

By: Howard, Neave, Hernandez, Button, White,
et al.

H.B. No. 2706

Substitute the following for H.B. No. 2706:

By: Bowers

C.S.H.B. No. 2706

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the reporting of sexual assault and other sex offenses,
3 to the emergency services and care provided to victims of those
4 offenses, and to the processes associated with preserving and
5 analyzing the evidence of those offenses.

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

7 SECTION 1. Subchapter F, Chapter 56A, Code of Criminal
8 Procedure, is amended by adding Article 56A.2506 to read as
9 follows:

10 Art. 56A.2506. DEFINITION. In this subchapter, "reported
11 sexual assault" means a sexual assault that has been reported to a
12 law enforcement agency.

13 SECTION 2. Article 56A.251, Code of Criminal Procedure, is
14 amended to conform to Section 3, Chapter 1037 (H.B. 616), Acts of
15 the 86th Legislature, Regular Session, 2019, and is further amended
16 to read as follows:

17 Art. 56A.251. REQUEST FOR FORENSIC MEDICAL EXAMINATION.

18 (a) If [~~Except as provided by Subsection (b), if~~] a sexual assault
19 is reported to a law enforcement agency within 120 [~~96~~] hours after
20 the assault, the law enforcement agency, with the consent of the
21 victim of the reported [~~alleged~~] assault, a person authorized to
22 act on behalf of the victim, or an employee of the Department of
23 Family and Protective Services, shall request a forensic medical
24 examination of the victim for use in the investigation or

1 prosecution of the offense.

2 (b) If a sexual assault is not reported within the period
3 described by Subsection (a) and the victim is a minor as defined by
4 Section 101.003, Family Code, on receiving the consent described by
5 Subsection (a) or the consent described by Section 32.003 or
6 32.005, Family Code, a law enforcement agency shall request a
7 forensic medical examination of the victim for use in the
8 investigation or prosecution of the offense [~~A law enforcement~~
9 ~~agency may decline to request a forensic medical examination under~~
10 ~~Subsection (a) only if:~~

11 [~~(1) the person reporting the sexual assault has made~~
12 ~~one or more false reports of sexual assault to any law enforcement~~
13 ~~agency; and~~

14 [~~(2) there is no other evidence to corroborate the~~
15 ~~current allegations of sexual assault]~~.

16 (c) If a sexual assault is not reported within the period
17 described by Subsection (a) and the victim is not a minor as defined
18 by Section 101.003, Family Code, on receiving the consent described
19 by Subsection (a), [~~that subsection~~] a law enforcement agency may
20 request a forensic medical examination of a victim of a reported [~~an~~
21 ~~alleged~~] sexual assault for use in the investigation or prosecution
22 of the offense if:

23 (1) based on the circumstances of the reported
24 assault, the agency believes a forensic medical examination would
25 further that investigation or prosecution; or

26 (2) after a medical evaluation by a physician, sexual
27 assault examiner, or sexual assault nurse examiner, the physician

1 or examiner notifies the agency that a forensic medical examination
2 should be conducted [~~as considered appropriate by the agency~~].

3 (d) If a sexual assault is reported to a law enforcement
4 agency as provided by Subsection (a), (b), or (c), the law
5 enforcement agency shall document, in the form and manner required
6 by the attorney general, whether the agency requested a forensic
7 medical examination. The law enforcement agency shall:

8 (1) provide the documentation of the agency's decision
9 regarding a request for a forensic medical examination to:

10 (A) the health care provider and the physician,
11 sexual assault examiner, or sexual assault nurse examiner, as
12 applicable, who provides services to the victim that are related to
13 the sexual assault; and

14 (B) the victim or the person who consented to the
15 forensic medical examination on behalf of the victim; and

16 (2) maintain the documentation of the agency's
17 decision in accordance with the agency's record retention policies.

18 SECTION 3. Article [56A.252](#), Code of Criminal Procedure, is
19 amended to conform to Sections 3 and 8, Chapter 1037 (H.B. 616),
20 Acts of the 86th Legislature, Regular Session, 2019, and is further
21 amended to read as follows:

22 Art. 56A.252. PAYMENT OF COSTS OF EXAMINATION. (a) [A law
23 enforcement agency that requests a forensic medical examination
24 under Article [56A.251](#) shall pay all costs of the examination.] On
25 application to the attorney general, a health care provider that
26 provides a forensic medical examination to a sexual assault
27 survivor in accordance with this subchapter, or the [law

~~enforcement agency is entitled to be reimbursed for the reasonable costs of the examination if the examination was performed by a physician or by a]~~ sexual assault examiner or sexual assault nurse examiner who conducts the examination, as applicable, is entitled to be reimbursed in an amount set by attorney general rule for:

(1) the reasonable costs of the forensic portion of that examination; and

(2) the evidence collection kit [defined by Section 420.003, Government Code].

(b) The application under Subsection (a) must be in the form and manner prescribed by the attorney general and must include:

(1) the documentation of the law enforcement agency's request for the forensic medical examination, as required under Article 56A.251(d); and

(2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination.

(c) A health care provider or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (a) shall accept reimbursement from the attorney general as payment for the costs unless:

(1) the health care provider or sexual assault examiner or sexual assault nurse examiner, as applicable:

(A) requests, in writing, additional reimbursement from the attorney general; and

(B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and

1 (2) the attorney general determines that there is a
2 reasonable justification for additional reimbursement.

3 (d) A health care provider is not entitled to reimbursement
4 under this article unless the forensic medical examination is
5 conducted on the premises of the provider by a sexual assault
6 examiner or sexual assault nurse examiner.

7 (e) On request, the attorney general may provide training to
8 a health care provider regarding the process for applying for
9 reimbursement under this article.

10 SECTION 4. Article 56A.254, Code of Criminal Procedure, is
11 amended to read as follows:

12 Art. 56A.254. PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE.
13 The attorney general may make a payment to or on behalf of an
14 individual for the reasonable costs incurred for medical care
15 provided in accordance with Sections [~~Section~~] 323.004, 323.053,
16 and 323.054, Health and Safety Code.

17 SECTION 5. Article 56A.302, Code of Criminal Procedure, is
18 amended to read as follows:

19 Art. 56A.302. APPLICABILITY. This subchapter applies to
20 the following health care providers [~~facilities~~] that provide
21 diagnosis or treatment services to victims of sexual assault:

22 (1) a general or special hospital licensed under
23 Chapter 241, Health and Safety Code;

24 (2) a general or special hospital owned by this state;

25 (3) an outpatient clinic; [~~and~~]

26 (4) a private physician's office; and

27 (5) a SAFE program as defined by Section 323.051,

1 Health and Safety Code.

2 SECTION 6. Article 56A.303, Code of Criminal Procedure, is
3 amended to conform to Section 4, Chapter 1037 (H.B. 616), Acts of
4 the 86th Legislature, Regular Session, 2019, and is further amended
5 to read as follows:

6 Art. 56A.303. FORENSIC MEDICAL EXAMINATION. (a) In
7 accordance with Subchapter B, Chapter 420, Government Code, and
8 except as provided by Subsection (b), a health care provider
9 [~~facility~~] shall conduct a forensic medical examination of a victim
10 of a a [~~an-alleged~~] sexual assault if:

11 (1) the victim arrives at the provider [~~facility~~]
12 within 120 [~~96~~] hours after the assault occurred;

13 (2) the victim consents to the examination; and

14 (3) at the time of the examination the victim has not
15 reported the assault to a law enforcement agency.

16 (b) If a health care provider [~~facility~~] does not provide
17 diagnosis or treatment services to victims of sexual assault, the
18 provider [~~facility~~] shall refer a victim of a a [~~an-alleged~~] sexual
19 assault who seeks a forensic medical examination under Subsection
20 (a) to a health care provider [~~facility~~] that provides services to
21 those victims.

22 (c) A victim of a a [~~an-alleged~~] sexual assault may not be
23 required to participate in the investigation or prosecution of an
24 offense as a condition of receiving a forensic medical examination
25 under this article.

26 SECTION 7. Article 56A.304, Code of Criminal Procedure, is
27 amended to conform to Sections 4 and 8, Chapter 1037 (H.B. 616),

1 Acts of the 86th Legislature, Regular Session, 2019, and is further
2 amended to read as follows:

3 Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION. (a)

4 On application to the [~~The department shall pay the appropriate~~
5 ~~fees, as set by~~] attorney general [~~rule~~], a health care provider
6 that provides [~~for the forensic portion of~~] a forensic medical
7 examination to a sexual assault survivor in accordance with this
8 subchapter, or the [~~conducted under Article 56A.303(a) and for the~~
9 ~~evidence collection kit if a physician,~~] sexual assault examiner
10 [~~7~~] or sexual assault nurse examiner who conducts that [~~the~~
11 ~~forensic portion of the~~] examination, as applicable, within 120
12 [~~96~~] hours after the [~~alleged~~] sexual assault occurred is entitled
13 to be reimbursed in an amount set by attorney general rule for:

14 (1) the reasonable costs of the forensic portion of
15 that examination; and

16 (2) the evidence collection kit.

17 (b) The application under Subsection (a) must be in the form
18 and manner prescribed by the attorney general and must include:

19 (1) certification that the examination was conducted
20 in accordance with the requirements of Article 56A.303(a); and

21 (2) a complete and itemized bill of the reasonable
22 costs of the forensic portion of the examination [~~attorney general~~
23 ~~shall reimburse the department for fees paid under Subsection (a)].~~

24 (c) A health care provider or a sexual assault examiner or
25 sexual assault nurse examiner, as applicable, who applies for
26 reimbursement under Subsection (a) shall accept reimbursement from
27 the attorney general as payment for the costs unless:

1 (1) the health care provider or sexual assault
2 examiner or sexual assault nurse examiner, as applicable:

3 (A) requests, in writing, additional
4 reimbursement from the attorney general; and

5 (B) provides documentation in support of the
6 additional reimbursement, as reasonably requested by the attorney
7 general; and

8 (2) the attorney general determines that there is a
9 reasonable justification for additional reimbursement.

10 (d) A health care provider is not entitled to reimbursement
11 under this article unless the forensic medical examination was
12 conducted on the premises of the provider by a sexual assault
13 examiner or sexual assault nurse examiner.

14 (e) On request, the attorney general may provide training to
15 a health care provider regarding the process for applying for
16 reimbursement under this article.

17 (f) A victim of a [an-alleged] sexual assault may not be
18 required to pay for:

19 (1) the forensic portion of the forensic medical
20 examination; or

21 (2) the evidence collection kit.

22 SECTION 8. Article 56A.305, Code of Criminal Procedure, is
23 amended to read as follows:

24 Art. 56A.305. PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE.
25 The attorney general may make a payment to or on behalf of an
26 individual for the reasonable costs incurred for medical care
27 provided in accordance with Sections [~~Section~~] 323.004, 323.053,

1 and 323.054, Health and Safety Code.

2 SECTION 9. Article 56A.307, Code of Criminal Procedure, is
3 amended to read as follows:

4 Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION OF
5 ADDITIONAL EVIDENCE. The department, consistent with Chapter 420,
6 Government Code, may develop procedures regarding the submission or
7 collection of additional evidence of a [an-alleged] sexual assault
8 other than through a forensic medical examination as described by
9 Article 56A.303(a).

10 SECTION 10. Section 420.003(1-a), Government Code, is
11 amended to read as follows:

12 (1-a) "Active criminal case" means a case:

13 (A) in which:

14 (i) a sexual assault or other sex offense
15 has been reported to a law enforcement agency; ~~and~~

16 (ii) physical evidence of the offense has
17 been submitted to the agency or an accredited crime laboratory
18 under this chapter for analysis; and

19 (iii) the agency documents that an offense
20 has been committed and reported; and

21 (B) for which:

22 (i) the statute of limitations has not run
23 with respect to the prosecution of the offense; or

24 (ii) a DNA profile was obtained that is
25 eligible under Section 420.043 for comparison with DNA profiles in
26 the state database or CODIS DNA database.

27 SECTION 11. Section 420.034(c), Government Code, is amended

1 to read as follows:

2 (c) The tracking system must:

3 (1) include all evidence collected in relation to a
4 sexual assault or other sex offense, regardless of whether evidence
5 of the offense is collected in relation to an individual who is
6 alive or deceased;

7 (2) track the location and status of each item of
8 evidence through the criminal justice process, including the
9 initial collection of the item of evidence in a forensic medical
10 examination, receipt and storage of the item of evidence at a law
11 enforcement agency, receipt and analysis of the item of evidence at
12 an accredited crime laboratory, and storage and destruction of the
13 item of evidence after the item is analyzed;

14 (3) ~~(2)~~ allow a facility or entity performing a
15 forensic medical examination of a survivor, law enforcement agency,
16 accredited crime laboratory, prosecutor, or other entity providing
17 a chain of custody for an item of evidence to update and track the
18 status and location of the item; and

19 (4) ~~(3)~~ allow a survivor to anonymously track or
20 receive updates regarding the status and location of each item of
21 evidence collected in relation to the offense.

22 SECTION 12. Section 420.045, Government Code, is
23 transferred to Section 420.034, Government Code, redesignated as
24 Subsection (h) of that section, and amended to read as follows:

25 (h) Not later than October 1 of each year, the department
26 ~~[Sec. 420.045. REPORT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR~~
27 ~~OTHER SEX OFFENSE. Each law enforcement agency and public~~

1 ~~accredited crime laboratory]~~ shall submit [~~a quarterly report]~~ to
2 the governor a report [~~department]~~ identifying the number of
3 evidence collection kits that have [~~the law enforcement agency has]~~
4 not yet been submitted for laboratory analysis or for which the
5 [~~crime]~~ laboratory analysis has not yet been completed [~~an~~
6 ~~analysis~~], as applicable. The annual report must be titled
7 "Statewide Electronic Tracking System Report" and must be posted on
8 the department's publicly accessible Internet website.

9 SECTION 13. Section 420.035(a), Government Code, as added
10 by Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular
11 Session, 2019, is amended to read as follows:

12 (a) If a health care facility or other entity that performs
13 a medical examination to collect evidence of a sexual assault or
14 other sex offense receives signed, written consent to release the
15 evidence as provided by Section 420.0735, the facility or entity
16 shall:

17 (1) promptly notify any law enforcement agency
18 investigating the [~~alleged~~] offense; and

19 (2) not later than 24 hours after the conclusion of the
20 examination, enter the evidence collection kit identifier into the
21 statewide electronic tracking system under Section 420.034.

22 SECTION 14. Section 420.046, Government Code, is amended to
23 read as follows:

24 Sec. 420.046. NONCOMPLIANCE. Failure to substantially
25 comply with the requirements of Subchapter B or this subchapter may
26 be used to determine eligibility for receiving grant funds from the
27 department, the office of the governor, or another state agency.

1 SECTION 15. The heading to Chapter 323, Health and Safety
2 Code, is amended to read as follows:

3 CHAPTER 323. EMERGENCY SERVICES AND FORENSIC EXAMINATION PROGRAMS
4 FOR SURVIVORS OF SEXUAL ASSAULT

5 SECTION 16. Chapter 323, Health and Safety Code, is amended
6 by designating Sections 323.001 through 323.008 as Subchapter A and
7 adding a subchapter heading to read as follows:

8 SUBCHAPTER A. EMERGENCY SERVICES FOR SURVIVORS
9 OF SEXUAL ASSAULT

10 SECTION 17. Section 323.001, Health and Safety Code, is
11 amended to read as follows:

12 Sec. 323.001. DEFINITIONS. In this subchapter [~~chapter~~]:

13 (1) "Commission" means the Health and Human Services
14 Commission.

15 (2) "Department" means the Department of State Health
16 Services.

17 (3) "Health care facility" means a general or special
18 hospital licensed under Chapter 241, a general or special hospital
19 owned by this state, or a freestanding emergency medical care
20 facility licensed under Chapter 254.

21 (3-a) "SAFE-ready facility" means a health care
22 facility designated as a sexual assault forensic exam-ready
23 facility under Section 323.0015. The term includes a SAFE program
24 designated as a SAFE-ready facility under Section 323.052.

25 (3-b) "SAFE program" has the meaning assigned by
26 Section 323.051.

27 (4) "Sexual assault" means any act as described by

1 Section 22.011 or 22.021, Penal Code.

2 (4-a) "Sexual assault forensic examiner" means a
3 certified sexual assault nurse examiner or a physician with
4 specialized training on conducting a forensic medical examination.

5 (5) "Sexual assault survivor" means an individual who
6 is a victim of a sexual assault, regardless of whether a report is
7 made or a conviction is obtained in the incident.

8 SECTION 18. Sections 323.004(a) and (a-1), Health and
9 Safety Code, are amended to read as follows:

10 (a) Except as otherwise provided by Subsection (a-2), after
11 a sexual assault survivor arrives at a health care facility
12 following a an ~~an alleged~~ sexual assault, the facility shall
13 provide care to the survivor in accordance with Subsection (b).

14 (a-1) A facility that is not a SAFE-ready facility shall
15 inform the sexual assault survivor that:

16 (1) the facility is not a SAFE-ready facility and
17 provide to the survivor the name and location of nearby ~~the~~
18 ~~closest~~ SAFE-ready facilities ~~facility~~ and the information form
19 required by Section 323.0051; and

20 (2) the survivor is entitled, at the survivor's
21 option:

22 (A) to receive the care described by Subsection
23 (b) at that facility, subject to Subsection (b-1); or

24 (B) to be stabilized and to be referred or
25 transferred to and receive the care described by Subsection (b) at a
26 SAFE-ready facility.

27 SECTION 19. Section 323.005(a), Health and Safety Code, as

1 amended by Chapters 408 (H.B. 8), 469 (H.B. 4173), and 1037 (H.B.
2 616), Acts of the 86th Legislature, Regular Session, 2019, is
3 reenacted and further amended to conform to Chapter 469 (H.B.
4 4173), Acts of the 86th Legislature, Regular Session, 2019, to read
5 as follows:

6 (a) The commission [~~department~~] shall develop a standard
7 information form for sexual assault survivors that must include:

8 (1) a detailed explanation of the forensic medical
9 examination required to be provided by law, including a statement
10 that photographs may be taken of the genitalia;

11 (2) information regarding treatment of sexually
12 transmitted infections and pregnancy, including:

13 (A) generally accepted medical procedures;

14 (B) appropriate medications; and

15 (C) any contraindications of the medications
16 prescribed for treating sexually transmitted infections and
17 preventing pregnancy;

18 (3) information regarding drug-facilitated sexual
19 assault, including the necessity for an immediate urine test for
20 sexual assault survivors who may have been involuntarily drugged;

21 (4) information regarding crime victims compensation,
22 including:

23 (A) a statement that public agencies are
24 responsible for paying for the forensic portion of an examination
25 conducted under Subchapter F or G, Chapter 56A [~~Article 56.06 or~~

26 ~~56.065~~], Code of Criminal Procedure, and for the evidence
27 collection kit used in connection with the examination and that the

1 health care facility or provider, as applicable, is responsible for
2 seeking reimbursement for those costs; and

3 (B) information regarding the reimbursement of
4 the survivor for the medical portion of the examination;

5 (5) an explanation that consent for the forensic
6 medical examination may be withdrawn at any time during the
7 examination;

8 (6) the name and telephone number of sexual assault
9 crisis centers statewide; and

10 (7) information regarding postexposure prophylaxis
11 for HIV infection.

12 SECTION 20. Section 323.0051(a), Health and Safety Code, is
13 amended to read as follows:

14 (a) The commission [~~department~~] shall develop a standard
15 information form for sexual assault survivors who arrive at a
16 health care facility that is not a SAFE-ready facility. The
17 information form must include:

18 (1) information regarding the benefits of a forensic
19 medical examination conducted by a sexual assault forensic
20 examiner;

21 (2) the Internet website address to the commission's
22 [~~department's~~] list of SAFE-ready facilities that includes the
23 facilities' physical addresses as required by Section 323.008;

24 (3) the following statements:

25 (A) "As a survivor of sexual assault, you have
26 the right to receive a forensic medical examination at this
27 hospital emergency room if you are requesting the examination not

1 later than 120 hours after the assault.";

2 (B) "A report to law enforcement is not required,
3 but if you make a report, law enforcement must first authorize the
4 examination."; and

5 (C) "Call 1-800-656-HOPE to be connected to a
6 rape crisis center for free and confidential assistance."; and

7 (4) information on the procedure for submitting a
8 complaint against the health care facility.

9 SECTION 21. Section [323.0052](#)(a), Health and Safety Code, is
10 amended to conform to Chapter 469 (H.B. 4173), Acts of the 86th
11 Legislature, Regular Session, 2019, and further amended to read as
12 follows:

13 (a) The commission [~~department~~] shall develop a standard
14 information form that, as described by Subsection (b), is to be
15 provided to sexual assault survivors who have not given signed,
16 written consent to a health care facility to release the evidence as
17 provided by Section [420.0735](#), Government Code. The form must
18 include the following information:

19 (1) the Department of Public Safety's policy regarding
20 storage of evidence of a sexual assault or other sex offense that is
21 collected under Subchapter G, Chapter [56A](#) [~~Article [56.065](#)~~], Code of
22 Criminal Procedure, including:

23 (A) a statement that the evidence will be stored
24 until the fifth anniversary of the date on which the evidence was
25 collected before the evidence becomes eligible for destruction; and

26 (B) the department's procedures regarding the
27 notification of the survivor before a planned destruction of the

1 evidence;

2 (2) a statement that the survivor may request the
3 release of the evidence to a law enforcement agency and report a
4 sexual assault or other sex offense to the agency at any time;

5 (3) the name, phone number, and e-mail address of the
6 law enforcement agency with jurisdiction over the offense; and

7 (4) the name and phone number of a local rape crisis
8 center.

9 SECTION 22. Section 323.008, Health and Safety Code, is
10 amended to read as follows:

11 Sec. 323.008. DATA PUBLICATION. The commission
12 [~~department~~] shall post on the commission's [~~department's~~] Internet
13 website a list of all hospitals and other health facilities that are
14 designated as SAFE-ready facilities under this chapter and the
15 facilities' physical addresses. The commission [~~department~~] shall
16 update the list annually. To the extent possible, the commission
17 [~~department~~] shall collect the data required by this section as
18 part of a survey required by the commission [~~department~~] under
19 other law.

20 SECTION 23. Chapter 323, Health and Safety Code, is amended
21 by adding Subchapter B to read as follows:

22 SUBCHAPTER B. SEXUAL ASSAULT FORENSIC EXAMINATION PROGRAMS

23 Sec. 323.051. DEFINITIONS. In this subchapter:

24 (1) "SAFE program" means a program that meets the
25 requirements prescribed by Section 323.052.

26 (2) "Sexual assault examiner," "sexual assault nurse
27 examiner," and "sexual assault program" have the meanings assigned

1 by Section 420.003, Government Code.

2 (3) "Sexual assault forensic examiner" means a
3 certified sexual assault nurse examiner or a physician licensed
4 under Subtitle B, Title 3, Occupations Code, with specialized
5 training on conducting a forensic medical examination.

6 Sec. 323.052. OPERATION OF SAFE PROGRAM; DESIGNATION OF
7 SAFE PROGRAM AS SAFE-READY FACILITY. (a) A person may operate a
8 SAFE program only if:

9 (1) the program meets the minimum standards
10 established under Section 323.053; and

11 (2) the program provides forensic medical
12 examinations to sexual assault survivors in accordance with Section
13 323.054.

14 (b) The Health and Human Services Commission shall
15 designate a SAFE program described by Subsection (a) as a
16 SAFE-ready facility under Section 323.0015 if the program notifies
17 the commission that the program employs or contracts with a sexual
18 assault forensic examiner or uses a telemedicine system of sexual
19 assault forensic examiners to provide consultation during a sexual
20 assault forensic medical examination to a nurse or physician
21 licensed to practice in this state.

22 Sec. 323.053. MINIMUM STANDARDS FOR SAFE PROGRAMS. A SAFE
23 program must:

24 (1) operate under the active oversight of a medical
25 director who is a physician licensed by and in good standing with
26 the Texas Medical Board;

27 (2) provide medical treatment under a physician's

1 order, standing medical order, standing delegation order, or other
2 order or protocol as defined by Texas Medical Board rules;

3 (3) employ or contract with a sexual assault examiner
4 or a sexual assault nurse examiner;

5 (4) provide access to a sexual assault program
6 advocate, as required by Subchapter H, Chapter 56A, Code of
7 Criminal Procedure;

8 (5) ensure a sexual assault survivor has access to a
9 private treatment room;

10 (6) if indicated by a survivor's history or on a
11 survivor's request, provide:

12 (A) HIV testing and prophylactic medication to
13 the survivor or a referral for the testing and medication; and

14 (B) counseling and prophylactic medications for
15 exposure to sexually transmitted infections and pregnancy;

16 (7) provide to survivors the name and telephone number
17 of a nearby sexual assault program that provides to survivors the
18 minimum services described by Subchapter A, Chapter 420, Government
19 Code;

20 (8) provide to survivors the information form required
21 by Section 323.005, 323.0051, or 323.0052, as applicable, and
22 orally communicate the information regarding crime victims
23 compensation under Section 323.005(a)(4);

24 (9) collaborate with any sexual assault program, as
25 defined by Section 420.003, Government Code, that provides services
26 to survivors in the county;

27 (10) engage in efforts to improve the quality of the

1 program;

2 (11) maintain capacity for appropriate triage or have
3 agreements with other health facilities to assure that a survivor
4 receives the appropriate level of care indicated for the survivor's
5 medical and mental health needs;

6 (12) prioritize the safety and well-being of
7 survivors;

8 (13) provide a trauma-informed approach in the
9 forensic medical care provided to survivors; and

10 (14) collaborate with:

11 (A) law enforcement agencies and attorneys
12 representing the state with jurisdiction in the county;

13 (B) any available local sexual assault response
14 team; and

15 (C) other interested persons in the community.

16 Sec. 323.054. FORENSIC MEDICAL EXAMINATION BY SAFE PROGRAM;
17 INFORMED CONSENT. (a) A SAFE program shall provide to a sexual
18 assault survivor under the care of the program a forensic medical
19 examination in accordance with Subchapter B, Chapter 420,
20 Government Code, if the examination has been requested by a law
21 enforcement agency under Subchapter F, Chapter 56A, Code of
22 Criminal Procedure, or if the examination is performed in
23 accordance with Subchapter G, Chapter 56A, Code of Criminal
24 Procedure.

25 (b) Only a sexual assault examiner or a sexual assault nurse
26 examiner may perform a forensic medical examination under a SAFE
27 program.

1 (c) A sexual assault examiner or sexual assault nurse
2 examiner employed by or under contract with a SAFE program must
3 obtain a sexual assault survivor's informed, written consent before
4 performing a forensic medical examination or providing medical
5 treatment to the survivor.

6 (d) A sexual assault survivor who receives a forensic
7 medical examination from a sexual assault examiner or sexual
8 assault nurse examiner employed by or under contract with a SAFE
9 program may not be required to:

10 (1) participate in the investigation or prosecution of
11 an offense as a prerequisite to receiving the forensic medical
12 examination or medical treatment; or

13 (2) pay for the costs of the forensic portion of the
14 forensic medical examination or for the evidence collection kit.

15 SECTION 24. Section [420.042\(b\)](#), Government Code, is
16 repealed.

17 SECTION 25. The changes in law made by this Act to Section
18 [420.034\(c\)](#), Government Code, and to Section [420.035\(a\)](#), Government
19 Code, as added by Chapter 408 (H.B. 8), Acts of the 86th
20 Legislature, Regular Session, 2019, apply only to evidence of a
21 sexual assault or other sex offense collected on or after the
22 effective date of this Act. Evidence collected before the
23 effective date of this Act is governed by the law in effect on the
24 date the evidence was collected, and the former law is continued in
25 effect for that purpose.

26 SECTION 26. To the extent of any conflict, this Act prevails
27 over another Act of the 87th Legislature, Regular Session, 2021,

C.S.H.B. No. 2706

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

3 SECTION 27. This Act takes effect September 1, 2021.