

By: Minjarez

H.B. No. 4250

A BILL TO BE ENTITLED

AN ACT

relating to the investigation and punishment of certain sexual assaults, to protective orders issued on the basis of certain sexual assaults, to crime victims' compensation, and to the establishment of a state sexual assault prevention and response program for the Texas Military Department.

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

SECTION 1. Chapter 432, Government Code, is amended by adding Subchapter J-1 to read as follows:

SUBCHAPTER J-1. SEXUAL ASSAULT

Sec. 432.171. DEFINITIONS. In this subchapter:

(1) "Coordinator" means the state sexual assault response coordinator employed as provided by this subchapter.

(2) "Program" means the state sexual assault prevention and response program established as provided by this subchapter.

(3) "Department" means the Texas Military Department.

Sec. 432.172. SEXUAL ASSAULT. A person subject to this chapter who commits an offense under Section 22.011 or 22.021, Penal Code, is subject to investigation under this subchapter and punishment under this chapter.

Sec. 432.173. STATE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM; COORDINATOR. (a) To the extent state and federal funds are available for this purpose, the department shall establish a

1 state sexual assault prevention and response program and employ or  
2 designate a state sexual assault response coordinator to perform  
3 victim advocacy services, including ensuring that victims of sexual  
4 assault receive appropriate responsive care and understand the  
5 available reporting options.

6 (b) The coordinator shall notify the person who is the  
7 victim of sexual assault of their eligibility for the Crime  
8 Victims' Compensation program.

9 (c) The program and coordinator are within the Texas  
10 Military Department but shall exercise the authority granted under  
11 this subchapter independently from the chain of command within the  
12 department.

13 (d) The program must allow a victim of:

14 (1) an offense under Section 22.011 or 22.021, Penal  
15 Code, to file a report with the coordinator alleging that a person  
16 subject to this chapter committed the offense; and

17 (2) sexual harassment to:

18 (A) file a confidential complaint of sexual  
19 harassment with the coordinator;

20 (B) participate in the United States Department  
21 of Defense Catch a Serial Offender program;

22 (C) receive notice if the accused person is  
23 subsequently accused of an offense under Section 22.011 or 22.021,  
24 Penal Code, by a service member or any other person; and

25 (D) convert a confidential complaint to a formal  
26 complaint at any time.

27 Sec. 432.174. INVESTIGATION. (a) Upon the filing of a

1 formal report and with the consent of the victim, the coordinator  
2 shall refer the case or allegation to the Texas Rangers division of  
3 the Department of Public Safety for investigation.

4 (b) The Texas Rangers division of the Department of Public  
5 Safety shall designate an officer of the Texas Rangers to serve as  
6 an investigator for cases and allegations referred to the division  
7 under this subchapter. If the investigation demonstrates a  
8 reasonable suspicion that an offense under Section 22.011 or  
9 22.021, Penal Code, was committed by a person subject to this  
10 chapter, the investigator shall refer the matter to a district  
11 attorney or criminal district attorney with the appropriate  
12 jurisdiction.

13 Sec. 432.175. PROTECTIVE ORDER. In accordance with Article  
14 7B.001(a-1), Code of Criminal Procedure, the coordinator may file  
15 an application with the consent of a person who is the victim for a  
16 protective order under Subchapter A, Chapter 7B, Code of Criminal  
17 Procedure, on behalf of a person who is the victim of an offense  
18 under Section 22.011 or 22.021, Penal Code, that is alleged to have  
19 been committed by a person subject to this chapter.

20 Sec. 432.176. REPORT TO LEGISLATURE; LEGISLATIVE  
21 OVERSIGHT. (a) The adjutant general or coordinator shall annually  
22 submit a report on the activities under the program and the  
23 activities of the Texas Military Department relating to sexual  
24 assault prevention and response to:

25 (1) the governor;

26 (2) the lieutenant governor;

27 (3) the speaker of the house of representatives; and

1           (4) the chairs of the standing committees of the  
2 senate and house of representatives with primary jurisdiction over  
3 the Texas Military Department.

4           (b) The report must include:

5           (1) for the preceding state fiscal year:

6           (A) the policies and procedures implemented by  
7 the coordinator and adjutant general in response to incidents of  
8 sexual assault;

9           (B) an assessment of the implementation and  
10 effectiveness of the program and the policies and procedures on the  
11 prevention and oversight of and response to sexual assaults within  
12 the Texas Military Department, including an assessment of the  
13 department's efforts to execute the priorities of the United States  
14 Department of Defense Sexual Assault Prevention and Response Office  
15 and the department's Sexual Harassment/Assault Response Program;

16           (C) an analysis of the number of sexual assaults  
17 involving members of the state military forces; and

18           (D) deficiencies in the Texas Military  
19 Department's sexual assault prevention training; and

20           (2) for the current state fiscal year, the Texas  
21 Military Department's plans for preventing and responding to sexual  
22 assault, including plans relating to:

23           (A) advocacy for sexual assault victims;

24           (B) health care provider and medical response;

25           (C) mental health and counseling response;

26           (D) investigative and legal services; and

27           (E) chaplain response.

1        (c) Information provided in the report required under  
2 Subsection (b)(1)(C) for restricted cases is limited to aggregated  
3 statistical data to protect victim privacy and for unrestricted  
4 cases is limited to aggregated statistical data that at a minimum  
5 includes:

6            (1) statistics relating to the types of offenses  
7 investigated under this subchapter;

8            (2) statistics relating to victims and accused  
9 persons;

10           (3) status of investigations under this subchapter;

11           (4) status of investigations under this subchapter and  
12 prosecutions under this chapter; and

13           (5) status of administrative actions taken by the  
14 Texas Military Department.

15        SECTION 2. Article [7B.001](#), Code of Criminal Procedure, is  
16 amended by adding Subsection (a-1) to read as follows:

17        (a-1) In addition to the persons having standing to file the  
18 application under Subsection (a), the state sexual assault response  
19 coordinator described by Subchapter [J-1](#), Chapter [432](#), Government  
20 Code, may file an application with the consent of a person who is  
21 the victim for a protective order under this subchapter on behalf of  
22 a person who is the victim of an offense under Section [22.011](#) or  
23 [22.021](#), Penal Code, alleged to have been committed by a person  
24 subject to Chapter [432](#), Government Code.

25        SECTION 3. Article [7B.003](#), Code of Criminal Procedure, is  
26 amended by adding Subsection (c) to read as follows:

27        (c) For purposes of this article, a military protective

1 order issued to a person because the person was a reported victim of  
2 an offense under Section 22.011 or 22.021, Penal Code, constitutes  
3 reasonable grounds to believe that the applicant is the victim of  
4 sexual assault.

5 SECTION 4. To the extent of any conflict, this Act prevails  
6 over another Act of the 87th Legislature, Regular Session, 2021,  
7 relating to nonsubstantive additions to and corrections in enacted  
8 codes.

9 SECTION 5. This Act takes effect September 1, 2021.