

BILL ANALYSIS

S.B. 1192
By: Davis
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law entitles certain victims of sexual assault to general crime victims' rights within the criminal justice system and additional rights to counseling and testing for certain sexually transmitted diseases. Interested parties contend that more offenses should be considered sexual assault for purposes of victims' rights. S.B. 1192 seeks to revise Texas statutes with regard to sexual assault and victims' rights.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1192 amends the Code of Criminal Procedure to expand the definition of "sexual assault," for purposes of crime victims' rights, to include the offenses of indecency with a child by engaging in sexual contact with a child or causing the child to engage in such contact; sexual assault; and aggravated sexual assault. The bill entitles a victim of sexual assault, guardian of such a victim, or close relative of such a victim who is deceased, in addition to the general crime victims' rights, to the right, if requested, to a disclosure of information regarding any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; the right, if requested, to a disclosure of information regarding the status of any analysis being performed of any evidence that was collected during the investigation of the offense; and the right, if requested, to be notified at the time a request is submitted to a crime laboratory to process and analyze any evidence collected during the investigation of the offense, notified at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database, and notified of the results of the comparison, unless disclosing the results would interfere with the investigation of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed.

S.B. 1192 requires a victim, guardian, or relative who requests such notice to provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense and to inform the attorney and agency of any change in that address or phone number. The bill authorizes a victim of a sexual assault, or a guardian or relative, to designate a person, including an entity that provides services to victims of sexual assault, to receive any such notice requested by the victim. The bill makes conforming changes in statutory provisions relating to crime victims' rights and establishes that a law enforcement agency, prosecutor, or other participant in the criminal justice system is not required to use a victim impact statement form that complies with the bill's provisions until January 1, 2014.

S.B. 1192 amends the Family Code to make conforming and nonsubstantive changes.

EFFECTIVE DATE

September 1, 2013.