

SENATE AMENDMENTS

2nd Printing

By: Dale, Márquez, Herrero, Moody, Fallon,
et al.

H.B. No. 1446

A BILL TO BE ENTITLED

1 AN ACT

2 relating to reimbursement of certain medical costs for victims of
3 certain sex offenses.

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

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

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

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

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

24 (b) If a sexual assault is not reported within the period

1 described by Subsection (a), on receiving the consent described by
2 that subsection the law enforcement agency may request a forensic
3 medical examination of a victim of an alleged sexual assault as
4 considered appropriate by the agency.

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

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

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

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

25 (k) The attorney general may make a payment to or on behalf
26 of an individual for the reasonable costs incurred for medical care
27 provided in accordance with Section 323.004, Health and Safety

1 Code.

2 SECTION 4. Article 56.54(k), Code of Criminal Procedure, is
3 amended to read as follows:

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

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

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

13 SECTION 5. The change in law made by this Act applies only
14 to payments made for medical care provided on or after the effective
15 date of this Act. Payments made for medical care provided before
16 the effective date of this Act are governed by the law in effect on
17 the date the care was provided, and the former law is continued in
18 effect for that purpose.

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

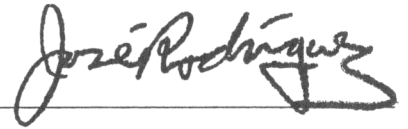
ADOPTED

MAY 26 2015


Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY:



1 Amend H.B. No. 1446 (senate committee printing) as follows:

2 (1) In SECTION 5 of the bill (page 2, line 18), between "Act"
3 and "applies", insert "relating to reimbursement of certain medical
4 costs".

5 (2) Add the following appropriately numbered SECTIONS to
6 the bill and renumber subsequent SECTIONS of the bill accordingly:

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

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

12 (A) medical, hospital, nursing, or psychiatric
13 care or counseling, or physical therapy;

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

16 (i) a disability resulting from the
17 personal injury;

18 (ii) the receipt of medically indicated
19 services related to the disability resulting from the personal
20 injury; or

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

26 (C) care of a child or dependent;

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

1 (E) loss of support to a dependent, consistent
2 with Article 56.41(b)(5);

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

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

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

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

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

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

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

27 (1) \$2,000 to be used for relocation expenses,
28 including expenses for rental deposit, utility connections,
29 expenses relating to the moving of belongings, motor vehicle
30 mileage expenses, and for out-of-state moves, transportation,
31 lodging, and meals; and

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

2 SECTION _____. The change in law made by this Act relating to
3 compensation for relocation and housing rental expenses applies
4 only to a victim of a criminal offense committed or a violation that
5 occurs on or after the effective date of this Act. The victim of a
6 criminal offense committed or a violation that occurs before the
7 effective date of this Act is governed by the law in effect on the
8 date the offense was committed or the violation occurred, and the
9 former law is continued in effect for that purpose. For purposes of
10 this section, a criminal offense was committed or a violation
11 occurred before the effective date of this Act if any element of the
12 offense or violation occurred before that date.

ADOPTED

FLOOR AMENDMENT NO. 2

MAY 26 2015

BY: Joan Huffman

Leticia Spaw
Secretary of the Senate

1 Amend Amendment No. _____ to H.B. No. 1446 by
2 adding the following appropriately numbered item to the
3 amendment and renumbering subsequent items of the amendment
4 accordingly:

5 (___) Add the following appropriately numbered SECTIONS to
6 the bill and renumber subsequent SECTIONS of the bill
7 accordingly:

8 SECTION ____ Chapter 772, Government Code, is amended by
9 adding Section 772.0063 to read as follows:

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

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

17 (c) The director of the program shall coordinate with
18 state and local law enforcement agencies, state agencies, and
19 service providers to identify victims of child sex trafficking
20 who are eligible to receive services under the program.

21 (d) For each victim of child sex trafficking identified by
22 the director, the program shall immediately facilitate the
23 assignment of a caseworker to the victim to coordinate with
24 local service providers to create a customized package of
25 services to fit the victim's immediate and long-term
26 rehabilitation and treatment needs. Services provided under
27 the program must address all aspects of the medical,
28 psychiatric, psychological, safety, and housing needs of
29 victims.

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

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 28, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1446 by Dale (Relating to reimbursement of certain medical costs for victims of certain sex offenses.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1446, As Passed 2nd House: a negative impact of (\$4,000,000) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	(\$2,000,000)
2017	(\$2,000,000)
2018	(\$2,000,000)
2019	(\$2,000,000)
2020	(\$2,000,000)

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from General Revenue Fund 1	Probable Savings/(Cost) from Crime Victims Comp Acct 469	Change in Number of State Employees from FY 2015
2016	(\$2,000,000)	(\$2,853,955)	3.0
2017	(\$2,000,000)	(\$2,893,069)	3.0
2018	(\$2,000,000)	(\$3,045,933)	3.0
2019	(\$2,000,000)	(\$3,351,661)	3.0
2020	(\$2,000,000)	(\$3,351,661)	3.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to provide reimbursement of certain medical care costs for victims of sexual assault and compensation to victims of stalking for housing relocation from the General Revenue-Dedicated Crime Victims' Compensation Account

No. 469 by the Office of the Attorney General (OAG). The bill would also amend the Government Code to create the Governor's Program for Victims of Child Sex Trafficking to facilitate certain services to victims.

Under the bill provisions, the Office of the Governor indicates the fiscal impact would be \$2,000,000 in General Revenue each fiscal year from 2016-2020 for the Governor's Program for Victims of Child Sex Trafficking. Costs include the salary for 1.0 FTE in the Office of the Governor and grants to certain state and local entities to support victim services.

Under the bill provisions, the OAG indicates the fiscal impact to the Crime Victims' Compensation Account No. 469 would be \$2,853,955 in fiscal year 2016, \$2,893,069 in fiscal year 2017, \$3,045,933 in fiscal year 2018, and \$3,351,661 in fiscal years 2019 and 2020. Costs include salaries for 2.0 FTEs, additional reimbursement and compensation, general operating, capital equipment, and benefits.

The bill would take effect September 1, 2015

Methodology

Currently, the Crime Victims Services Division (CVSD) within the OAG approves an average of 1,693 reimbursement applications for medical care to sexual assault victims each fiscal year with an average reimbursement is \$1,488. Additionally, the CVSD receives an average of 407 applications for compensation from victims of stalking each fiscal year and the average compensation for rent and relocation expenses is \$2,162.

The CVSD assumes the following related to the bill provisions:

- 1) Reimbursable medical care costs are those described in the Health and Safety Code, Sec. 323.004;
- 2) Reimbursable medical care costs would include only initial examinations;
- 3) The average medical care reimbursement would remain constant at \$1,488;
- 4) The number of additional applications that would receive reimbursement would increase by 20 percent (2,040);
- 5) The reimbursement would be phased in at 80 percent in fiscal year 2016, 85 percent in fiscal year 2017, 90 percent in fiscal year 2018, 100 percent in subsequent fiscal years;
- 6) The average rent and relocation compensation would remain constant at \$2,162;
- 7) The number of applications for compensation would increase to 508 each fiscal year; and
- 8) Approximately 16 percent of applications for rent and relocation compensation would be approved each fiscal year.

Based on the above assumptions related to medical care reimbursement, the CVSD estimates 2,040 additional reimbursements of \$1,488 for medical care to sexual assault victims at 80 percent in fiscal year 2016, 85 percent in fiscal year 2017, 90 percent in fiscal year 2018, 100 percent in subsequent fiscal years.

Based on the above assumptions related to rent and relocation compensation for victims of stalking, the CVSD estimates 81 applications of rent and relocation compensation would be approved each fiscal year with an average payment of \$2,162.

Additionally, the OAG estimates the bill provisions would require two Accountant I (2.0 FTEs) with a fiscal year costs of \$105,872 for salaries (\$79,080) and related benefits (\$26,792). The additional FTEs would support the CVSD related to additional reimbursement claims.

The Office of the Governor indicates required activities of the Governor's Program for Victims of Child Sex Trafficking would be facilitated through grants to another agency. The grants would require the recipient to employ four referral specialists and six case managers, at an estimated annual cost of \$585,000. The grants would cover operational costs for a toll-free number, case management system, equipment, supplies, and staff travel, estimated to be \$43,396 in fiscal year 2016 and \$44,896 in fiscal year 2017.

The Office of the Governor estimates additional grants of \$70,000 would be provided to 18 local service providers across Texas (18 x \$70,000 = \$1,260,000) each fiscal year.

According to the Office of the Governor, establishing the Governor's Program for Victims of Child Sex Trafficking would require a Director II (1.0 FTE) at an annual cost of \$105,904 for salary (\$80,000) and related benefits (\$25,904), and operating expenses estimated to be \$5,700 in fiscal 2016 and \$4,200 in fiscal year 2017.

Technology

There would be a technology impact related to the computer hardware, software, telecommunications equipment, network storage, and updates to workflow systems estimated to be \$119,930 in fiscal year 2016 and \$6,180 in subsequent years.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 301 Office of the Governor

LBB Staff: UP, KJo, EP, TBo

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: **HB1446** by Dale (Relating to reimbursement of certain medical costs for victims of certain sex offenses.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1446, As Engrossed: an impact of \$0 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from <i>Crime Victims Comp Acct</i> 469	Change in Number of State Employees from FY 2015
2016	(\$2,678,836)	2.0
2017	(\$2,717,949)	2.0
2018	(\$2,870,814)	2.0
2019	(\$3,176,542)	2.0
2020	(\$3,176,542)	2.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to provide reimbursement of certain medical care costs for victims of sexual assault from the General Revenue-Dedicated Crime Victims' Compensation Account No. 469 by the Office of the Attorney General (OAG). The bill would take effect September 1, 2015.

Under the bill provisions, the OAG indicates the fiscal impact to the Crime Victims' Compensation Account No. 469 would be \$2,678,836 in fiscal year 2016, \$2,717,949 in fiscal year 2017, \$2,870,814 in fiscal year 2018, and \$3,176,542 in fiscal years 2019 and 2020. Costs include salaries for 2.0 FTEs, additional reimbursements, general operating, capital equipment, and benefits.

Methodology

Currently, the Crime Victims Services Division (CVSD) within the OAG approves an average of 1,693 reimbursement applications for medical care to sexual assault victims each fiscal year. The average reimbursement is \$1,488.

The CVSD assumes the following related to the bill provisions:

- 1) Reimbursable medical care costs are those described in the Health and Safety Code, Sec. 323.004;
- 2) Reimbursable medical care costs would include only initial examinations;
- 3) The average reimbursement would remain constant at \$1,488;
- 3) The number of additional applications that would receive reimbursement would increase by 20 percent (2,040); and
- 4) The reimbursement would be phased in at 80 percent in fiscal year 2016, 85 percent in fiscal year 2017, 90 percent in fiscal year 2018, 100 percent in subsequent fiscal years.

Based on the above assumptions, the CVSD estimates 2,040 additional reimbursements of \$1,488 for medical care to sexual assault victims at 80 percent in fiscal year 2016, 85 percent in fiscal year 2017, 90 percent in fiscal year 2018, 100 percent in subsequent fiscal years. Reimbursements made under the bill provisions would not be eligible for matching Federal Funds from the Department of Justice, Victim Compensation Grant Program.

Additionally, the OAG estimates the bill provisions would require two Accountant I (2.0 FTEs) with a fiscal year costs of \$105,872 for salaries (\$79,080) and related benefits (\$26,792). The additional FTEs would support the CVSD related to additional reimbursement claims.

Technology

There would be a technology impact related to the computer hardware, software, telecommunications equipment, network storage, and updates to workflow systems estimated to be \$118,430 in fiscal year 2016 and \$4,680 in subsequent years.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, KJo, EP, TBo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 30, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1446 by Dale (Relating to reimbursement of certain medical costs for victims of certain sex offenses.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1446, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2016	\$0
2017	\$0
2018	\$0
2019	\$0
2020	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings/(Cost) from Crime Victims Comp Acct 469	Change in Number of State Employees from FY 2015
2016	(\$2,678,836)	2.0
2017	(\$2,717,949)	2.0
2018	(\$2,870,814)	2.0
2019	(\$3,176,542)	2.0
2020	(\$3,176,542)	2.0

Fiscal Analysis

The bill would amend the Code of Criminal Procedure to provide reimbursement of certain medical care costs for victims of sexual assault from the General Revenue-Dedicated Crime Victims' Compensation Account No. 469 by the Office of the Attorney General (OAG). The bill would take effect September 1, 2015.

Under the bill provisions, the OAG indicates the fiscal impact to the Crime Victims' Compensation Account No. 469 would be \$2,678,836 in fiscal year 2016, \$2,717,949 in fiscal year 2017, \$2,870,814 in fiscal year 2018, and \$3,176,542 in fiscal years 2019 and 2020. Costs include salaries for 2.0 FTEs, additional reimbursements, general operating, capital equipment, and benefits.

Methodology

Currently, the Crime Victims Services Division (CVSD) within the OAG approves an average of 1,693 reimbursement applications for medical care to sexual assault victims each fiscal year. The average reimbursement is \$1,488.

The CVSD assumes the following related to the bill provisions:

- 1) Reimbursable medical care costs are those described in the Health and Safety Code, Sec. 323.004;
- 2) Reimbursable medical care costs would include only initial examinations;
- 3) The average reimbursement would remain constant at \$1,488;
- 3) The number of additional applications that would receive reimbursement would increase by 20 percent (2,040); and
- 4) The reimbursement would be phased in at 80 percent in fiscal year 2016, 85 percent in fiscal year 2017, 90 percent in fiscal year 2018, 100 percent in subsequent fiscal years.

Based on the above assumptions, the CVSD estimates 2,040 additional reimbursements of \$1,488 for medical care to sexual assault victims at 80 percent in fiscal year 2016, 85 percent in fiscal year 2017, 90 percent in fiscal year 2018, 100 percent in subsequent fiscal years. Reimbursements made under the bill provisions would not be eligible for matching Federal Funds from the Department of Justice, Victim Compensation Grant Program.

Additionally, the OAG estimates the bill provisions would require two Accountant I (2.0 FTEs) with a fiscal year costs of \$105,872 for salaries (\$79,080) and related benefits (\$26,792). The additional FTEs would support the CVSD related to additional reimbursement claims.

Technology

There would be a technology impact related to the computer hardware, software, telecommunications equipment, network storage, and updates to workflow systems estimated to be \$118,430 in fiscal year 2016 and \$4,680 in subsequent years.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: UP, KJo, EP, TBo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 9, 2015

TO: Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1446 by Dale (Relating to reimbursement of certain medical costs for victims of certain sex offenses.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to remove the reporting requirement to file an application for assistance from the Compensation to Victims of Crime Fund for victims of certain sexually related offenses. The bill would take effect September 1, 2015.

The Office of the Attorney General and Department of Public Safety indicates the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: UP, KJo, EP, TBo, JAW, KVe