

By: Howard, Oliverson, Hull, Cook, et al.

H.B. No. 47

A BILL TO BE ENTITLED

AN ACT

relating to sexual assault and other sex offenses.

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

SECTION 1. Article 29.14(a), Code of Criminal Procedure, is amended to read as follows:

(a) In this article, "victim" means a ~~[the]~~ victim of ~~[an assault or]~~ sexual assault or a victim of assault who is younger than 17 years of age or whose case involves family violence as defined by Section 71.004, Family Code.

SECTION 2. Article 56A.051(a), Code of Criminal Procedure, is amended to read as follows:

(a) A victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(1) the right to receive from a law enforcement agency adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;

(2) the right to have the magistrate consider the safety of the victim or the victim's family in setting the amount of bail for the defendant;

(3) if requested, the right to be informed in the manner provided by Article 56A.0525:

(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and

1 to be informed if those proceedings have been canceled or
2 rescheduled before the event; and

3 (B) by an appellate court of the court's
4 decisions, after the decisions are entered but before the decisions
5 are made public;

6 (4) when requested, the right to be informed in the
7 manner provided by Article [56A.0525](#):

8 (A) by a peace officer concerning the defendant's
9 right to bail and the procedures in criminal investigations; and

10 (B) by the office of the attorney representing
11 the state concerning the general procedures in the criminal justice
12 system, including general procedures in guilty plea negotiations
13 and arrangements, restitution, and the appeals and parole process;

14 (5) the right to provide pertinent information to a
15 community supervision and corrections department conducting a
16 presentencing investigation concerning the impact of the offense on
17 the victim and the victim's family by testimony, written statement,
18 or any other manner before any sentencing of the defendant;

19 (6) the right to receive information, in the manner
20 provided by Article [56A.0525](#):

21 (A) regarding compensation to victims of crime as
22 provided by Chapter [56B](#), including information related to the costs
23 that may be compensated under that chapter and the amount of
24 compensation, eligibility for compensation, and procedures for
25 application for compensation under that chapter;

26 (B) for a victim of a sexual assault, regarding
27 the payment under Subchapter G for a forensic medical examination

1 and for any prescribed continuing medical care that is related to
2 the sexual assault and provided to the victim during the 30-day
3 period following that examination, as provided by Subchapter G; and

4 (C) when requested, providing a referral to
5 available social service agencies that may offer additional
6 assistance;

7 (7) the right to:

8 (A) be informed, on request, and in the manner
9 provided by Article 56A.0525, of parole procedures;

10 (B) participate in the parole process;

11 (C) provide to the board for inclusion in the
12 defendant's file information to be considered by the board before
13 the parole of any defendant convicted of any offense subject to this
14 chapter; and

15 (D) be notified in the manner provided by Article
16 56A.0525, if requested, of parole proceedings concerning a
17 defendant in the victim's case and of the defendant's release;

18 (8) the right to be provided with a waiting area,
19 separate or secure from other witnesses, including the defendant
20 and relatives of the defendant, before testifying in any proceeding
21 concerning the defendant; if a separate waiting area is not
22 available, other safeguards should be taken to minimize the
23 victim's contact with the defendant and the defendant's relatives
24 and witnesses, before and during court proceedings;

25 (9) the right to the prompt return of any of the
26 victim's property that is held by a law enforcement agency or the
27 attorney representing the state as evidence when the property is no

1 longer required for that purpose;

2 (10) the right to have the attorney representing the
3 state notify the victim's employer, if requested, that the victim's
4 cooperation and testimony is necessary in a proceeding that may
5 require the victim to be absent from work for good cause;

6 (11) the right to request victim-offender mediation
7 coordinated by the victim services division of the department;

8 (12) the right to be informed, in the manner provided
9 by Article 56A.0525, of the uses of a victim impact statement and
10 the statement's purpose in the criminal justice system as described
11 by Subchapter D, to complete the victim impact statement, and to
12 have the victim impact statement considered:

13 (A) by the attorney representing the state and
14 the judge before sentencing or before a plea bargain agreement is
15 accepted; and

16 (B) by the board before a defendant is released
17 on parole;

18 (13) for a victim of sexual ~~[an]~~ assault or a victim of
19 ~~[or sexual]~~ assault who is younger than 17 years of age or whose
20 case involves family violence, as defined by Section 71.004, Family
21 Code, the right to have the court consider the impact on the victim
22 of a continuance requested by the defendant; if requested by the
23 attorney representing the state or by the defendant's attorney, the
24 court shall state on the record the reason for granting or denying
25 the continuance; and

26 (14) if the offense is a capital felony, the right to:

27 (A) receive by mail from the court a written

1 explanation of defense-initiated victim outreach if the court has
2 authorized expenditures for a defense-initiated victim outreach
3 specialist;

4 (B) not be contacted by the victim outreach
5 specialist unless the victim, guardian, or relative has consented
6 to the contact by providing a written notice to the court; and

7 (C) designate a victim service provider to
8 receive all communications from a victim outreach specialist acting
9 on behalf of any person.

10 SECTION 3. Article 56A.052(a), Code of Criminal Procedure,
11 is amended to read as follows:

12 (a) A victim, guardian of a victim, or close relative of a
13 deceased victim of an offense under Section 21.02, 21.11, 22.011,
14 22.012, 22.021, or 42.072, Penal Code, is entitled to the following
15 rights within the criminal justice system:

16 (1) if requested, the right to a disclosure of
17 information, in the manner provided by Article 56A.0525, regarding:

18 (A) any evidence that was collected during the
19 investigation of the offense, unless disclosing the information
20 would interfere with the investigation or prosecution of the
21 offense, in which event the victim, guardian, or relative shall be
22 informed of the estimated date on which that information is
23 expected to be disclosed; and

24 (B) the status of any analysis being performed on
25 any evidence described by Paragraph (A);

26 (2) if requested, the right to be notified in the
27 manner provided by Article 56A.0525:

1 (A) at the time a request is submitted to a crime
2 laboratory to process and analyze any evidence that was collected
3 during the investigation of the offense;

4 (B) at the time of the submission of a request to
5 compare any biological evidence collected during the investigation
6 of the offense with DNA profiles maintained in a state or federal
7 DNA database; and

8 (C) of the results of the comparison described by
9 Paragraph (B), unless disclosing the results would interfere with
10 the investigation or prosecution of the offense, in which event the
11 victim, guardian, or relative shall be informed of the estimated
12 date on which those results are expected to be disclosed;

13 (3) if requested, the right to counseling regarding
14 acquired immune deficiency syndrome (AIDS) and human
15 immunodeficiency virus (HIV) infection;

16 (4) if requested, the right to be informed about, and
17 confer with the attorney representing the state regarding, the
18 disposition of the offense, including sharing the victim's,
19 guardian's, or relative's views regarding:

20 (A) a decision not to file charges;

21 (B) the dismissal of charges;

22 (C) the use of a pretrial intervention program;

23 or

24 (D) a plea bargain agreement; and

25 (5) for the victim, the right to:

26 (A) testing for acquired immune deficiency
27 syndrome (AIDS), human immunodeficiency virus (HIV) infection,

antibodies to HIV, or infection with any other probable causative agent of AIDS; ~~and~~

(B) a forensic medical examination as provided by Subchapter G; and

(C) any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following a forensic medical examination, as provided by Subchapter G.

SECTION 4. Article 56A.304(a), Code of Criminal Procedure, is amended to read as follows:

(a) On application to the attorney general and subject to Article 56A.305(e), a health care provider that provides a forensic medical examination to a sexual assault survivor in accordance with this subchapter, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination in accordance with this subchapter, as applicable, is entitled to be reimbursed in an amount set by attorney general rule for:

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

(2) the evidence collection kit; and

(3) the reasonable costs of other medical care provided to the victim during the forensic medical examination in accordance with Subchapters A and B, Chapter 323, Health and Safety Code, and of any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following that examination, including medication and medical testing.

SECTION 5. Article 56A.401, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.401. NOTIFICATION OF RIGHTS. At the initial contact or at the earliest possible time after the initial contact between a victim of a reported offense and the law enforcement agency having the responsibility for investigating the offense, the agency shall provide the victim a written notice containing:

(1) information about the availability of emergency and medical services, if applicable;

(2) information about the rights of crime victims under Subchapter B;

(3) notice that the victim has the right to receive information:

(A) regarding compensation to victims of crime as provided by Chapter 56B, including information relating to the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter;

(B) for a victim of a sexual assault, regarding the payment under Subchapter G for a forensic medical examination and for any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following that examination, as provided by Subchapter G; and

(C) providing a referral to available social service agencies that may offer additional assistance;

(4) the name, address, and phone number of the law enforcement agency's crime victim liaison;

1 (5) the name, address, and phone number of the victim
2 assistance coordinator of the office of the attorney representing
3 the state; and

4 (6) the following statement:

5 "You may call the law enforcement agency's telephone number
6 for the status of the case and information about victims' rights."

7 SECTION 6. Article [56A.451](#)(a), Code of Criminal Procedure,
8 is amended to read as follows:

9 (a) Not later than the 10th day after the date that an
10 indictment or information is returned against a defendant for an
11 offense, the attorney representing the state shall give to each
12 victim of the offense a written notice containing:

13 (1) the case number and assigned court for the case;

14 (2) a brief general statement of each procedural stage
15 in the processing of a criminal case, including bail, plea
16 bargaining, parole restitution, and appeal;

17 (3) suggested steps the victim may take if the victim
18 is subjected to threats or intimidation;

19 (4) the name, address, and phone number of the local
20 victim assistance coordinator; and

21 (5) notification of:

22 (A) the rights and procedures under this chapter,
23 Chapter [56B](#), and Subchapter [B](#), Chapter [58](#);

24 (B) the right to file a victim impact statement
25 with the office of the attorney representing the state and the
26 department;

27 (C) the right to receive information:

(i) regarding compensation to victims of crime as provided by Chapter 56B, including information relating to the costs that may be compensated under that chapter, eligibility for compensation, and procedures for application for compensation under that chapter;

(ii) for a victim of a sexual assault, regarding the payment under Subchapter G for a forensic medical examination and for any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following that examination, as provided by Subchapter G; and

(iii) providing a referral to available social service agencies that may offer additional assistance; and

(D) the right of a victim, guardian of a victim, or close relative of a deceased victim, as defined by Section 508.117, Government Code, to appear in person before a member of the board as provided by Section 508.153, Government Code.

SECTION 7. Article 62.063, Code of Criminal Procedure, is amended to read as follows:

Art. 62.063. PROHIBITED EMPLOYMENT. (a) In this article:

(1) "Amusement ride" has the meaning assigned by Section 2151.002, Occupations Code.

(2) "Bus" has the meaning assigned by Section 541.201, Transportation Code.

(3) "Digitally prearranged ride" has the meaning assigned by Section 2402.001, Occupations Code.

(b) A person subject to registration under this chapter

1 because of a reportable conviction or adjudication for which an
2 affirmative finding is entered under Article 42.015(b) or
3 42A.105(a), as appropriate, may not, for compensation:

4 (1) operate or offer to operate a bus;

5 (2) provide or offer to provide a passenger taxicab or
6 limousine transportation service, or a digitally prearranged ride;

7 (3) provide or offer to provide any type of service in
8 the residence of another person unless the provision of service
9 will be supervised; or

10 (4) operate or offer to operate any amusement ride.

11 SECTION 8. Section 57.002(a), Family Code, is amended to
12 read as follows:

13 (a) A victim, guardian of a victim, or close relative of a
14 deceased victim is entitled to the following rights within the
15 juvenile justice system:

16 (1) the right to receive from law enforcement agencies
17 adequate protection from harm and threats of harm arising from
18 cooperation with prosecution efforts;

19 (2) the right to have the court or person appointed by
20 the court take the safety of the victim or the victim's family into
21 consideration as an element in determining whether the child should
22 be detained before the child's conduct is adjudicated;

23 (3) the right, if requested, to be informed of
24 relevant court proceedings, including appellate proceedings, and
25 to be informed in a timely manner if those court proceedings have
26 been canceled or rescheduled;

27 (4) the right to be informed, when requested, by the

1 court or a person appointed by the court concerning the procedures
2 in the juvenile justice system, including general procedures
3 relating to:

4 (A) the preliminary investigation and deferred
5 prosecution of a case; and

6 (B) the appeal of the case;

7 (5) the right to provide pertinent information to a
8 juvenile court conducting a disposition hearing concerning the
9 impact of the offense on the victim and the victim's family by
10 testimony, written statement, or any other manner before the court
11 renders its disposition;

12 (6) the right to receive information:

13 (A) regarding compensation to victims as
14 provided by Chapter 56B, Code of Criminal Procedure, including
15 information relating to the costs that may be compensated under
16 that chapter and the amount of compensation, eligibility for
17 compensation, and procedures for application for compensation
18 under that chapter;

19 (B) for a victim of a sexual assault, regarding
20 the payment under Subchapter G, Chapter 56A, Code of Criminal
21 Procedure, for a forensic medical examination and for any
22 prescribed continuing medical care that is related to the sexual
23 assault and provided to the victim during the 30-day period
24 following that examination; and

25 (C) when requested, providing a referral to
26 available social service agencies that may offer additional
27 assistance;

1 (7) the right to be informed, upon request, of
2 procedures for release under supervision or transfer of the person
3 to the custody of the Texas Department of Criminal Justice for
4 parole, to participate in the release or transfer for parole
5 process, to be notified, if requested, of the person's release,
6 escape, or transfer for parole proceedings concerning the person,
7 to provide to the Texas Juvenile Justice Department for inclusion
8 in the person's file information to be considered by the department
9 before the release under supervision or transfer for parole of the
10 person, and to be notified, if requested, of the person's release or
11 transfer for parole;

12 (8) the right to be provided with a waiting area,
13 separate or secure from other witnesses, including the child
14 alleged to have committed the conduct and relatives of the child,
15 before testifying in any proceeding concerning the child, or, if a
16 separate waiting area is not available, other safeguards should be
17 taken to minimize the victim's contact with the child and the
18 child's relatives and witnesses, before and during court
19 proceedings;

20 (9) the right to prompt return of any property of the
21 victim that is held by a law enforcement agency or the attorney for
22 the state as evidence when the property is no longer required for
23 that purpose;

24 (10) the right to have the attorney for the state
25 notify the employer of the victim, if requested, of the necessity of
26 the victim's cooperation and testimony in a proceeding that may
27 necessitate the absence of the victim from work for good cause;

1 (11) the right to be present at all public court
2 proceedings related to the conduct of the child as provided by
3 Section 54.08, subject to that section; and

4 (12) any other right appropriate to the victim that a
5 victim of criminal conduct has under Subchapter B, Chapter 56A,
6 Code of Criminal Procedure.

7 SECTION 9. Section 420.011(c), Government Code, is amended
8 to read as follows:

9 (c) The attorney general shall adopt rules establishing
10 minimum standards for the certification of a sexual assault nurse
11 examiner and the renewal of that certification by the nurse
12 examiner, including standards for examiner training courses and for
13 the interstate reciprocity of sexual assault nurse examiners. The
14 certification is valid for three [~~two~~] years from the date of
15 issuance. The attorney general shall also adopt rules establishing
16 minimum standards for the suspension, decertification, or
17 probation of a sexual assault nurse examiner who violates this
18 chapter.

19 SECTION 10. Sections 323.0046(a) and (b), Health and Safety
20 Code, are amended to read as follows:

21 (a) A health care facility that has an emergency department
22 shall provide at least one hour of basic sexual assault response
23 training to facility employees and contractors who provide patient
24 admission functions, patient-related administrative support
25 functions, or direct patient care. The training must include
26 instruction on:

27 (1) the provision of survivor-centered,

1 trauma-informed care to sexual assault survivors; and

2 (2) the rights of sexual assault survivors under
3 Chapter 56A, Code of Criminal Procedure, including:

4 (A) the availability of a forensic medical
5 examination, including an examination that is available when a
6 sexual assault survivor does not report the assault to a law
7 enforcement agency; and

8 (B) the role of an advocate as defined by Section
9 420.003, Government Code, in responding to a sexual assault
10 survivor.

11 (b) An employee or contractor described by Subsection (a)
12 who completes a continuing medical or nursing education course in
13 forensic evidence collection described by Section 156.057 or
14 301.306, Occupations Code, that is approved or recognized by the
15 appropriate licensing board is considered to have completed basic
16 sexual assault response training for purposes of this section.

17 SECTION 11. Section 323.005(a), Health and Safety Code, is
18 amended to read as follows:

19 (a) The commission shall develop a standard information
20 form for sexual assault survivors that must include:

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

24 (2) information regarding treatment of sexually
25 transmitted infections and pregnancy, including:

26 (A) generally accepted medical procedures;

27 (B) appropriate medications; and

1 (C) any contraindications of the medications
2 prescribed for treating sexually transmitted infections and
3 preventing pregnancy;

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

7 (4) information regarding crime victims compensation
8 and regarding the payment of costs and the reimbursements available
9 for care to be provided as described by Subchapter G, Chapter 56A,
10 Code of Criminal Procedure;

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

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

16 (7) the names and contact information of legal aid
17 services providers statewide;

18 (8) information regarding postexposure prophylaxis
19 for HIV infection;

20 (9) [~~(8)~~] information regarding the period for which
21 biological evidence collected from the forensic medical
22 examination will be retained and preserved under Article 38.43,
23 Code of Criminal Procedure; and

24 (10) [~~(9)~~] a statement that the survivor has the right
25 to access a shower for free after the forensic medical examination,
26 if shower facilities are available at the health care facility.

27 SECTION 12. Section 323.0051(a), Health and Safety Code, is

amended to read as follows:

(a) The commission shall develop a standard information form for sexual assault survivors who arrive at a health care facility that is not a SAFE-ready facility. The information form must include:

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

(2) the Internet website address to the commission's list of SAFE-ready facilities that includes the facilities' physical addresses as required by Section 323.008;

(3) the following statements:

(A) "As a survivor of sexual assault, you have the right to receive a forensic medical examination for sexual assault at this hospital emergency room if you are requesting the examination not later than 120 hours after the assault. For parents or guardians of a minor child, your child has the right to receive the forensic medical examination at any time, regardless of when the assault occurred."; and

(B) "Call 1-800-656-HOPE to be connected to a sexual assault crisis center for free and confidential assistance."; ~~and~~

(4) the names and contact information of legal aid services providers statewide; and

(5) information on the procedure for submitting a complaint against the health care facility.

SECTION 13. Section 323.0052(a), Health and Safety Code, is

amended to read as follows:

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

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

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

(B) the department's procedures regarding the notification of the survivor through the statewide electronic tracking system before a planned destruction of the evidence;

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

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

(4) the name and phone number of a local sexual assault crisis center; and

(5) the names and contact information of legal aid services providers statewide.

SECTION 14. Section 323.053, Health and Safety Code, is

amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(8) provide to survivors the information form required

1 by Section 323.005, 323.0051, or 323.0052, as applicable~~[, and~~
2 orally communicate the information regarding crime victims
3 compensation under Section 323.005(a)(4)];

4 (9) collaborate with any sexual assault program, as
5 defined by Section 420.003, Government Code, that provides services
6 to survivors in the county;

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

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

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

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

17 (14) collaborate with:

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

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

22 (C) other interested persons in the community.

23 SECTION 15. Section 351.257, Local Government Code, is
24 amended to read as follows:

25 Sec. 351.257. REPORT. (a) Not later than December 1 of
26 each odd-numbered year, a response team shall provide to the
27 commissioners court of each county the response team serves a

report that includes:

(1) a list of response team members able to participate in the quarterly meetings required by Section 351.254(c);

(2) a copy of the written protocol developed under Section 351.256; and

(3) either:

(A) a biennial summary detailing:

(i) the number of sexual assault reports received by local law enforcement agencies;

(ii) the number of investigations conducted as a result of those reports;

(iii) the number of indictments presented in connection with a report and the disposition of those cases; and

(iv) the number of reports of sexual assault for which no indictment was presented; or

(B) an explanation of the reason the response team failed to provide the information described by Paragraph (A).

(b) Not later than February 1 of each even-numbered year, the commissioners court of each county that receives a report described by Subsection (a) during the preceding year shall submit that report to the Sexual Assault Survivors' Task Force established under Section 772.0064, Government Code.

SECTION 16. Subchapter J, Chapter 351, Local Government Code, is amended by adding Section 351.2571 to read as follows:

Sec. 351.2571. NONCOMPLIANCE. Failure to comply with the requirements of Section 351.257 may be used to determine

1 eligibility for receiving grant funds from the office of the
2 governor or another state agency.

3 SECTION 17. Section 156.057, Occupations Code, is amended
4 to read as follows:

5 Sec. 156.057. CONTINUING EDUCATION IN FORENSIC EVIDENCE
6 COLLECTION. (a) A physician licensed under this subtitle who
7 submits an application for renewal of a license to practice
8 medicine and whose practice includes treating patients in an
9 emergency room setting shall ~~[may]~~ complete at least two hours of
10 continuing medical education relating to:

11 (1) the provision of trauma-informed care to sexual
12 assault survivors;

13 (2) appropriate community referrals and prophylactic
14 medications;

15 (3) the rights of a sexual assault survivor under
16 Chapter 56A, Code of Criminal Procedure, including the opportunity
17 to request the presence of an advocate as defined by Section
18 420.003, Government Code, and a forensic medical examination;

19 (4) forensic evidence collection methods; and

20 (5) applicable state law pertaining to the custody,
21 transfer, and tracking of forensic evidence.

22 (b) The board shall adopt rules to establish the content of
23 continuing medical education relating to forensic evidence
24 collection. The content of the continuing medical education must
25 conform to the evidence collection protocol distributed by the
26 attorney general under Section 420.031, Government Code. The board
27 may adopt other rules to implement this section.

1 (c) The board may permit the continuing medical education
2 under this section to be counted toward the hours of continuing
3 medical education required by Section 156.051(a)(2).

4 SECTION 18. Subchapter D, Chapter 204, Occupations Code, is
5 amended by adding Section 204.1563 to read as follows:

6 Sec. 204.1563. CONTINUING EDUCATION IN FORENSIC EVIDENCE
7 COLLECTION. (a) A physician assistant licensed under this chapter
8 whose practice includes treating patients in an emergency room
9 setting shall complete at least two hours of continuing medical
10 education relating to:

11 (1) the provision of trauma-informed care to sexual
12 assault survivors;

13 (2) appropriate community referrals and prophylactic
14 medications;

15 (3) the rights of a sexual assault survivor under
16 Chapter 56A, Code of Criminal Procedure, including the opportunity
17 to request the presence of an advocate as defined by Section
18 420.003, Government Code, and a forensic medical examination;

19 (4) forensic evidence collection methods; and

20 (5) applicable state law pertaining to the custody,
21 transfer, and tracking of forensic evidence.

22 (b) The content of the continuing medical education
23 relating to forensic evidence collection must conform to the
24 evidence collection protocol distributed by the attorney general
25 under Section 420.031, Government Code.

26 (c) The board may permit the continuing medical education
27 under this section to be counted toward the continuing education

1 requirements under Section 204.1562(a)(2).

2 SECTION 19. Sections 2402.107(a) and (b), Occupations Code,
3 are amended to read as follows:

4 (a) Before permitting an individual to log in as a driver on
5 the company's digital network, a transportation network company
6 must:

7 (1) confirm that the individual:

8 (A) is at least 18 years of age;

9 (B) maintains a valid driver's license issued by
10 this state, another state, or the District of Columbia; and

11 (C) possesses proof of registration and
12 automobile financial responsibility for each motor vehicle to be
13 used to provide digitally prearranged rides;

14 (2) conduct, or cause to be conducted, a local, state,
15 and national criminal background check for the individual that
16 includes the use of:

17 (A) a commercial multistate and
18 multijurisdiction criminal records locator or other similar
19 commercial nationwide database; ~~and~~

20 (B) the national sex offender public website
21 maintained by the United States Department of Justice or a
22 successor agency; and

23 (C) the state sex offender public website
24 maintained by the Department of Public Safety; and

25 (3) obtain and review the individual's driving record.

26 (b) A transportation network company may not permit an
27 individual to log in as a driver on the company's digital network if

the individual:

(1) has been convicted in the three-year period preceding the issue date of the driving record obtained under Subsection (a)(3) of:

(A) more than three offenses classified by the Department of Public Safety as moving violations; or

(B) one or more of the following offenses:

(i) fleeing or attempting to elude a police officer under Section 545.421, Transportation Code;

(ii) reckless driving under Section 545.401, Transportation Code;

(iii) driving without a valid driver's license under Section 521.025, Transportation Code; or

(iv) driving with an invalid driver's license under Section 521.457, Transportation Code;

(2) has been convicted in the preceding seven-year period of any of the following:

(A) driving while intoxicated under Section 49.04 or 49.045, Penal Code;

(B) use of a motor vehicle to commit a felony;

(C) a felony crime involving property damage;

(D) fraud;

(E) theft;

(F) an act of violence; or

(G) an act of terrorism; or

(3) is found to be registered in the national sex offender public website maintained by the United States Department

of Justice or a successor agency or in the state sex offender public website maintained by the Department of Public Safety.

SECTION 20. Section 92.0161(c), Property Code, is amended to read as follows:

(c) If the tenant is a victim or a parent or guardian of a victim of sexual assault under Section 22.011, Penal Code, aggravated sexual assault under Section 22.021, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual performance by a child under Section 43.25, Penal Code, continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, or an attempt to commit any of the foregoing offenses under Section 15.01, Penal Code, that takes place during the preceding six-month period [~~on the premises or at any dwelling on the premises~~], the tenant shall provide to the landlord or the landlord's agent a copy of:

(1) documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed health care services provider who examined the victim;

(2) documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed mental health services provider who examined or evaluated the victim;

(3) documentation of the assault or abuse, or attempted assault or abuse, of the victim from an individual authorized under Chapter 420, Government Code, who provided services to the victim; or

(4) documentation of a protective order issued under Subchapter A, Chapter 7B, Code of Criminal Procedure, except for a

1 temporary ex parte order.

2 SECTION 21. Section 323.005(d), Health and Safety Code, is
3 repealed.

4 SECTION 22. The changes in law made by this Act to Chapter
5 56A, Code of Criminal Procedure, apply only to a sexual assault or
6 other sex offense that is first reported or for which medical care
7 is first sought on or after the effective date of this Act. A sexual
8 assault or other sex offense that is first reported or for which
9 medical care was first sought before the effective date of this Act
10 is governed by the law in effect on the date the sexual assault was
11 reported or the medical care was sought, and the former law is
12 continued in effect for that purpose.

13 SECTION 23. Section 420.011(c), Government Code, as amended
14 by this Act, applies only to an application for renewal of a sexual
15 assault nurse examiner certificate filed on or after the effective
16 date of this Act. An application for renewal of a certificate filed
17 before the effective date of this Act is governed by the law in
18 effect on the date the application was filed, and the former law is
19 continued in effect for that purpose.

20 SECTION 24. Section 156.057, Occupations Code, as amended
21 by this Act, and Section 204.1563, Occupations Code, as added by
22 this Act, apply to an application for the renewal of a license filed
23 on or after September 1, 2026. An application for the renewal of a
24 license filed before that date is governed by the law in effect on
25 the date the application was filed, and the former law is continued
26 in effect for that purpose.

27 SECTION 25. Not later than June 1, 2026, the Texas Medical

H.B. No. 47

1 Board shall adopt the rules required by Section 156.057,
2 Occupations Code, as amended by this Act.

3 SECTION 26. Not later than June 1, 2026, the Texas Physician
4 Assistant Board shall adopt rules to implement Section 204.1563,
5 Occupations Code, as added by this Act.

6 SECTION 27. This Act takes effect September 1, 2025.