

AN ACT

relating to reimbursement of certain medical costs for victims of certain sex offenses, compensation to victims of stalking for relocation and housing rental expenses, and the creation of a governor's program for victims of child sex trafficking.

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

SECTION 1. The heading to Article 56.06, Code of Criminal Procedure, is amended to read as follows:

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

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

(a) If a sexual assault is reported to a law enforcement agency within 96 hours of the assault, the law enforcement agency, with the consent of the victim, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim of the alleged assault for use in the investigation or prosecution of the offense. A law enforcement agency may decline to request a forensic medical examination under this subsection only if the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency and if there is no other evidence to corroborate the current allegations

1 of sexual assault.

2 (b) If a sexual assault is not reported within the period  
3 described by Subsection (a), on receiving the consent described by  
4 that subsection the law enforcement agency may request a forensic  
5 medical examination of a victim of an alleged sexual assault as  
6 considered appropriate by the agency.

7 (c) A law enforcement agency that requests a forensic  
8 medical examination of a victim of an alleged sexual assault for use  
9 in the investigation or prosecution of the offense shall pay all  
10 costs of the examination. On application to the attorney general,  
11 the law enforcement agency is entitled to be reimbursed for the  
12 reasonable costs of that examination if the examination was  
13 performed by a physician or by a sexual assault examiner or sexual  
14 assault nurse examiner, as defined by Section 420.003, Government  
15 Code.

16 (d) A law enforcement agency or prosecuting attorney's  
17 office may pay all costs related to the testimony of a licensed  
18 health care professional in a criminal proceeding regarding the  
19 results of the forensic medical examination or manner in which it  
20 was performed.

21 (f) The attorney general may make a payment to or on behalf  
22 of an individual for the reasonable costs incurred for medical care  
23 provided in accordance with Section 323.004, Health and Safety  
24 Code.

25 SECTION 3. Article 56.065, Code of Criminal Procedure, is  
26 amended by adding Subsection (k) to read as follows:

27 (k) The attorney general may make a payment to or on behalf

1 of an individual for the reasonable costs incurred for medical care  
2 provided in accordance with Section 323.004, Health and Safety  
3 Code.

4 SECTION 4. Article 56.32(a)(9), Code of Criminal Procedure,  
5 is amended to read as follows:

6 (9) "Pecuniary loss" means the amount of expense  
7 reasonably and necessarily incurred as a result of personal injury  
8 or death for:

9 (A) medical, hospital, nursing, or psychiatric  
10 care or counseling, or physical therapy;

11 (B) actual loss of past earnings and anticipated  
12 loss of future earnings and necessary travel expenses because of:

13 (i) a disability resulting from the  
14 personal injury;

15 (ii) the receipt of medically indicated  
16 services related to the disability resulting from the personal  
17 injury; or

18 (iii) participation in or attendance at  
19 investigative, prosecutorial, or judicial processes related to the  
20 criminally injurious conduct and participation in or attendance at  
21 any postconviction or postadjudication proceeding relating to  
22 criminally injurious conduct;

23 (C) care of a child or dependent;

24 (D) funeral and burial expenses, including, for  
25 an immediate family member or household member of the victim, the  
26 necessary expenses of traveling to and attending the funeral;

27 (E) loss of support to a dependent, consistent

1 with Article 56.41(b)(5);

2 (F) reasonable and necessary costs of cleaning  
3 the crime scene;

4 (G) reasonable replacement costs for clothing,  
5 bedding, or property of the victim seized as evidence or rendered  
6 unusable as a result of the criminal investigation;

7 (H) reasonable and necessary costs for  
8 relocation and housing rental assistance payments [✓] as provided  
9 by Article 56.42(d) [~~incurred by a victim of family violence or a~~  
10 ~~victim of sexual assault who is assaulted in the victim's place of~~  
11 ~~residence for relocation and housing rental assistance payments~~];

12 (I) for an immediate family member or household  
13 member of a deceased victim, bereavement leave of not more than 10  
14 work days; and

15 (J) reasonable and necessary costs of traveling  
16 to and from a place of execution for the purpose of witnessing the  
17 execution, including one night's lodging near the place at which  
18 the execution is conducted.

19 SECTION 5. Article 56.42(d), Code of Criminal Procedure, is  
20 amended to read as follows:

21 (d) A victim who is a victim of stalking, family violence,  
22 or [~~a victim of~~] trafficking of persons, or a victim of sexual  
23 assault who is assaulted in the victim's place of residence, may  
24 receive a onetime-only assistance payment in an amount not to  
25 exceed:

26 (1) \$2,000 to be used for relocation expenses,  
27 including expenses for rental deposit, utility connections,

1 expenses relating to the moving of belongings, motor vehicle  
2 mileage expenses, and for out-of-state moves, transportation,  
3 lodging, and meals; and

4 (2) \$1,800 to be used for housing rental expenses.

5 SECTION 6. Article 56.54(k), Code of Criminal Procedure, is  
6 amended to read as follows:

7 (k) The attorney general may use the compensation to victims  
8 of crime fund to:

9 (1) reimburse a law enforcement agency for the  
10 reasonable costs of a forensic medical examination that are  
11 incurred by the agency under Article 56.06 or 56.065; and

12 (2) make a payment to or on behalf of an individual for  
13 the reasonable costs incurred for medical care provided under  
14 Article 56.06 or 56.065 in accordance with Section 323.004, Health  
15 and Safety Code.

16 SECTION 7. Chapter 772, Government Code, is amended by  
17 adding Section 772.0063 to read as follows:

18 Sec. 772.0063. GOVERNOR'S PROGRAM FOR VICTIMS OF CHILD SEX  
19 TRAFFICKING. (a) The governor shall establish and implement a  
20 program to provide comprehensive, individualized services to  
21 address the rehabilitation and treatment needs of child victims of  
22 an offense under Section 20A.02(a)(7) or (8), Penal Code.

23 (b) The governor shall appoint a director of the program to  
24 serve at the pleasure of the governor.

25 (c) The director of the program shall coordinate with state  
26 and local law enforcement agencies, state agencies, and service  
27 providers to identify victims of child sex trafficking who are

1 eligible to receive services under the program.

2 (d) For each victim of child sex trafficking identified by  
3 the director, the program shall immediately facilitate the  
4 assignment of a caseworker to the victim to coordinate with local  
5 service providers to create a customized package of services to fit  
6 the victim's immediate and long-term rehabilitation and treatment  
7 needs. Services provided under the program must address all  
8 aspects of the medical, psychiatric, psychological, safety, and  
9 housing needs of victims.

10 SECTION 8. The change in law made by this Act relating to  
11 reimbursement of certain medical costs applies only to payments  
12 made for medical care provided on or after the effective date of  
13 this Act. Payments made for medical care provided before the  
14 effective date of this Act are governed by the law in effect on the  
15 date the care was provided, and the former law is continued in  
16 effect for that purpose.

17 SECTION 9. The change in law made by this Act relating to  
18 compensation for relocation and housing rental expenses applies  
19 only to a victim of a criminal offense committed or a violation that  
20 occurs on or after the effective date of this Act. The victim of a  
21 criminal offense committed or a violation that occurs before the  
22 effective date of this Act is governed by the law in effect on the  
23 date the offense was committed or the violation occurred, and the  
24 former law is continued in effect for that purpose. For purposes of  
25 this section, a criminal offense was committed or a violation  
26 occurred before the effective date of this Act if any element of the  
27 offense or violation occurred before that date.

1           SECTION 10. The governor shall establish the governor's  
2 program for victims of child sex trafficking and appoint a director  
3 of the program, as required by Section 772.0063, Government Code,  
4 as added by this Act, as soon as practicable and not later than  
5 December 1, 2016.

6           SECTION 11. This Act takes effect September 1, 2015.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1446 was passed by the House on May 12, 2015, by the following vote: Yeas 144, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1446 on May 29, 2015, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1446 was passed by the Senate, with amendments, on May 26, 2015, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor