

- SUBJECT:** Extending the statute of limitations for certain family violence offenses
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Vasut
- 0 nays
- 1 absent — Murr
- WITNESSES:** For — Angela Blouin; (*Registered, but did not testify:* M. Paige Williams, Dallas County Criminal District Attorney John Creuzot; Tiana Sanford, Montgomery County District Attorney's Office; Breall Baccus, Texas Council on Family Violence; Dallas Reed, Texas Municipal Police Association (TMPA))
- Against — (*Registered, but did not testify:* Shea Place, Texas Criminal Defense Lawyers Association; Idona Griffith)
- On — (*Registered, but did not testify:* Thomas Parkinson)
- BACKGROUND:** Code of Criminal Procedure arts. 12.01 and 12.02 establish statutes of limitations for felony offenses and misdemeanor offenses, respectively. A felony indictment for continuous violence against a family, for assault, or for aggravated assault must be presented within three years of the date the offense was committed. Charges for misdemeanor assault must be filed within two years of the date the offense was committed.
- DIGEST:** CSHB 148 would extend the statute of limitations from within three years of the date the offense was committed to within five years of that date for the following felonies:
- continuous violence against a family; and
 - assault or aggravated assault committed against a person with whom the defendant had a dating, family, or household relationship

or association

The bill also would extend the statute of limitations from within two years of the date the offense was committed to within three years of that date for misdemeanor assault against a person with whom the defendant had a dating, family, or household relationship or association.

The bill would take effect September 1, 2021, and would not apply to offenses for which the prosecution was barred by the limitation in effect before the bill's effective date.

SUPPORTERS
SAY:

CSHB 148 would help address the unique issues surrounding the reporting of certain assault offenses where the offender had a familial, dating, or household relationship or association with the victim by extending the statute of limitations for such assault offenses.

Currently, the statute of limitations for felony assault or aggravated assault or for continuous violence against the family is three years, and the limitations period for misdemeanor assault is two years. However, it is well documented that in many assault cases where there is a relationship between the victim and the abuser, the assault goes unreported, or there is a significant delay in reporting due to the continuing control the abuser exerts over the victim.

Reports of the assault in these situations are typically made after a pattern of abuse has taken place over a long period of time, making the current statute of limitations for such offenses insufficient. By extending the statute of limitations for certain assault offenses involving familial, dating, or household relationships or associations, the bill would give the victims much-needed time make a plan for protection, report the abuse, and access justice.

CRITICS
SAY:

The current statutes of limitations are adequate for assault offenses where there is a relationship between the alleged offender and the victim. Statutes of limitations are often extended, in part, to give law enforcement more time to find an alleged offender. Under the bill, an extension on the

statute of limitations is not necessary since the victim would know the identity of the alleged offender and likely would know their whereabouts on the day that the victim reported the assault.