

## **BILL ANALYSIS**

Senate Research Center  
84R25720 JSC-D

C.S.S.B. 145  
By: Rodríguez  
Criminal Justice  
4/29/2015  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

To encourage sexual assault victims to come forward promptly to preserve crucial and perishable forensic evidence, Articles 56.06 and 56.065, Code of Criminal Procedure, allow victims to have evidence collected at no charge, regardless of whether a police report is immediately made. However, Article 56.45 provides that only those victims who have reported their assaults to police are eligible for reimbursement of medical costs through the Crime Victims' Compensation (CVC) program. C.S.S.B.145 would ensure that all victims have access to medical forensic exams at no cost by extending CVC eligibility to victims who have preserved evidence for use by law enforcement under Article 56.065.

C.S.S.B. 145 amends current law relating to reimbursement of certain medical costs for victims of certain sex offenses and compensation to victims of stalking for relocation and housing rental expenses.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends the heading to Article 56.06, Code of Criminal Procedure, to read as follows:

Art. 56.06. FORENSIC MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM WHO HAS REPORTED ASSAULT; COSTS.

SECTION 2. Amends Article 56.06, Code of Criminal Procedure, by amending Subsections (a), (b), (c), and (d) and adding Subsection (f), as follows:

(a)-(d) Changes references to a medical examination to a forensic medical examination.

(f) Authorizes the attorney general to make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Section 323.004 (Minimum Standards for Emergency Services), Health and Safety Code.

SECTION 3. Amends Article 56.065, Code of Criminal Procedure, by adding Subsection (k), as follows:

(k) Authorizes the attorney general to make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Section 323.004 (Minimum Standards for Emergency Services), Health and Safety Code.

SECTION 4. Amends Article 56.32(a)(9), Code of Criminal Procedure, to redefine "pecuniary loss."

SECTION 5. Amends Article 56.42(d), Code of Criminal Procedure, as follows:

(d) Adds stalking to a list of criminal offenses for which the victim may receive a onetime-only assistance payment in an amount not to exceed certain limits as set forth.

SECTION 6. Amends Article 56.54(k), Code of Criminal Procedure, as follows:

(k) Authorizes the attorney general to use the compensation to victims of crime fund to reimburse a law enforcement agency for the reasonable costs of a forensic medical examination that are incurred by the agency under Article 56.06 (Medical Examination for Sexual Assault Victim Who Has Reported Assault; Costs) or 56.065 (Medical Examination for Sexual Assault Victim Who Has Not Reported Assault; Costs), and make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided under Article 56.06 or 56.065 in accordance with Section 323.004, Health and Safety Code.

SECTION 7. (a) Provides that the change in law made by this Act relating to reimbursement of certain medical costs applies only to payments made for medical care provided on or after the effective date of this Act. Provides that payments made for medical care provided before the effective date of this Act are governed by the law in effect on the date the care was provided, and the former law is continued in effect for that purpose.

(b) Provides that the change in law made by this Act relating to compensation for relocation and housing rental expenses applies only to a victim of a criminal offense committed or a violation that occurs on or after the effective date of this Act. Provides that the victim of a criminal offense committed or a violation that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the violation occurred, and the former law is continued in effect for that purpose. Provides that for purposes of this subsection, a criminal offense was committed or a violation occurred before the effective date of this Act if any element of the offense or violation occurred before that date.

SECTION 8. Effective date: September 1, 2015.