrero, Leach, Shaheen, Simpson

0 nays

3 absent — Moody, Canales, Hunter

WITNESSES: For — Justin Wood, Harris County District Attorney's Office;
(*Registered, but did not testify*: Fredrick Frazier, Dallas police
Association; Dusty Gallivan, Ector County Attorney; Jessica Anderson,
Houston Police Department; Mark Clark, Houston Police Officer's Union;
Bill Elkin, Houston Police Retired Officers Association; Harding,
MEEEL, Inc.)

Against — (*Registered, but did not testify*: Diana Clark, MEEEL, Inc.)

BACKGROUND: Code of Criminal Procedure, art. 12.03 states that any aggravated offense bears the same limitation period as the primary crime, which is two years for assault. Aggravated assault is a second-degree felony offense, and Code of Criminal Procedure, art. 12.01 states that all felonies in that chapter carry at least a three-year statute of limitation.

DIGEST: HB 580 would amend the Code of Criminal Procedure to specify that the statute of limitation for the offense of aggravated assault is three years from the date on which the offense was commissioned. The bill also would specify that any offense that carries the title of "aggravated" would have the same limitation period as the primary crime if a limitation period had not otherwise been specifically provided for the aggravated offense under another provision of the same chapter of law.

The bill would take effect September 1, 2015, and would not apply to any offense for which prosecution becomes barred by limitation before the effective date of the bill.