

1-1 By: Bailey (Senate Sponsor - Whitmire) H.B. No. 546  
1-2 (In the Senate - Received from the House April 25, 2005;  
1-3 April 26, 2005, read first time and referred to Committee on  
1-4 Criminal Justice; May 5, 2005, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; May 5, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to certain medical examination requirements in connection  
1-9 with an allegation of sexual assault of a child.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter B, Chapter 420, Government Code, is  
1-12 amended by adding Section 420.032 to read as follows:

1-13 Sec. 420.032. PHOTO DOCUMENTATION REQUIRED FOR CHILD  
1-14 VICTIMS IN CERTAIN COUNTIES. (a) In this section:

1-15 (1) "Child" has the meaning assigned by Section  
1-16 101.003, Family Code.

1-17 (2) "Medical professional" has the meaning assigned by  
1-18 Section 91.001, Family Code.

1-19 (3) "Photo documentation" means video or photographs  
1-20 of a child alleged to be the victim of a sexual assault that are  
1-21 taken with a colposcope or other magnifying camera during the  
1-22 forensic portion of a medical examination of the child.

1-23 (b) In a county with a population of three million or more,  
1-24 the forensic portion of a medical examination of a child alleged to  
1-25 be the victim of a sexual assault must include the production of  
1-26 photo documentation unless the medical professional examining the  
1-27 child determines that good cause for refraining from producing  
1-28 photo documentation exists.

1-29 (c) The photo documentation must include images of the  
1-30 child's anogenital area and any signs of injury apparent on the body  
1-31 of the child.

1-32 (d) If photo documentation is not produced, the medical  
1-33 professional conducting the forensic portion of the medical  
1-34 examination shall document in the child's medical records the  
1-35 reason photo documentation was not produced.

1-36 (e) The fact that the medical professional examining the  
1-37 child did not produce photo documentation in the forensic portion  
1-38 of a medical examination of a child alleged to be the victim of a  
1-39 sexual assault and the reasons behind the lack of photo  
1-40 documentation are admissible at the trial of the alleged sexual  
1-41 assault, but the lack of photo documentation will not affect the  
1-42 admissibility of other evidence in the case.

1-43 SECTION 2. The change in law made by this Act applies to a  
1-44 sexual assault examination that occurs on or after the effective  
1-45 date of this Act.

1-46 SECTION 3. This Act takes effect immediately if it receives  
1-47 a vote of two-thirds of all the members elected to each house, as  
1-48 provided by Section 39, Article III, Texas Constitution. If this  
1-49 Act does not receive the vote necessary for immediate effect, this  
1-50 Act takes effect June 1, 2005.

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