

By: Bailey

H.B. No. 546

Substitute the following for H.B. No. 546:

By: Jackson

C.S.H.B. No. 546

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to certain medical examination requirements in connection  
3 with an allegation of sexual assault of a child.

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

5 SECTION 1. Subchapter B, Chapter 420, Government Code, is  
6 amended by adding Section 420.032 to read as follows:

7 Sec. 420.032. PHOTO DOCUMENTATION REQUIRED FOR CHILD  
8 VICTIMS IN CERTAIN COUNTIES. (a) In this section:

9 (1) "Child" has the meaning assigned by Section  
10 101.003, Family Code.

11 (2) "Medical professional" has the meaning assigned by  
12 Section 91.001, Family Code.

13 (3) "Photo documentation" means video or photographs  
14 of a child alleged to be the victim of a sexual assault that are  
15 taken with a colposcope or other magnifying camera during the  
16 forensic portion of a medical examination of the child.

17 (b) In a county with a population of three million or more,  
18 the forensic portion of a medical examination of a child alleged to  
19 be the victim of a sexual assault must include the production of  
20 photo documentation unless the medical professional examining the  
21 child determines that good cause for refraining from producing  
22 photo documentation exists.

23 (c) The photo documentation must include images of the  
24 child's anogenital area and any signs of injury apparent on the body

1 of the child.

2 (d) If photo documentation is not produced, the medical  
3 professional conducting the forensic portion of the medical  
4 examination shall document in the child's medical records the  
5 reason photo documentation was not produced.

6 (e) The fact that the medical professional examining the  
7 child did not produce photo documentation in the forensic portion  
8 of a medical examination of a child alleged to be the victim of a  
9 sexual assault and the reasons behind the lack of photo  
10 documentation are admissible at the trial of the alleged sexual  
11 assault, but the lack of photo documentation will not affect the  
12 admissibility of other evidence in the case.

13 SECTION 2. The change in law made by this Act applies to a  
14 sexual assault examination that occurs on or after the effective  
15 date of this Act.

16 SECTION 3. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect June 1, 2005.