

By: Paxton, et al.

S.B. No. 806

(Manuel, Rose, Ordaz, Morales of Harris, Johnson of Dallas)

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the duties of peace officers regarding interactions
3 with victims of sexual assault.

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

5 SECTION 1. The heading to Subchapter I, Chapter 56A, Code of
6 Criminal Procedure, is amended to read as follows:

7 SUBCHAPTER I. PEACE OFFICER AND [REQUIRED NOTIFICATIONS BY] LAW
8 ENFORCEMENT AGENCY DUTIES; VICTIM NOTIFICATIONS

9 SECTION 2. Subchapter I, Chapter 56A, Code of Criminal
10 Procedure, is amended by adding Article 56A.403 to read as follows:

11 Art. 56A.403. DUTIES OF PEACE OFFICERS REGARDING VICTIMS OF
12 SEXUAL ASSAULT. (a) A peace officer who investigates an incident
13 involving sexual assault or who responds to a disturbance call that
14 may involve sexual assault shall provide to the victim a written
15 notice containing information about the rights of crime victims
16 under Article 56A.052.

17 (b) At the initial contact or at the earliest possible time
18 after the initial contact between a sexual assault victim and the
19 peace officer responding to the incident or disturbance call about
20 the offense, the peace officer shall:

21 (1) provide to the victim:

22 (A) a written referral to the nearest sexual
23 assault program as defined by Section 351.251, Local Government
24 Code; and

1 (B) information about the statewide electronic
2 tracking system established under Section 420.034, Government
3 Code;

4 (2) offer to request a forensic medical examination on
5 behalf of the victim in accordance with Article 56A.251;

6 (3) coordinate with the local response team, as
7 defined by Section 351.251, Local Government Code, to provide
8 continuing care to the victim or to further investigate the
9 offense; and

10 (4) provide to the victim a written notice containing
11 all of the information required by this article.

12 (c) Each law enforcement agency shall consult with a local
13 sexual assault program or response team, as those terms are defined
14 by Section 351.251, Local Government Code, to develop the written
15 notice required by Subsection (b). The notice must include the
16 information described by Subsection (d) and may be combined with
17 the written notice required under Article 56A.401. At least once
18 each biennium, the law enforcement agency shall update the notice
19 required by Subsection (b).

20 (d) The notice required by Subsection (b) must be in English
21 and Spanish and include the current contact information for a
22 victim assistance coordinator under Article 56A.201 and a crime
23 victim liaison under Article 56A.203. The notice is considered
24 sufficient if it includes the following statements:

25 "NOTICE TO ADULT VICTIMS OF SEXUAL ASSAULT"

26 "It is a crime for any person to cause you any physical injury
27 or harm."

1 "Please tell the investigating peace officer if you have been
2 injured or if you feel you are going to be in danger when the officer
3 leaves or at a later time."

4 "You have the right to:

5 "(1) obtain a forensic medical examination within 120 hours
6 of the assault to collect potential evidence and receive
7 preventative medications, even if you decide not to make a report to
8 a law enforcement agency;

9 "(2) anonymously track or receive updates regarding the
10 status and location of each item of evidence collected in your case;

11 "(3) have a sexual assault program advocate present during a
12 forensic medical examination;

13 "(4) have a sexual assault program advocate or other victim's
14 representative present during an investigative interview with law
15 enforcement;

16 "(5) ask the local prosecutor to file a criminal complaint
17 against the person who assaulted you; and

18 "(6) if a defendant is arrested for a crime against you
19 involving certain sexual crimes, stalking, or trafficking:

20 "(A) request an order for emergency protection to be
21 issued by a magistrate; and

22 "(B) apply to a court for a permanent order to protect
23 you (you should consult a legal aid office, a prosecuting attorney,
24 or a private attorney)."

25 "For example, the court can enter an order that prohibits the
26 person who assaulted you from:

27 "(1) committing further acts of violence;

1 "(2) threatening, harassing, or contacting you or a member of
2 your family or household; and

3 "(3) going near your place of employment or near a child care
4 facility or school attended by you or a member of your family or
5 household."

6 "You cannot be charged a fee by a court in connection with
7 filing, serving, or entering a protective order."

8 "If you have questions about the status of your case or need
9 assistance, you may contact the crime victim liaison (insert name)
10 at our agency (law enforcement agency address and victim liaison
11 phone number)."

12 "If you would like to speak with someone in the prosecuting
13 attorney's office, you may reach their victim assistance
14 coordinator at (address and phone number)."

15 "Call the following sexual assault program or social service
16 organization if you need assistance or wish to speak with an
17 advocate:

18 "
19 _____
20 _____."

21 "You may receive a sexual assault forensic medical
22 examination at the following location(s):

23 "
24 _____
25 _____."

26 "To get help from the National Human Trafficking Hotline:
27 1-888-373-7888 or text HELP or INFO to BeFree (233733)."

28 (e) A sexual assault program may provide a written
29 description of the program's services to a law enforcement agency,

1 for use in delivering the written referral required by Subsection
2 (b).

3 SECTION 3. Article 56A.402, Code of Criminal Procedure, is
4 repealed.

5 SECTION 4. The changes in law made by this Act apply only to
6 a sexual assault reported on or after the effective date of this
7 Act. A sexual assault reported before the effective date of this
8 Act is governed by the law in effect on the date the sexual assault
9 was reported, and the former law is continued in effect for that
10 purpose.

11 SECTION 5. This Act takes effect September 1, 2023.