

By: Howard

H.B. No. 1590

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the establishment of the Office for Sexual Assault
3 Survivor Assistance within the criminal justice division of the
4 governor's office.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 420.011(a), Government Code, is amended
7 to read as follows:

8 (a) The attorney general, with the advice of the Office for
9 Sexual Assault Survivor Assistance established under Section
10 772.0064, may adopt rules necessary to implement this chapter. A
11 proposed rule must be provided to grant recipients at least 60 days
12 before the date of adoption.

13 SECTION 2. Section 420.031(c), Government Code, is amended
14 to read as follows:

15 (c) In developing the evidence collection kit and protocol,
16 the attorney general shall consult with the Office for Sexual
17 Assault Survivor Assistance established under Section 772.0064
18 ~~[individuals and organizations having knowledge and experience in~~
19 ~~the issues of sexual assault and other sex offenses]~~.

20 SECTION 3. Subchapter A, Chapter 772, Government Code, is
21 amended by adding Section 772.0064 to read as follows:

22 Sec. 772.0064. OFFICE FOR SEXUAL ASSAULT SURVIVOR
23 ASSISTANCE. (a) In this section:

24 (1) "Office" means the Office for Sexual Assault

1 Survivor Assistance.

2 (2) "Sexual assault," "sexual assault nurse
3 examiner," and "survivor" have the meanings assigned by Section
4 420.003.

5 (b) The governor shall establish the Office for Sexual
6 Assault Survivor Assistance within the criminal justice division
7 established under Section 772.006.

8 (c) The governor shall appoint a director for the office to
9 serve at the pleasure of the governor.

10 (d) The director may hire staff as necessary to carry out
11 the duties of the office within the guidelines established by the
12 governor.

13 (e) The office shall:

14 (1) facilitate communication and cooperation between
15 state agencies that have duties relating to sexual assault
16 prevention, investigation, or prosecution or services provided to
17 survivors in order to coordinate state resources available for
18 assisting survivors;

19 (2) collect, analyze, and make publicly available
20 information, organized by council of governments region, regarding
21 the prevention, investigation, and prosecution of sexual assault
22 and services provided to survivors, including a list of SAFE-ready
23 facilities designated under Section 323.0015, Health and Safety
24 Code;

25 (3) periodically make and update recommendations to
26 the attorney general for rules governing the collection and
27 preservation of evidence in cases of sexual assault or other sex

1 offenses, including recommendations regarding:

2 (A) evidence collection kits for use in the
3 collection and preservation of evidence of a sexual assault or
4 other sex offense;

5 (B) protocols for the collection and
6 preservation of evidence of a sexual assault or other sex offense;

7 (C) the curriculum for sexual assault evidence
8 collection and preservation training programs; and

9 (D) the requirements for certification of sexual
10 assault nurse examiners;

11 (4) advise and provide resources to the Texas
12 Commission on Law Enforcement to improve law enforcement officer
13 training related to the investigation and documentation of cases
14 involving sexual assault, with a focus on the interactions between
15 law enforcement officers and survivors;

16 (5) biennially contract for a survey of the resources
17 provided to survivors by nonprofit organizations, health care
18 facilities, institutions of higher education, and governmental
19 entities in each region of the state; and

20 (6) develop a statewide standard for best practices in
21 the provision of resources to survivors by nonprofit organizations,
22 health care facilities, institutions of higher education, and
23 governmental entities in consultation with individuals and
24 organizations having knowledge and experience in issues of sexual
25 assault or other sex offenses, including one or more:

26 (A) law enforcement agencies with jurisdiction
27 over the investigation of sexual assault or other sex offenses;

1 (B) prosecutors responsible for prosecuting
2 sexual assault or other sex offenses;

3 (C) representatives of each state agency that has
4 duties relating to sexual assault prevention, investigation, or
5 prosecution or provides services to survivors, including the office
6 of the attorney general;

7 (D) representatives from regional councils of
8 government or the Texas Association of Regional Councils;

9 (E) representatives of the Texas Forensic
10 Science Commission;

11 (F) nonprofit organizations that receive funds
12 under the Victims of Crime Act of 1984 (Title II, Pub. L. No.
13 98-473) for the purposes of providing services to survivors;

14 (G) health care facilities that perform forensic
15 examinations on survivors;

16 (H) certified sexual assault nurse examiners;

17 (I) providers of sexual assault nurse examiner
18 training programs certified by the attorney general;

19 (J) representatives from Texas Court Appointed
20 Special Advocates; and

21 (K) representatives designated by a nonprofit
22 organization that provides services to survivors to represent the
23 interests of survivors of sexual assault or other sex offenses.

24 (f) Not later than November 1 of each even-numbered year,
25 the office shall analyze the data from the survey performed under
26 Subsection (e) and prepare and submit to the legislature a report
27 that includes:

1 (1) a description of the resources provided to
2 survivors by nonprofit organizations, health care facilities,
3 institutions of higher education, and governmental entities in each
4 region of the state;

5 (2) a description of the differences between the
6 resources provided to survivors and the statewide standard,
7 comparable by region and by year;

8 (3) recommendations on measures each region could take
9 to better comply with the statewide standard; and

10 (4) a description of potential sources and mechanisms
11 of funding available to implement the recommendations.

12 (g) To the extent possible, all recommendation, standard,
13 and resource information provided by the office shall be
14 evidence-based and consistent with standards of practice and care
15 in this state and throughout the country.

16 (h) To the extent permitted by federal law, the criminal
17 justice division shall use funding received under the Victims of
18 Crime Act of 1984 (Title II, Pub. L. No. 98-473) for purposes of
19 this section.

20 SECTION 4. Section 1701.253, Occupations Code, is amended
21 by adding Subsection (b-1) to read as follows:

22 (b-1) The commission shall consult with the Office for
23 Sexual Assault Survivor Assistance established under Section
24 772.0064, Government Code, regarding minimum curriculum
25 requirements for training in the investigation and documentation of
26 cases that involve sexual assault or other sex offenses.

27 SECTION 5. As soon as practicable after the effective date

1 of this Act, the governor shall establish the Office for Sexual
2 Assault Survivor Assistance and appoint a director of the office as
3 required by Section 772.0064, Government Code, as added by this
4 Act.

5 SECTION 6. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2019.