

## **BILL ANALYSIS**

C.S.H.B. 544  
By: Naishtat  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

This bill would require law enforcement officials, at the request and consent of the victim, to order a forensic medical examination for a victim of a sexual assault within 96 hours of the alleged assault. The 96-hour time window is critical in order to obtain forensic samples from the victim's body such as DNA. This bill would insure that a victim of sexual assault has the ability to have their physical state evaluated and to preserve potential evidence of their alleged assault.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

The bill amends §56.02 and §56.06 of the Criminal Code by adding language that gives the victim of a sexual assault the right to have a forensic medical examination if the sexual assault is reported to a law enforcement agency within 96 hours of the assault. The bill would allow a law enforcement agency to decline a request for a medical examination, if the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency and if there is no other evidence to corroborate the current allegations of sexual assault. The bill would also allow but not require a law enforcement agency to request a medical examination, if the reported sexual assault is not within the stated 96-hour period.

### **EFFECTIVE DATE**

September 1, 2005

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The committee substitute will strike the words "or unsubstantiated" from Section 2 of HB 544 as originally filed.