

By: Shaheen

H.B. No. 1426

A BILL TO BE ENTITLED

AN ACT

relating to the forensic medical examination of a victim of sexual assault who is a minor.

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

SECTION 1. Article 56A.251, Code of Criminal Procedure, is amended by amending Subsections (a) and (c) and adding Subsections (c-1) and (c-2) and is further amended to conform to Section 3, Chapter 1037 (H.B. 616), Acts of the 86th Legislature, Regular Session, 2019, to read as follows:

(a) Except as provided by Subsection (b), if a sexual assault of a person other than a minor is reported to a law enforcement agency within 120 [~~96~~] hours after the assault, the law enforcement agency, with the consent of the victim of the alleged assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense.

(c) If a sexual assault of a person other than a minor is not reported within the period described by Subsection (a), on receiving the consent described by that subsection a law enforcement agency may request a forensic medical examination of a victim of an alleged sexual assault as considered appropriate by the agency.

(c-1) In this article, "minor" has the meaning assigned by

1 Section 101.003, Family Code.

2 (c-2) If the sexual assault of a minor is reported at any
3 time after the assault, on receiving the consent of the minor's
4 parent or guardian, an employee of the Department of Family and
5 Protective Services, or other person with the power to consent to
6 the medical treatment of the minor, as applicable, a law
7 enforcement agency shall request a forensic medical examination of
8 the minor. A law enforcement agency may not decline to request a
9 forensic medical examination under this subsection.

10 SECTION 2. The change in law made by this Act applies only
11 to the report of a sexual assault that is made to a law enforcement
12 agency on or after the effective date of this Act. The report of a
13 sexual assault that is made to a law enforcement agency before the
14 effective date of this Act is governed by the law in effect when the
15 report was made, and the former law is continued in effect for that
16 purpose.

17 SECTION 3. To the extent of any conflict, this Act prevails
18 over another Act of the 87th Legislature, Regular Session, 2021,
19 relating to nonsubstantive additions to and corrections in enacted
20 codes.

21 SECTION 4. This Act takes effect September 1, 2021.