

**House Bill 1446**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 of sexual assault.

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

(c) A law enforcement agency that requests a forensic medical examination of a victim of an alleged sexual assault for use in the investigation or prosecution of the offense shall pay all costs of the examination. On application to the

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

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attorney general, the law enforcement agency is entitled to be reimbursed for the reasonable costs of that examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by Section 420.003, Government Code.

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

(f) The attorney general may 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, Health and Safety Code.

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

(k) The attorney general may 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, Health and Safety Code.

No equivalent provision.

SENATE VERSION (IE)

SECTION 3. Same as House version.

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

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

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

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

(i) a disability resulting from the personal injury;

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- (ii) the receipt of medically indicated services related to the disability resulting from the personal injury; or
- (iii) participation in or attendance at investigative, prosecutorial, or judicial processes related to the criminally injurious conduct and participation in or attendance at any postconviction or postadjudication proceeding relating to criminally injurious conduct;
- (C) care of a child or dependent;
- (D) funeral and burial expenses, including, for an immediate family member or household member of the victim, the necessary expenses of traveling to and attending the funeral;
- (E) loss of support to a dependent, consistent with Article 56.41(b)(5);
- (F) reasonable and necessary costs of cleaning the crime scene;
- (G) reasonable replacement costs for clothing, bedding, or property of the victim seized as evidence or rendered unusable as a result of the criminal investigation;
- (H) reasonable and necessary costs for relocation and housing rental assistance payments [;] as provided by Article 56.42(d)~~[, incurred by a victim of family violence or a victim of sexual assault who is assaulted in the victim's place of residence for relocation and housing rental assistance payments]~~;
- (I) for an immediate family member or household member of a deceased victim, bereavement leave of not more than 10 work days; and
- (J) reasonable and necessary costs of traveling to and from a place of execution for the purpose of witnessing the execution, including one night's lodging near the place at which the execution is conducted. [FA1(2)]

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No equivalent provision.

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

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

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

(2) 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.

No equivalent provision.

SENATE VERSION (IE)

SECTION \_\_. Article 56.42(d), Code of Criminal Procedure, is amended to read as follows:

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

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

(2) \$1,800 to be used for housing rental expenses. [FA1(2)]

SECTION 4. Same as House version.

SECTION \_\_. Chapter 772, Government Code, is amended by adding Section 772.0063 to read as follows:

Sec. 772.0063. GOVERNOR'S PROGRAM FOR VICTIMS OF CHILD SEX TRAFFICKING. (a) The governor shall establish and implement a program to provide comprehensive, individualized services to address the rehabilitation and

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treatment needs of child victims of an offense under Section 20A.02(a)(7) or (8), Penal Code.

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

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

(d) For each victim of child sex trafficking identified by the director, the program shall immediately facilitate the assignment of a caseworker to the victim to coordinate with local service providers to create a customized package of services to fit the victim's immediate and long-term rehabilitation and treatment needs. Services provided under the program must address all aspects of the medical, psychiatric, psychological, safety, and housing needs of victims. [FA1(3),FA2]

No equivalent provision.

SECTION \_\_. The governor shall establish the governor's program for victims of child sex trafficking and appoint a director of the program, as required by Section 772.0063, Government Code, as added by this Act, as soon as practicable and not later than December 1, 2016. [FA1(3),FA2]

SECTION 5. The change in law made by this Act applies only to payments made for medical care provided on or after the effective date of this Act. 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.

SECTION 5. 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. 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. [FA1(1)]

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

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SECTION \_\_. 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. 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. For purposes of this section, 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. [FA1(2)]

SECTION 6. Same as House version.

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