AN ACT

relating to the elimination of sexual assault against inmates
confined in a facility operated by or under contract with the Texas
Department of Criminal Justice.

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

SECTION 1. Article 57.02, Code of Criminal Procedure, is
amended by adding Subsection (i) to read as follows:

(i) This article does not prohibit the inspector general of
the Texas Department of Criminal Justice from disclosing a victim's
identifying information to the department's ombudsperson if the
victim is an inmate or state jail defendant confined in a facility
operated by or under contract with the department.

SECTION 2. Article 57.03, Code of Criminal Procedure, is
amended by adding Subsection (c-1) to read as follows:

(c-1) It is an exception to the application of this article
that:

(1) the person who discloses the name, address, or
telephone number of a victim is the inspector general of the Texas
Department of Criminal Justice;

(2) the victim is an inmate or state jail defendant
confined in a facility operated by or under contract with the
department; and

(3) the person to whom the disclosure is made is the
department's ombudsperson.
SEC. 3. Chapter 501, Government Code, is amended by
adding Subchapter F to read as follows:

SUBCHAPTER F. ELIMINATION OF SEXUAL ASSAULT AGAINST INMATES

Sec. 501.171. DEFINITIONS. In this subchapter:

(1) "Correctional facility" means a facility operated
by or under contract with the department.

(2) "Inmate" means an inmate or state jail defendant
confined in a facility operated by or under contract with the
department.

Sec. 501.172. APPOINTMENT OF OMBUDSPERSON. The board shall
appoint an ombudsperson to coordinate the department's efforts to
eliminate the occurrence of sexual assault in correctional
facilities. The ombudsperson shall report to the board.

Sec. 501.173. POWERS AND DUTIES OF OMBUDSPERSON. (a) The
ombudsperson shall:

(1) monitor department policies for the prevention of
sexual assault in correctional facilities;

(2) oversee the administrative investigation of
inmate complaints of sexual assault;

(3) ensure the impartial resolution of inmate
complaints of sexual assault; and

(4) collect statistics regarding all allegations of
sexual assault from each correctional facility in accordance with
the standards established by the National Prison Rape Elimination
Commission.

(b) The ombudsperson may collect evidence at correctional
facilities and interview inmates or employees at correctional
facilities in conducting an investigation of an inmate complaint of
sexual assault under this section.

(c) The ombudsperson may not require an inmate who reports a
sexual assault to assist in the investigation or prosecution of the
offense.

Sec. 501.174. DEPARTMENT TO ADOPT POLICY. The department
shall adopt a policy providing for:

(1) a designated administrator at each correctional
facility to post information throughout the facility describing how
an inmate may confidentially contact the ombudsperson regarding a
sexual assault;

(2) an inmate to write a confidential letter to the
ombudsperson regarding a sexual assault;

(3) employees at correctional facilities, on
notification of the occurrence of a sexual assault, to immediately:

(A) contact the ombudsperson and the office of
the inspector general; and

(B) ensure that the alleged victim is safe;

(4) the office of the inspector general, at the time
the office is notified of the sexual assault, to arrange for a
medical examination of the alleged victim to be conducted in
accordance with Article 56.06, Code of Criminal Procedure, or, if
an appropriate employee of the office of the inspector general is
not available at the time the office is notified of the sexual
assault, a qualified employee at the correctional facility to
conduct a medical examination of the alleged victim in accordance
with Article 56.06, Code of Criminal Procedure;
a grievance proceeding under Section 501.008 based on an alleged sexual assault to be exempt from any deadline applicable to grievances initiated under that section; and

(6) each correctional facility to collect statistics on all alleged sexual assaults against inmates confined in the facility and to report the statistics to the ombudsperson.

Sec. 501.175. OMBUDSPERSON TO MAKE AVAILABLE TO PUBLIC CERTAIN INFORMATION. The ombudsperson shall make available to the public and appropriate state agencies:

(1) information regarding the powers and duties of the ombudsperson; and

(2) statistical information regarding the total number of allegations of sexual assault investigated by the department, the outcome of the investigations, and any disciplinary sanctions imposed as a result of the investigations.

Sec. 501.176. ANNUAL REPORT. (a) Not later than January 1 of each year, the ombudsperson shall submit a written report regarding the activities of the ombudsperson during the preceding fiscal year to:

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives;

(4) the presiding officer of each house and senate committee having jurisdiction over the department;

(5) the board;

(6) the executive director;

(7) the state auditor; and
(b) The report must include public information regarding:

(1) each investigation and monitoring activity relating to sexual assault completed during the fiscal year by the ombudsperson and the inspector general; and

(2) statistics collected by the ombudsperson regarding allegations of sexual assault.

(c) The annual report must meet the financial reporting requirements of the General Appropriations Act.

(d) Upon review of the findings of the annual report submitted to the board, the board shall make recommendations on, or implement policy that has the goal of, lowering the rate and incidence of sexual assault against inmates at a correctional facility. That policy will include methods to address a correctional facility where the rate and incidence of sexual assault against inmates has not shown improvement.

Sec. 501.177. STATE AUDITOR AUDITS, INVESTIGATIONS, AND ACCESS TO INFORMATION NOT IMPAIRED. This subchapter or other law related to the operation of the ombudsperson or the office of the inspector general does not prohibit the state auditor from conducting an audit, investigation, or other review or from having full and complete access to all records and other information, including witnesses and electronic data, that the state auditor considers necessary for the audit, investigation, or other review.

Sec. 501.178. AUTHORITY OF STATE AUDITOR TO CONDUCT TIMELY AUDITS NOT IMPAIRED. This subchapter or other law related to the operation of the ombudsperson or the office of the inspector...
SECTION 4. Subsection (c-1), Article 57.03, Code of Criminal Procedure, as added by this Act, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 5. Not later than December 1, 2008, the Texas Department of Criminal Justice shall appoint an ombudsperson and adopt a policy as required by Subchapter F, Chapter 501, Government Code, as added by this Act.

SECTION 6. Not later than January 1, 2009, the ombudsperson of the Texas Department of Criminal Justice shall submit the first report required by Section 501.176, Government Code, as added by this Act.

SECTION 7. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.
H.B. No. 1944

President of the Senate

Speaker of the House

I certify that H.B. No. 1944 was passed by the House on May 2, 2007, by the following vote: Yeas 147, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1944 on May 23, 2007, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1944 was passed by the Senate, with amendments, on May 21, 2007, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____________________

Date

Governor