

- SUBJECT:** Specifying the statute of limitations for aggravated assault
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Moody, Hunter, Canales, Gervin-Hawkins, Hefner, Lang, Wilson
0 nays
- WITNESSES:** For — (*Registered, but did not testify:* Elmer Beckworth, Cherokee County District Attorney; Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); Robert Bland, Ector County District Attorney; Tiana Sanford, Montgomery County District Attorney; Jimmy Rodriguez, San Antonio Police Officers Association; Buddy Mills, Kelly Rowe, Ricky Scaman, R Glenn Smith, Sheriffs' Association of Texas)
Against — None
- BACKGROUND:** Code of Criminal Procedure, art. 12.03 states that, except as otherwise provided by the chapter, any aggravated offense carries the same limitation period as the primary crime, which is two years for assault. Aggravated assault is a second-degree felony. Code of Criminal Procedure, art. 12.01 sets differing limitation periods for specified felony offenses and provides that the statute of limitations for "all other felonies" is three years.
- DIGEST:** HB 682 would amend Code of Criminal Procedure, art. 12.01 to specify that the statute of limitations for the offense of aggravated assault was three years. Under art. 12.03, any offense bearing the title of "aggravated" would carry 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 that chapter.
The bill would take effect September 1, 2017, and would not apply to an offense if the prosecution became barred by limitation before that date. The prosecution of that offense would remain barred as if the bill had not

taken effect.

**SUPPORTERS
SAY:**

HB 682 would resolve an apparent conflict in the Code of Criminal Procedure in which one section provides for a three-year statute of limitations for "all other felonies" and another section states that aggravated offenses have the same statute of limitations as the primary offense "except as otherwise provided." For aggravated assault, the primary crime, misdemeanor assault, has a two-year statute of limitations. This bill would give prosecutors, defendants, judges, and investigators greater clarity by explicitly providing for a three-year statute of limitations for aggravated assault cases and removing any ambiguities.

**OPPONENTS
SAY:**

No apparent opposition.