

By: Zerwas

H.B. No. 1642

A BILL TO BE ENTITLED

AN ACT

relating to the sexual assault program fund and to the fee imposed on certain sexually oriented businesses.

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

SECTION 1. Section 102.054, Business & Commerce Code, is amended to read as follows:

Sec. 102.054. ALLOCATION OF ~~[CERTAIN]~~ REVENUE FOR SEXUAL ASSAULT PROGRAMS. The comptroller shall deposit the amount ~~[first \$25 million]~~ received from the fee imposed under this subchapter ~~[in a state fiscal biennium]~~ to the credit of the sexual assault program fund.

SECTION 2. Section 420.008, Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The legislature may appropriate money deposited to the credit of the fund only to:

(1) the attorney general, for:

(A) sexual violence awareness and prevention campaigns;

(B) grants to faith-based groups, independent school districts, and community action organizations for programs for the prevention of sexual assault and programs for victims of human trafficking;

(C) grants for equipment for sexual assault nurse

1 examiner programs, to support the preceptorship of future sexual  
2 assault nurse examiners, and for the continuing education of sexual  
3 assault nurse examiners;

4 (D) grants to increase the level of sexual  
5 assault services in this state;

6 (E) grants to support victim assistance  
7 coordinators;

8 (F) grants to support technology in rape crisis  
9 centers;

10 (G) grants to and contracts with a statewide  
11 nonprofit organization exempt from federal income taxation under  
12 Section 501(c)(3), Internal Revenue Code of 1986, having as a  
13 primary purpose ending sexual violence in this state, for programs  
14 for the prevention of sexual violence, outreach programs, and  
15 technical assistance to and support of youth and rape crisis  
16 centers working to prevent sexual violence; ~~and~~

17 (H) grants to regional nonprofit providers of  
18 civil legal services to provide legal assistance for sexual assault  
19 victims; and

20 (I) grants to health science centers and related  
21 nonprofit entities exempt from federal income taxation under  
22 Section 501(a), Internal Revenue Code of 1986, by being listed as an  
23 exempt organization under Section 501(c)(3) of that code, for  
24 research relating to the prevention and mitigation of sexual  
25 assault;

26 (2) the Department of State Health Services, to  
27 measure the prevalence of sexual assault in this state and for

1 grants to support programs assisting victims of human trafficking;

2 (3) the Institute on Domestic Violence and Sexual  
3 Assault at The University of Texas at Austin, to conduct research on  
4 all aspects of sexual assault and domestic violence;

5 (4) Texas State University, for training and technical  
6 assistance to independent school districts for campus safety;

7 (5) the office of the governor, for grants to support  
8 sexual assault and human trafficking prosecution projects;

9 (6) the Department of Public Safety, to support sexual  
10 assault training for commissioned officers;

11 (7) the comptroller's judiciary section, for  
12 increasing the capacity of the sex offender civil commitment  
13 program;

14 (8) the Texas Department of Criminal Justice:

15 (A) for pilot projects for monitoring sex  
16 offenders on parole; and

17 (B) for increasing the number of adult  
18 incarcerated sex offenders receiving treatment;

19 (9) the Texas Youth Commission, for increasing the  
20 number of incarcerated juvenile sex offenders receiving treatment;

21 (10) the comptroller, for the administration of the  
22 fee imposed on sexually oriented businesses under Section 102.052,  
23 Business & Commerce Code; ~~and~~

24 (11) the supreme court, to be transferred to the Texas  
25 Equal Access to Justice Foundation, or a similar entity, to provide  
26 victim-related legal services to sexual assault victims, including  
27 legal assistance with protective orders, relocation-related

1 matters, victim compensation, and actions to secure privacy  
2 protections available to victims under law; and

3 (12) the Department of Family and Protective Services  
4 for:

5 (A) programs related to sexual assault  
6 prevention and intervention; and

7 (B) research relating to how the department can  
8 effectively address the prevention of sexual assault.

9 (d) A board, commission, department, office, or other  
10 agency in the executive or judicial branch of state government to  
11 which money is appropriated from the sexual assault program fund  
12 under this section shall, not later than December 1 of each  
13 even-numbered year, provide to the Legislative Budget Board a  
14 report stating, for the preceding fiscal biennium:

15 (1) the amount appropriated to the entity under this  
16 section;

17 (2) the purposes for which the money was used; and

18 (3) any results of a program or research funded under  
19 this section.

20 SECTION 3. The comptroller of public accounts shall collect  
21 the fee imposed under Section 102.052, Business & Commerce Code,  
22 until a court, in a final judgment upheld on appeal or no longer  
23 subject to appeal, finds Section 102.052, Business & Commerce Code,  
24 or its predecessor statute, to be unconstitutional.

25 SECTION 4. Section 102.055, Business & Commerce Code, is  
26 repealed.

27 SECTION 5. This Act takes effect immediately if it receives

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1 a vote of two-thirds of all the members elected to each house, as  
2 provided by Section 39, Article III, Texas Constitution. If this  
3 Act does not receive the vote necessary for immediate effect, this  
4 Act takes effect September 1, 2011.