

1-1 By: Nelson S.B. No. 476  
1-2 (In the Senate - Filed January 27, 2021; March 9, 2021, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 6, 2021, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 6, 2021,  
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Whitmire</u>	X		
1-10	<u>Huffman</u>	X		
1-11	<u>Bettencourt</u>	X		
1-12	<u>Birdwell</u>	X		
1-13	<u>Hinojosa</u>	X		
1-14	<u>Miles</u>	X		
1-15	<u>Nichols</u>		X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 476 By: Huffman

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to establishment of county adult sexual assault response  
1-20 teams.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 351, Local Government Code, is amended  
1-23 by adding Subchapter J to read as follows:

1-24 SUBCHAPTER J. COUNTY ADULT SEXUAL ASSAULT RESPONSE TEAMS

1-25 Sec. 351.251. DEFINITIONS. In this subchapter:

1-26 (1) "Adult" means an individual who is not a child as  
1-27 defined by Section 101.003, Family Code.

1-28 (2) "Program" means a program that:

1-29 (A) operates independently from a law  
1-30 enforcement agency or prosecutor's office;

1-31 (B) is operated by a local public or private  
1-32 nonprofit corporation either independently or as part of a  
1-33 municipal, county, or state agency; and

1-34 (C) provides the minimum services, as defined by  
1-35 Section 420.003, Government Code, to adult survivors of stranger  
1-36 and non-stranger sexual assault.

1-37 (3) "Response team" means a multidisciplinary team  
1-38 established under this subchapter to strengthen the collaborative  
1-39 response and enhance health and judicial outcomes for sexual  
1-40 assault survivors who are adults.

1-41 (4) "Survivor" means an individual who is a victim of a  
1-42 sexual assault or other sex offense, regardless of whether a police  
1-43 report is filed for the incident.

1-44 Sec. 351.252. ESTABLISHMENT. (a) Except as provided by  
1-45 Subsection (b), the commissioners court of each county shall  
1-46 establish an adult sexual assault response team that includes the  
1-47 following members appointed by the commissioners court:

1-48 (1) the chief administrator, or the chief  
1-49 administrator's designee, of a program that provides services for  
1-50 the county;

1-51 (2) a prosecutor with jurisdiction in the county over  
1-52 cases involving sexual assault committed against adults;

1-53 (3) the chief, or the chief's designee, of the  
1-54 municipal police department with the largest population in the  
1-55 county, provided a municipality in the county has a municipal  
1-56 police department;

1-57 (4) the sheriff or the sheriff's designee;

1-58 (5) either:

1-59 (A) a sexual assault nurse examiner or forensic  
1-60 examiner from a facility that conducts sexual assault forensic

2-1 exams for the county; or  
2-2 (B) a representative from the largest health care  
2-3 provider operating in the county if the county does not have a  
2-4 professional described by Paragraph (A);  
2-5 (6) a behavioral health services provider operating in  
2-6 the county or, if the county does not have a behavioral health  
2-7 services provider, a representative from the county health  
2-8 department; and  
2-9 (7) other persons the presiding officer of the  
2-10 response team considers necessary for the operation of the response  
2-11 team or as recommended by the response team.  
2-12 (b) Two or more contiguous counties, each with a population  
2-13 of 50,000 or less, may partner to form a multicounty response team.  
2-14 Sec. 351.253. PRESIDING OFFICER. The response team shall  
2-15 elect a presiding officer from among its members.  
2-16 Sec. 351.254. MEETINGS. (a) A response team shall meet:  
2-17 (1) at least quarterly at a time determined by the  
2-18 presiding officer;  
2-19 (2) not later than the 90th day after the last day of a  
2-20 regular legislative session to review and amend as necessary any  
2-21 protocols, forms, or guidelines developed under this subchapter;  
2-22 and  
2-23 (3) at any other time at the call of the presiding  
2-24 officer.  
2-25 (b) If a response team member is unable to participate in a  
2-26 response team meeting, the member or entity the member is  
2-27 representing may designate another individual to represent the  
2-28 member or entity at the meeting. Each member or a designee of that  
2-29 member must participate in all response team meetings.  
2-30 (c) A response team member must attend the quarterly  
2-31 meetings held as required under Subsection (a)(1) to participate in  
2-32 response team functions.  
2-33 (d) A response team shall meet independently of a children's  
2-34 advocacy center multidisciplinary team described by Section  
2-35 264.406, Family Code.  
2-36 Sec. 351.255. VACANCIES. The commissioners court of a  
2-37 county shall fill a vacancy for a response team member not later  
2-38 than the 30th day after the date the vacancy occurs and in the same  
2-39 manner as the original appointment.  
2-40 Sec. 351.256. ADULT SEXUAL ASSAULT RESPONSE PROTOCOL. (a)  
2-41 A response team shall develop a written protocol addressing the  
2-42 coordinated response for adult survivors in the county that  
2-43 includes:  
2-44 (1) the procedures to be used in investigating and  
2-45 prosecuting cases arising from a report of sexual assault;  
2-46 (2) interagency information sharing, in accordance  
2-47 with state and federal law, to ensure the timely exchange of  
2-48 relevant information and enhance the response to survivors;  
2-49 (3) the location and accessibility of sexual assault  
2-50 forensic examinations;  
2-51 (4) information on the availability of and access to  
2-52 medical care when the care is clinically indicated;  
2-53 (5) a requirement to ensure survivors are offered  
2-54 access to sexual assault program advocates, as defined by Section  
2-55 420.003, Government Code;  
2-56 (6) information on the availability of and access to  
2-57 mental and behavioral health services;  
2-58 (7) a requirement to ensure that relevant law  
2-59 enforcement agencies notify survivors in a timely manner regarding  
2-60 the status of any criminal case and court proceeding;  
2-61 (8) an assessment of relevant community trends,  
2-62 including drug-facilitated sexual assault, the incidence of  
2-63 predatory date rape, and sex trafficking;  
2-64 (9) a biennial evaluation through sexual assault case  
2-65 reviews of the effectiveness of individual agency and interagency  
2-66 protocols and systems;  
2-67 (10) at least four hours of annual cross-agency  
2-68 training on the dynamics of sexual assault for response team  
2-69 members participating in the quarterly meetings as required by

3-1 Section 351.254(c); and  
3-2 (1) procedures for addressing conflicts within the  
3-3 response team and for maintaining the confidentiality of  
3-4 information shared among response team members as required by law.  
3-5 (b) In developing a protocol under this section, the  
3-6 response team:  
3-7 (1) shall consider Chapter 56A, Code of Criminal  
3-8 Procedure;  
3-9 (2) may provide different procedures for use within a  
3-10 particular municipality or area of the county served by the  
3-11 response team; and  
3-12 (3) shall prioritize the health and safety of  
3-13 survivors.  
3-14 (c) The purpose of the protocol developed under this section  
3-15 is to ensure coordination between all agencies involved in sexual  
3-16 assault cases to increase the efficacy of response and to minimize  
3-17 survivor traumatization. The response team shall provide the  
3-18 protocol to each agency in the county that responds to disclosures  
3-19 of sexual assault.  
3-20 (d) Failure to follow a protocol developed under this  
3-21 section does not:  
3-22 (1) constitute the basis for a claim or defense to a  
3-23 civil or criminal action; or  
3-24 (2) preclude the admissibility of evidence.  
3-25 Sec. 351.257. REPORT. Not later than December 1 of each  
3-26 odd-numbered year, a response team shall provide to the  
3-27 commissioners court of each county the response team serves a  
3-28 report that includes:  
3-29 (1) a list of response team members able to  
3-30 participate in the quarterly meetings required by Section  
3-31 351.254(c);  
3-32 (2) a copy of the written protocol developed under  
3-33 Section 351.256; and  
3-34 (3) either:  
3-35 (A) a biennial summary detailing:  
3-36 (i) the number of sexual assault reports  
3-37 received by local law enforcement agencies;  
3-38 (ii) the number of investigations conducted  
3-39 as a result of those reports;  
3-40 (iii) the number of indictments presented  
3-41 in connection with a report and the disposition of those cases; and  
3-42 (iv) the number of reports of sexual  
3-43 assault for which no indictment was presented; or  
3-44 (B) an explanation of the reason the response  
3-45 team failed to provide the information described by Paragraph (A).  
3-46 Sec. 351.258. MEETINGS AND RECORDS; CONFIDENTIALITY. (a) A  
3-47 response team meeting is not subject to Chapter 551, Government  
3-48 Code.  
3-49 (b) This section does not prohibit a response team from  
3-50 requesting or allowing the attendance of a person who is not a  
3-51 response team member at a response team meeting.  
3-52 (c) Information and records acquired by a response team in  
3-53 the exercise of its purpose and duties under this subchapter are  
3-54 confidential and not subject to disclosure under Chapter 552,  
3-55 Government Code, and may only be disclosed as necessary to  
3-56 implement the response team's purpose and duties.  
3-57 (d) A report or a statistical compilation of data reports  
3-58 created by the response team is public information subject to  
3-59 Chapter 552, Government Code, provided the report or compilation  
3-60 does not contain any personally identifiable information.  
3-61 (e) Information, documents, and records of the response  
3-62 team that are confidential under this section are not subject to  
3-63 subpoena or discovery and may not be introduced into evidence in any  
3-64 civil, criminal, or administrative proceeding, except that  
3-65 information, documents, and records otherwise available from other  
3-66 sources are not immune from subpoena, discovery, or introduction  
3-67 into evidence solely because that information or those documents or  
3-68 records were presented during a response team meeting or maintained  
3-69 by the response team.

4-1           (f) A response team may only review a sexual assault case of  
4-2 an adult survivor with the signed, written consent of the survivor.  
4-3 The consent must specify:  
4-4           (1) the information or records covered by the release;  
4-5           (2) the reason or purpose for the release; and  
4-6           (3) the person or agency to which the information is to  
4-7 be released.

4-8           SECTION 2. (a) Not later than December 1, 2021, the  
4-9 commissioners court of each county shall appoint the members to and  
4-10 call the first meeting of the county's adult sexual assault  
4-11 response team in accordance with Subchapter J, Chapter 351, Local  
4-12 Government Code, as added by this Act. At the first meeting of each  
4-13 adult sexual assault response team, the members of the team shall  
4-14 appoint the initial presiding officer.

4-15           (b) Not later than December 1, 2022, each adult sexual  
4-16 assault response team shall develop a written protocol as required  
4-17 by Section 351.256, Local Government Code, as added by this Act.

4-18           SECTION 3. This Act takes effect September 1, 2021.

4-19

\* \* \* \* \*