

AN ACT

relating to establishing a statewide electronic tracking system for evidence of a sex offense.

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

SECTION 1. The heading to Subchapter B, Chapter 420, Government Code, is amended to read as follows:

SUBCHAPTER B. COLLECTION, ~~[AND]~~ PRESERVATION, AND TRACKING OF EVIDENCE OF SEX OFFENSE

SECTION 2. Subchapter B, Chapter 420, Government Code, is amended by adding Section 420.034 to read as follows:

Sec. 420.034. STATEWIDE ELECTRONIC TRACKING SYSTEM. (a) For purposes of this section, "evidence" means evidence collected during the investigation of an alleged sexual assault or other sex offense, including:

(1) evidence from an evidence collection kit used to collect and preserve evidence of a sexual assault or other sex offense; and

(2) other biological evidence of a sexual assault or other sex offense.

(b) The department shall develop and implement a statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense.

(c) The tracking system must:

(1) track the location and status of each item of

1 evidence through the criminal justice process, including the
2 initial collection of the item of evidence in a forensic medical
3 examination, receipt and storage of the item of evidence at a law
4 enforcement agency, receipt and analysis of the item of evidence at
5 an accredited crime laboratory, and storage and destruction of the
6 item of evidence after the item is analyzed;

7 (2) allow a facility or entity performing a forensic
8 medical examination of a survivor, law enforcement agency,
9 accredited crime laboratory, prosecutor, or other entity providing
10 a chain of custody for an item of evidence to update and track the
11 status and location of the item; and

12 (3) allow a survivor to anonymously track or receive
13 updates regarding the status and location of each item of evidence
14 collected in relation to the offense.

15 (d) The department shall require participation in the
16 tracking system by any facility or entity that collects evidence of
17 a sexual assault or other sex offense or investigates or prosecutes
18 a sexual assault or other sex offense for which evidence has been
19 collected.

20 (e) Records entered into the tracking system are
21 confidential and are not subject to disclosure under Chapter 552.
22 Records relating to evidence tracked under the system may be
23 accessed only by:

24 (1) the survivor from whom the evidence was collected;
25 or

26 (2) an employee of a facility or entity described by
27 Subsection (d), for purposes of updating or tracking the status or

1 location of an item of evidence.

2 (f) An employee of the department or a facility or entity
3 described by Subsection (d) may not disclose to a parent or legal
4 guardian of a survivor information that would aid the parent or
5 legal guardian in accessing records relating to evidence tracked
6 under the system if the employee knows or has reason to believe that
7 the parent or legal guardian is a suspect or a suspected accomplice
8 in the commission of the offense with respect to which evidence was
9 collected.

10 (g) To assist in establishing and maintaining the statewide
11 electronic tracking system under this section, the department may
12 accept gifts, grants, or donations from any person or entity.

13 SECTION 3. (a) Not later than September 1, 2019, the
14 Department of Public Safety of the State of Texas shall require all
15 facilities and entities described by Section 420.034(d),
16 Government Code, as added by this Act, to participate in the
17 statewide electronic tracking system established under that
18 section.

19 (b) Section 420.034, Government Code, as added by this Act,
20 applies only to evidence collected on or after the date on which a
21 facility or entity is first required under Subsection (a) of this
22 section to participate in the statewide electronic tracking system.
23 Evidence collected before that date is not required to be tracked
24 under the tracking system.

25 SECTION 4. This Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I certify that H.B. No. 281 was passed by the House on April 12, 2017, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 281 was passed by the Senate on May 24, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor