

By: Bailey

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) "Photo documentation" means
9 video or photographs of a child alleged to be the victim of a sexual
10 assault that are taken with a colposcope or other magnifying camera
11 during a medical examination of the child.

12 (b) In a county with a population of three million or more, a
13 medical examination of a child alleged to be the victim of a sexual
14 assault must include the production of photo documentation unless
15 the parent or legal guardian of the child does not consent
16 specifically to the photo documentation or the person examining the
17 child determines that other good cause for refraining from
18 producing photo documentation exists.

19 (c) The photo documentation must include images of the
20 child's anogenital area and any signs of injury apparent on the body
21 of the child.

22 (d) If photo documentation is not produced, the person
23 conducting the medical examination shall document in the child's
24 medical records the reason photo documentation was not produced.

1 (e) The fact that the person examining the child did not
2 produce photo documentation in a medical examination of a child
3 alleged to be the victim of a sexual assault and the reasons behind
4 the lack of photo documentation are admissible at the trial of the
5 alleged sexual assault, but the lack of photo documentation will
6 not affect the admissibility of other evidence in the case.

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

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