

By: Wise

H.B. No. 74

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the payment of certain costs incurred in the  
3 investigation of criminal or injurious conduct.

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

5 SECTION 1. Article 56.06, Code of Criminal Procedure, is  
6 amended to read as follows:

7 Art. 56.06. COSTS OF CERTAIN INVESTIGATORY EXAMINATIONS  
8 [~~MEDICAL EXAMINATION~~]. (a) A law enforcement agency that requests  
9 a medical, dental, or mental health examination of a victim of an  
10 alleged felony offense under Title 5 or Title 6, Penal Code, [~~sexual~~  
11 ~~assault~~] for use in the investigation or prosecution of the offense  
12 shall pay all costs of the examination. A law enforcement agency or  
13 prosecuting attorney's office may pay all costs related to the  
14 testimony of a licensed health care professional in a criminal  
15 proceeding regarding the results of the medical, dental, or mental  
16 health examination or the manner in which it was performed.

17 (b) This article does not require a law enforcement agency  
18 to pay any costs of treatment for injuries.

19 SECTION 2. Sections 261.302(a) and (c), Family Code, are  
20 amended to read as follows:

21 (a) The investigation may include:

22 (1) a visit to the child's home, unless the alleged  
23 abuse or neglect can be confirmed or clearly ruled out without a  
24 home visit; and

1           (2) an interview with and examination of the subject  
2 child, which may include a medical, dental, psychological, or  
3 psychiatric examination.

4           (c) The investigation may include an interview with the  
5 child's parents and an interview with and medical, dental,  
6 psychological, or psychiatric examination of any child in the home.

7           SECTION 3. Subchapter D, Chapter 261, Family Code, is  
8 amended by adding Section 261.313 to read as follows:

9           Sec. 261.313. COSTS OF CERTAIN INVESTIGATORY EXAMINATIONS.

10 If the department or designated agency or a designee of the  
11 department or agency conducts a medical, dental, psychological, or  
12 psychiatric examination of a child under Section 261.302, the  
13 department or agency shall pay all costs of the examination.

14           SECTION 4. This Act takes effect September 1, 2003, and  
15 applies only to a medical, dental, or mental health examination  
16 conducted on or after that date.