

AN ACT

relating to sexual assault prevention and crisis services and to the administration of the Crime Victims' Compensation Act.

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

SECTION 1. Subsection (a), Article 56.39, Code of Criminal Procedure, is amended to read as follows:

(a) An order for a mental or physical examination or an autopsy as provided by Article 56.38(c)(2) [~~56.38(c)(3)~~] may be made for good cause shown on notice to the individual to be examined and to all persons who have appeared.

SECTION 2. Article 56.61, Code of Criminal Procedure, as amended by Chapters 496 (S.B. 808) and 716 (H.B. 2916), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Art. 56.61. COMPENSATION FOR CERTAIN CRIMINALLY INJURIOUS CONDUCT PROHIBITED; EXCEPTION. (a) Except as provided by Subsection (b), the attorney general may not award compensation for pecuniary loss arising from criminally injurious conduct that occurred before January 1, 1980.

(b) The attorney general may award compensation for pecuniary loss arising from criminally injurious conduct that occurred before January 1, 1980, if:

(1) the conduct was in violation of Chapter 19, Penal Code;

1 (2) the identity of the victim is established by a law
2 enforcement agency on or after January 1, 2009[, ~~and the pecuniary~~
3 ~~loss was incurred with respect to the victim's funeral or burial on~~
4 ~~or after that date~~]; and

5 (3) the claimant files the application for
6 compensation within the limitations period provided by Article
7 56.37(e).

8 SECTION 3. Section 420.003, Government Code, is amended by
9 adding Subdivisions (1-e) and (7-a) and amending Subdivisions (5),
10 (6), and (7) to read as follows:

11 (1-e) "Minimum services" means:

12 (A) a 24-hour crisis hotline;

13 (B) crisis intervention;

14 (C) public education;

15 (D) advocacy; and

16 (E) accompaniment to hospitals, law enforcement
17 offices, prosecutors' offices, and courts.

18 (5) "Sexual assault examiner" means a person who uses
19 an attorney general-approved [~~a service-approved~~] evidence
20 collection kit and protocol to collect and preserve evidence of a
21 sexual assault or other sex offense.

22 (6) "Sexual assault nurse examiner" means a registered
23 nurse who has completed an attorney general-approved [~~a~~
24 ~~service-approved~~] examiner training course described by Section
25 420.011 and who is certified according to minimum standards
26 prescribed by attorney general rule.

27 (7) "Sexual assault program" means any local public or

1 private nonprofit corporation, independent of a law enforcement
2 agency or prosecutor's office, that is operated as an independent
3 program or as part of a municipal, county, or state agency and that
4 provides the minimum services to adult survivors of stranger and
5 non-stranger sexual assault ~~[established by this chapter]~~.

6 (7-a) "State sexual assault coalition" means a
7 statewide nonprofit organization that has been identified as a
8 state sexual assault coalition by a state or federal agency
9 authorized to make that designation.

10 SECTION 4. Section 420.004, Government Code, is amended to
11 read as follows:

12 Sec. 420.004. ADMINISTRATION OF PROGRAM ~~[SERVICE]~~.
13 ~~[(a)]~~ The attorney general shall administer the Sexual Assault
14 Prevention and Crisis Services Program and may delegate a power or
15 duty given to the attorney general under this chapter to an employee
16 in the attorney general's office ~~[Service is a division in the~~
17 ~~office of the attorney general]~~.

18 ~~[(b) The attorney general may adopt rules relating to~~
19 ~~assigning service areas, monitoring services, distributing funds,~~
20 ~~and collecting information from programs in accordance with this~~
21 ~~chapter.]~~

22 SECTION 5. Subsections (a), (b), and (d), Section 420.005,
23 Government Code, are amended to read as follows:

24 (a) For purposes described by Section 420.008, the ~~[The]~~
25 attorney general may award grants to sexual assault programs, state
26 sexual assault coalitions, and other appropriate local and
27 statewide programs and organizations related to sexual assault

1 ~~[programs described by Section 420.008. A grant may not result in~~
2 ~~the reduction of the financial support a program receives from~~
3 ~~another source].~~

4 (b) The attorney general may by rule:

5 (1) determine eligibility requirements for any grant
6 awarded under this chapter;

7 (2) require a grant recipient to offer minimum
8 services for not less than nine months before receiving a grant and
9 to continue to offer minimum services during the grant period; and

10 (3) require a grant recipient to submit financial and
11 programmatic reports ~~[require that to be eligible for a grant,~~
12 ~~certain programs must provide at a minimum:~~

13 ~~[(1) a 24-hour crisis hotline;~~

14 ~~[(2) crisis intervention;~~

15 ~~[(3) public education;~~

16 ~~[(4) advocacy and accompaniment to hospitals, law~~
17 ~~enforcement offices, prosecutors' offices, and courts for~~
18 ~~survivors and their family members; and~~

19 ~~[(5) crisis intervention volunteer training].~~

20 (d) This section does not prohibit a grant recipient
21 ~~[program]~~ from offering any additional service, including a service
22 for sexual assault offenders.

23 SECTION 6. Section 420.006, Government Code, is amended to
24 read as follows:

25 Sec. 420.006. SPECIAL PROJECTS. The attorney general may
26 consult and contract with or award grants to entities described by
27 Section 420.005(a) ~~[local and statewide programs]~~ for special

1 projects to prevent sexual assault and improve services to
2 survivors.

3 SECTION 7. Subsection (b), Section 420.007, Government
4 Code, is amended to read as follows:

5 (b) The attorney general may not use more than 15 percent of
6 the annual legislative appropriation to the attorney general under
7 Section 420.008(c)(1) ~~[service]~~ for the administration of this
8 chapter.

9 SECTION 8. Section 420.009, Government Code, is amended to
10 read as follows:

11 Sec. 420.009. REPORT. Not later than December 10 of each
12 even-numbered year, the ~~[The]~~ attorney general shall publish a
13 report regarding grants awarded under this chapter ~~[on the service~~
14 ~~not later than December 10 of each even-numbered year]~~. The report
15 must ~~[summarize reports from programs receiving grants from the~~
16 ~~attorney general,~~ analyze the effectiveness of the grants~~]~~ and
17 include information on the expenditure of funds authorized by this
18 chapter, the services provided, the number of persons receiving
19 services, and any other information relating to the provision of
20 sexual assault services. A copy of the report shall be submitted to
21 the governor, lieutenant governor, speaker of the house of
22 representatives, Legislative Budget Board, Senate Committee on
23 Health and Human Services or its successor committee, and House
24 Committee on Human Services or its successor committee.

25 SECTION 9. Section 420.010, Government Code, is amended to
26 read as follows:

27 Sec. 420.010. CONFIDENTIALITY. The attorney general may

1 not disclose any information received from reports, collected case
2 information, or site-monitoring visits that would identify a person
3 working at or receiving services from a sexual assault program.

4 SECTION 10. The heading to Section 420.011, Government
5 Code, is amended to read as follows:

6 Sec. 420.011. CERTIFICATION BY ATTORNEY GENERAL; ~~[AND]~~
7 RULES.

8 SECTION 11. Subsection (a), Section 420.011, Government
9 Code, is amended to read as follows:

10 (a) The attorney general may adopt rules necessary to
11 implement this chapter. A proposed rule must be provided to grant
12 recipients ~~[programs receiving grants]~~ at least 60 days before the
13 date of adoption.

14 SECTION 12. Subsection (a), Section 420.013, Government
15 Code, is amended to read as follows:

16 (a) The comptroller shall deposit any money received under
17 this subchapter and any money credited to the Sexual Assault
18 Prevention and Crisis Services Program ~~[program]~~ by another law in
19 the sexual assault prevention and crisis services fund.

20 SECTION 13. Subsections (a), (b), and (c), Section 420.031,
21 Government Code, are amended to read as follows:

22 (a) The attorney general ~~[service]~~ shall develop and
23 distribute to law enforcement agencies and proper medical personnel
24 an evidence collection protocol that shall include collection
25 procedures and a list of requirements for the contents of an
26 evidence collection kit for use in the collection and preservation
27 of evidence of a sexual assault or other sex offense. Medical or

1 law enforcement personnel collecting evidence of a sexual assault
2 or other sex offense shall use an attorney general-approved [~~a~~
3 ~~service-approved~~] evidence collection kit and protocol.

4 (b) An evidence collection kit must contain [~~the following~~
5 ~~items~~].

6 [(~~1~~)] items to collect and preserve evidence of a
7 sexual assault or other sex offense[+] and

8 [(~~2~~)] other items [~~recommended by the Evidence~~
9 ~~Collection Protocol Advisory Committee of the attorney general and~~
10 determined necessary for the kit by the attorney general.

11 (c) In developing the evidence collection kit and protocol
12 [~~procedures and requirements~~], the attorney general [~~service~~]
13 shall consult with individuals and organizations having knowledge
14 and experience in the issues of sexual assault and other sex
15 offenses.

16 SECTION 14. Section 420.051, Government Code, is amended to
17 read as follows:

18 Sec. 420.051. ADVOCATES FOR SURVIVORS OF SEXUAL ASSAULT.
19 An individual may act as an advocate for survivors of sexual assault
20 for the purposes of Article 56.045, Code of Criminal Procedure, if
21 the individual has completed a sexual assault training program
22 certified by the attorney general [~~department~~] and is an employee
23 or volunteer of a sexual assault program[+]

24 [~~(1) is employed by a sexual assault program, or~~
25 [~~(2) provides services through a sexual assault~~
26 ~~program as a volunteer under the supervision of an advocate~~].

27 SECTION 15. Subsection (b), Section 420.073, Government

Code, is amended to read as follows:

(b) A survivor or other person authorized to consent may withdraw consent to the release of information by submitting a written notice of withdrawal to the person or sexual assault program to which consent was provided. Withdrawal of consent does not affect information disclosed before the date written notice of the withdrawal was received.

SECTION 16. Subsection (e), Section 420.0735, Government Code, is amended to read as follows:

(e) A survivor or other person authorized to consent may withdraw consent to the release of evidence by submitting a written notice of withdrawal to the person or sexual assault program to which consent was provided. Withdrawal of consent does not affect evidence disclosed before the date written notice of the withdrawal was received.

SECTION 17. Subdivisions (2) and (3), Section 420.003, and Subsections (c) and (f), Section 420.005, Government Code, are repealed.

SECTION 18. The changes in law made by this Act to Articles 56.39 and 56.61, Code of Criminal Procedure, apply only to criminally injurious conduct committed against a victim whose identity is established by a law enforcement agency on or after January 1, 2009. Criminally injurious conduct committed against a victim whose identity is established by a law enforcement agency before January 1, 2009, is governed by the law in effect on the date the victim's identity was established, and the former law is continued in effect for that purpose.

1 SECTION 19. This Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 745 passed the Senate on April 18, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 23, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 745 passed the House, with amendment, on May 20, 2013, by the following vote: Yeas 147, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor