

By: Nelson

S.B. No. 1299

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 facility 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.254, Code of Criminal Procedure, is
19 amended to read as follows:

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

25 SECTION 4. Article 56A.302, Code of Criminal Procedure, is
26 amended to read as follows:

27 Art. 56A.302. APPLICABILITY. This subchapter applies to

1 the following health care facilities that provide diagnosis or
2 treatment services to victims of sexual assault:

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

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

6 (3) an outpatient clinic; ~~and~~

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

8 (5) a health facility, as defined by Section 323.051,
9 Health and Safety Code, that operates a SAFE program under Section
10 323.052, Health and Safety Code.

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

15 Art. 56A.303. FORENSIC MEDICAL EXAMINATION. (a) In
16 accordance with Subchapter B, Chapter 420, Government Code, and
17 except as provided by Subsection (b), a health care facility shall
18 conduct a forensic medical examination of a victim of a ~~[an alleged]~~
19 sexual assault if:

20 (1) the victim arrives at the facility within 120 ~~[96]~~
21 hours after the assault occurred;

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

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

25 (b) If a health care facility does not provide diagnosis or
26 treatment services to victims of sexual assault, the facility shall
27 refer a victim of a ~~[an alleged]~~ sexual assault who seeks a forensic

1 medical examination under Subsection (a) to a health care facility
2 that provides services to those victims.

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

7 SECTION 6. Article [56A.304](#), Code of Criminal Procedure, is
8 amended to conform to Sections 4 and 8, Chapter 1037 (H.B. 616),
9 Acts of the 86th Legislature, Regular Session, 2019, and is further
10 amended to read as follows:

11 Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION. (a)
12 On application to the [~~The department shall pay the appropriate~~
13 ~~fees, as set by~~] attorney general [~~rule~~], a health care facility
14 that provides [~~for the forensic portion of~~] a forensic medical
15 examination to a sexual assault survivor in accordance with this
16 subchapter, or the [~~conducted under Article [56A.303](#)(a) and for the~~
17 ~~evidence collection kit if a physician,~~] sexual assault examiner
18 [~~7~~] or sexual assault nurse examiner who conducts that [~~the~~
19 ~~forensic portion of the~~] examination, as applicable, within 120
20 [~~96~~] hours after the [~~alleged~~] sexual assault occurred is entitled
21 to be reimbursed in an amount set by attorney general rule for:

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

24 (2) the evidence collection kit.

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

27 (1) certification that the examination was conducted

1 in accordance with the requirements of Article 56A.303(a); and

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

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

9 (1) the health care facility or sexual assault
10 examiner or sexual assault nurse examiner, as applicable:

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

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

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

18 (d) A health care facility is not entitled to reimbursement
19 under this article unless the forensic medical examination was
20 conducted at the facility by a physician, sexual assault examiner,
21 or sexual assault nurse examiner.

22 (e) On request, the attorney general may provide training to
23 a health care facility regarding the process for applying for
24 reimbursement under this article.

25 (f) A victim of a [~~an alleged~~] sexual assault may not be
26 required to pay for:

27 (1) the forensic portion of the forensic medical

1 examination; or

2 (2) the evidence collection kit.

3 SECTION 7. Article 56A.305, Code of Criminal Procedure, is
4 amended to read as follows:

5 Art. 56A.305. PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE.
6 The attorney general may make a payment to or on behalf of an
7 individual for the reasonable costs incurred for medical care
8 provided in accordance with Sections [~~Section~~] 323.004, 323.053,
9 and 323.054, Health and Safety Code.

10 SECTION 8. Article 56A.307, Code of Criminal Procedure, is
11 amended to read as follows:

12 Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION OF
13 ADDITIONAL EVIDENCE. The department, consistent with Chapter 420,
14 Government Code, may develop procedures regarding the submission or
15 collection of additional evidence of a [~~an alleged~~] sexual assault
16 other than through a forensic medical examination as described by
17 Article 56A.303(a).

18 SECTION 9. Section 420.003(1-a), Government Code, is
19 amended to read as follows:

20 (1-a) "Active criminal case" means a case:

21 (A) in which:

22 (i) a sexual assault or other sex offense
23 has been reported to a law enforcement agency; [~~and~~]

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

27 (iii) the agency documents that an offense

1 has been committed and reported; and

2 (B) for which:

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

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

8 SECTION 10. Section 420.034(c), Government Code, is amended
9 to read as follows:

10 (c) The tracking system must:

11 (1) include all evidence collected in relation to a
12 sexual assault or other sex offense, regardless of whether evidence
13 of the offense is collected in relation to an individual who is
14 alive or deceased;

15 (2) track the location and status of each item of
16 evidence through the criminal justice process, including the
17 initial collection of the item of evidence in a forensic medical
18 examination, receipt and storage of the item of evidence at a law
19 enforcement agency, receipt and analysis of the item of evidence at
20 an accredited crime laboratory, and storage and destruction of the
21 item of evidence after the item is analyzed;

22 (3) [~~2~~] allow a facility or entity performing a
23 forensic medical examination of a survivor, law enforcement agency,
24 accredited crime laboratory, prosecutor, or other entity providing
25 a chain of custody for an item of evidence to update and track the
26 status and location of the item; and

27 (4) [~~3~~] allow a survivor to anonymously track or

1 receive updates regarding the status and location of each item of
2 evidence collected in relation to the offense.

3 SECTION 11. Section [420.045](#), Government Code, is
4 transferred to Section [420.034](#), Government Code, redesignated as
5 Subsection (h) of that section, and amended to read as follows:

6 (h) Not later than October 1 of each year, the department
7 ~~[Sec. [420.045](#). REPORT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR~~
8 ~~OTHER SEX OFFENSE. Each law enforcement agency and public~~
9 ~~accredited crime laboratory]~~ shall submit ~~[a quarterly report]~~ to
10 the governor a report ~~[department]~~ identifying the number of
11 evidence collection kits that have ~~[the law enforcement agency has]~~
12 not yet been submitted for laboratory analysis or for which the
13 ~~[crime]~~ laboratory analysis has not yet been completed ~~[an~~
14 ~~analysis]~~, as applicable. The annual report must be titled
15 "Statewide Electronic Tracking System Report" and must be posted on
16 the department's publicly accessible Internet website.

17 SECTION 12. Section [420.035](#)(a), Government Code, as added
18 by Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular
19 Session, 2019, is amended to read as follows:

20 (a) If a health care facility or other entity that performs
21 a medical examination to collect evidence of a sexual assault or
22 other sex offense receives signed, written consent to release the
23 evidence as provided by Section [420.0735](#), the facility or entity
24 shall:

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

27 (2) not later than 24 hours after the conclusion of the

1 examination, enter the evidence collection kit identifier into the
2 statewide electronic tracking system under Section 420.034.

3 SECTION 13. Section 420.046, Government Code, is amended to
4 read as follows:

5 Sec. 420.046. NONCOMPLIANCE. Failure to comply with the
6 requirements of Subchapter B or this subchapter may be used to
7 determine eligibility for receiving grant funds from the
8 department, the office of the governor, or another state agency.

9 SECTION 14. The heading to Chapter 323, Health and Safety
10 Code, is amended to read as follows:

11 CHAPTER 323. EMERGENCY SERVICES AND FORENSIC EXAMINATION PROGRAMS
12 FOR SURVIVORS OF SEXUAL ASSAULT

13 SECTION 15. Chapter 323, Health and Safety Code, is amended
14 by designating Sections 323.001 through 323.008 as Subchapter A and
15 adding a subchapter heading to read as follows:

16 SUBCHAPTER A. EMERGENCY SERVICES FOR SURVIVORS
17 OF SEXUAL ASSAULT

18 SECTION 16. Section 323.001, Health and Safety Code, is
19 amended to read as follows:

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

21 (1) "Commission" means the Health and Human Services
22 Commission.

23 (2) "Department" means the Department of State Health
24 Services.

25 (3) "Health care facility" means a general or special
26 hospital licensed under Chapter 241, a general or special hospital
27 owned by this state, or a freestanding emergency medical care

1 facility licensed under Chapter 254.

2 (3-a) "SAFE-ready facility" means a health care
3 facility designated as a sexual assault forensic exam-ready
4 facility under Section 323.0015.

5 (4) "Sexual assault" means any act as described by
6 Section 22.011 or 22.021, Penal Code.

7 (4-a) "Sexual assault forensic examiner" means a
8 certified sexual assault nurse examiner or a physician with
9 specialized training on conducting a forensic medical examination.

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

13 SECTION 17. Sections 323.004(a) and (a-1), Health and
14 Safety Code, are amended to read as follows:

15 (a) Except as otherwise provided by Subsection (a-2), after
16 a sexual assault survivor arrives at a health care facility
17 following a a [~~an alleged~~] sexual assault, the facility shall
18 provide care to the survivor in accordance with Subsection (b).

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

21 (1) the facility is not a SAFE-ready facility and
22 provide to the survivor the name and location of nearby [~~the~~
23 ~~closest~~] SAFE-ready facilities [~~facility~~] and the information form
24 required by Section 323.0051; and

25 (2) the survivor is entitled, at the survivor's
26 option:

27 (A) to receive the care described by Subsection

1 (b) at that facility, subject to Subsection (b-1); or

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

5 SECTION 18. Section 323.005(a), Health and Safety Code, as
6 amended by Chapters 408 (H.B. 8), 469 (H.B. 4173), and 1037 (H.B.
7 616), Acts of the 86th Legislature, Regular Session, 2019, is
8 reenacted and further amended to conform to Chapter 469 (H.B.
9 4173), Acts of the 86th Legislature, Regular Session, 2019, to read
10 as follows:

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

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

16 (2) information regarding treatment of sexually
17 transmitted infections and pregnancy, including:

18 (A) generally accepted medical procedures;

19 (B) appropriate medications; and

20 (C) any contraindications of the medications
21 prescribed for treating sexually transmitted infections and
22 preventing pregnancy;

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

26 (4) information regarding crime victims compensation,
27 including:

1 (A) a statement that public agencies are
2 responsible for paying for the forensic portion of an examination
3 conducted under Subchapter F or G, Chapter 56A [~~Article 56.06 or~~
4 ~~56.065~~], Code of Criminal Procedure, and for the evidence
5 collection kit used in connection with the examination and that the
6 health care facility or provider, as applicable, is responsible for
7 seeking reimbursement for those costs; and

8 (B) information regarding the reimbursement of
9 the survivor for the medical portion of the examination;

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

13 (6) the name and telephone number of sexual assault
14 crisis centers statewide; and

15 (7) information regarding postexposure prophylaxis
16 for HIV infection.

17 SECTION 19. Section 323.0051(a), Health and Safety Code, is
18 amended to read as follows:

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

23 (1) information regarding the benefits of a forensic
24 medical examination conducted by a sexual assault forensic
25 examiner;

26 (2) the Internet website address to the commission's
27 [~~department's~~] list of SAFE-ready facilities that includes the

1 facilities' physical addresses as required by Section 323.008;

2 (3) the following statements:

3 (A) "As a survivor of sexual assault, you have
4 the right to receive a forensic medical examination at this
5 hospital emergency room if you are requesting the examination not
6 later than 120 hours after the assault.";

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

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

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

14 SECTION 20. Section 323.0052(a), Health and Safety Code, is
15 amended to conform to Chapter 469 (H.B. 4173), Acts of the 86th
16 Legislature, Regular Session, 2019, and further amended to read as
17 follows:

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

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

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

4 (B) the department's procedures regarding the
5 notification of the survivor before a planned destruction of the
6 evidence;

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

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

12 (4) the name and phone number of a local rape crisis
13 center.

14 SECTION 21. Section 323.008, Health and Safety Code, is
15 amended to read as follows:

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

25 SECTION 22. Chapter 323, Health and Safety Code, is amended
26 by adding Subchapter B to read as follows:

27 SUBCHAPTER B. SEXUAL ASSAULT FORENSIC EXAMINATION PROGRAMS

1 Sec. 323.051. DEFINITIONS. In this subchapter:

2 (1) "Health facility" means a health facility licensed
3 under Subtitle B, Title 4.

4 (2) "Physician" means a physician licensed under
5 Subtitle B, Title 3, Occupations Code.

6 (3) "SAFE program" means a program that meets the
7 requirements prescribed by Section 323.052.

8 (4) "Sexual assault examiner," "sexual assault nurse
9 examiner," and "sexual assault program" have the meanings assigned
10 by Section 420.003, Government Code.

11 (5) "Sexual assault forensic examiner" means a
12 certified sexual assault nurse examiner or a physician with
13 specialized training on conducting a forensic medical examination.

14 Sec. 323.052. OPERATION OF SAFE PROGRAM; DESIGNATION OF
15 HEALTH FACILITY OPERATING SAFE PROGRAM AS SAFE-READY FACILITY. (a)
16 A health facility may operate a SAFE program only if:

17 (1) the facility operates the program on its premises;

18 (2) the program meets the minimum standards
19 established under Section 323.053; and

20 (3) the facility provides forensic medical
21 examinations to sexual assault survivors in accordance with Section
22 323.054.

23 (b) The Health and Human Services Commission shall
24 designate a health facility operating a SAFE program described by
25 Subsection (a) as a SAFE-ready facility under Section 323.0015 if
26 the facility notifies the commission that the facility employs or
27 contracts with a sexual assault forensic examiner or uses a

1 telemedicine system of sexual assault forensic examiners to provide
2 consultation to a licensed nurse or physician during a sexual
3 assault forensic medical examination.

4 Sec. 323.053. MINIMUM STANDARDS FOR SAFE PROGRAMS. A SAFE
5 program must:

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

9 (2) provide medical treatment under a physician's
10 order, standing medical order, standing delegation order, or other
11 order or protocol as defined by Texas Medical Board rules;

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

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

17 (5) ensure a sexual assault survivor has access to a
18 private treatment room;

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

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

23 (B) counseling and prophylactic medications for
24 exposure to sexually transmitted infections and pregnancy;

25 (7) provide to survivors the name and telephone number
26 of a nearby sexual assault program that provides to survivors the
27 minimum services described by Subchapter A, Chapter 420, Government

1 Code;

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

6 (9) collaborate with any sexual assault program that
7 provides services to survivors in the county;

8 (10) continually engage in efforts to improve the
9 quality of the program;

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

14 (12) prioritize the safety and well-being of
15 survivors;

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

18 (14) collaborate with:

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

21 (B) any available local sexual assault response
22 team; and

23 (C) other interested persons in the community.

24 Sec. 323.054. FORENSIC MEDICAL EXAMINATION BY SAFE PROGRAM;
25 INFORMED CONSENT. (a) A SAFE program shall provide to a sexual
26 assault survivor under the care of the program a forensic medical
27 examination in accordance with Subchapter B, Chapter 420,

1 Government Code, if the examination has been requested by a law
2 enforcement agency under Subchapter F, Chapter 56A, Code of
3 Criminal Procedure, or if the examination is performed in
4 accordance with Subchapter G, Chapter 56A, Code of Criminal
5 Procedure.

6 (b) Only a sexual assault examiner or a sexual assault nurse
7 examiner may perform a forensic medical examination under a SAFE
8 program.

9 (c) A sexual assault examiner or sexual assault nurse
10 examiner employed by or under contract with a SAFE program must
11 obtain a sexual assault survivor's informed, written consent before
12 performing a forensic medical examination or providing medical
13 treatment to the survivor.

14 (d) A sexual assault survivor who receives a forensic
15 medical examination from a sexual assault examiner or sexual
16 assault nurse examiner employed by or under contract with a SAFE
17 program may not be required to:

18 (1) participate in the investigation or prosecution of
19 an offense as a prerequisite to receiving the forensic medical
20 examination or medical treatment; or

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

23 SECTION 23. Section 420.042(b), Government Code, is
24 repealed.

25 SECTION 24. The changes in law made by this Act to Section
26 420.034(c), Government Code, and to Section 420.035(a), Government
27 Code, as added by Chapter 408 (H.B. 8), Acts of the 86th

1 Legislature, Regular Session, 2019, apply only to evidence of a
2 sexual assault or other sex offense collected on or after the
3 effective date of this Act. Evidence collected before the
4 effective date of this Act is governed by the law in effect on the
5 date the evidence was collected, and the former law is continued in
6 effect for that purpose.

7 SECTION 25. To the extent of any conflict, this Act prevails
8 over another Act of the 87th Legislature, Regular Session, 2021,
9 relating to nonsubstantive additions to and corrections in enacted
10 codes.

11 SECTION 26. This Act takes effect September 1, 2021.