

1-1 By: Paxton S.B. No. 806
1-2 (In the Senate - Filed February 9, 2023; March 1, 2023, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 March 30, 2023, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 30, 2023,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Flores	X		
1-11	Bettencourt	X		
1-12	Hinojosa	X		
1-13	Huffman	X		
1-14	King	X		
1-15	Miles	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 806 By: Whitmire

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

1-19 relating to the duties of peace officers regarding interactions
1-20 with victims of sexual assault.

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

1-22 SECTION 1. The heading to Subchapter I, Chapter 56A, Code of
1-23 Criminal Procedure, is amended to read as follows:

1-24 SUBCHAPTER I. PEACE OFFICER AND ~~[REQUIRED NOTIFICATIONS BY]~~ LAW
1-25 ENFORCEMENT AGENCY DUTIES; VICTIM NOTIFICATIONS

1-26 SECTION 2. Subchapter I, Chapter 56A, Code of Criminal
1-27 Procedure, is amended by adding Article 56A.403 to read as follows:

1-28 Art. 56A.403. DUTIES OF PEACE OFFICERS REGARDING VICTIMS OF
1-29 SEXUAL ASSAULT. (a) A peace officer who investigates an incident
1-30 involving sexual assault or who responds to a disturbance call that
1-31 may involve sexual assault shall provide to the victim a written
1-32 notice containing information about the rights of crime victims
1-33 under Article 56A.052.

1-34 (b) At the initial contact or at the earliest possible time
1-35 after the initial contact between a sexual assault victim and the
1-36 peace officer responding to the incident or disturbance call about
1-37 the offense, the peace officer shall:

1-38 (1) provide to the victim:

1-39 (A) a written referral to the nearest sexual
1-40 assault program as defined by Section 351.251, Local Government
1-41 Code; and

1-42 (B) information about the statewide electronic
1-43 tracking system established under Section 420.034, Government
1-44 Code;

1-45 (2) offer to request a forensic medical examination on
1-46 behalf of the victim in accordance with Article 56A.251;

1-47 (3) coordinate with the local response team, as
1-48 defined by Section 351.251, Local Government Code, to provide
1-49 continuing care to the victim or to further investigate the
1-50 offense; and

1-51 (4) provide to the victim a written notice containing
1-52 all of the information required by this article.

1-53 (c) Each law enforcement agency shall consult with a local
1-54 sexual assault program or response team, as those terms are defined
1-55 by Section 351.251, Local Government Code, to develop the written
1-56 notice required by Subsection (b). The notice must include the
1-57 information described by Subsection (d) and may be combined with
1-58 the written notice required under Article 56A.401. At least once
1-59 each biennium, the law enforcement agency shall update the notice
1-60 required by Subsection (b).

2-1 (d) The notice required by Subsection (b) must be in English
2-2 and Spanish and include the current contact information for a
2-3 victim assistance coordinator under Article 56A.201 and a crime
2-4 victim liaison under Article 56A.203. The notice is considered
2-5 sufficient if it includes the following statements:

2-6 "NOTICE TO ADULT VICTIMS OF SEXUAL ASSAULT"

2-7 "It is a crime for any person to cause you any physical injury
2-8 or harm."

2-9 "Please tell the investigating peace officer if you have been
2-10 injured or if you feel you are going to be in danger when the officer
2-11 leaves or at a later time."

2-12 "You have the right to:

2-13 "(1) obtain a forensic medical examination within 120 hours
2-14 of the assault to collect potential evidence and receive
2-15 preventative medications, even if you decide not to make a report to
2-16 a law enforcement agency;

2-17 "(2) anonymously track or receive updates regarding the
2-18 status and location of each item of evidence collected in your case;

2-19 "(3) have a sexual assault program advocate present during a
2-20 forensic medical examination;

2-21 "(4) have a sexual assault program advocate or other victim's
2-22 representative present during an investigative interview with law
2-23 enforcement;

2-24 "(5) ask the local prosecutor to file a criminal complaint
2-25 against the person who assaulted you; and

2-26 "(6) if a defendant is arrested for a crime against you
2-27 involving certain sexual crimes, stalking, or trafficking:

2-28 "(A) request an order for emergency protection to be
2-29 issued by a magistrate; and

2-30 "(B) apply to a court for a permanent order to protect
2-31 you (you should consult a legal aid office, a prosecuting attorney,
2-32 or a private attorney)."

2-33 "For example, the court can enter an order that prohibits the
2-34 person who assaulted you from:

2-35 "(1) committing further acts of violence;

2-36 "(2) threatening, harassing, or contacting you or a member of
2-37 your family or household; and

2-38 "(3) going near your place of employment or near a child care
2-39 facility or school attended by you or a member of your family or
2-40 household."

2-41 "You cannot be charged a fee by a court in connection with
2-42 filing, serving, or entering a protective order."

2-43 "If you have questions about the status of your case or need
2-44 assistance, you may contact the crime victim liaison (insert name)
2-45 at our agency (law enforcement agency address and victim liaison
2-46 phone number)."

2-47 "If you would like to speak with someone in the prosecuting
2-48 attorney's office, you may reach their victim assistance
2-49 coordinator at (address and phone number)."

2-50 "Call the following sexual assault program or social service
2-51 organization if you need assistance or wish to speak with an
2-52 advocate:

2-53 "_____."
2-54 "_____."

2-55 "You may receive a sexual assault forensic medical
2-56 examination at the following location(s):

2-57 "_____."
2-58 "_____."

2-59 "To get help from the National Human Trafficking Hotline:
2-60 1-888-373-7888 or text HELP or INFO to BeFree (233733)."

2-61 (e) A sexual assault program may provide a written
2-62 description of the program's services to a law enforcement agency,
2-63 for use in delivering the written referral required by Subsection
2-64 (b).

2-65 SECTION 3. Article 56A.402, Code of Criminal Procedure, is
2-66 repealed.

2-67 SECTION 4. The changes in law made by this Act apply only to
2-68 a sexual assault reported on or after the effective date of this
2-69 Act. A sexual assault reported before the effective date of this

3-1 Act is governed by the law in effect on the date the sexual assault
3-2 was reported, and the former law is continued in effect for that
3-3 purpose.

3-4 SECTION 5. This Act takes effect September 1, 2023.

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