

By: Howard

H.B. No. 281

A BILL TO BE ENTITLED

1 AN ACT
2 relating to establishing a statewide electronic tracking system for
3 evidence collection kits used to collect and preserve evidence of a
4 sex offense.

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

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

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

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

12 Sec. 420.034. STATEWIDE ELECTRONIC TRACKING SYSTEM. (a)
13 The department shall develop and implement a statewide electronic
14 tracking system for evidence collection kits used to collect and
15 preserve evidence of a sexual assault or other sex offense.

16 (b) The tracking system must:

17 (1) track the location and status of each evidence
18 collection kit through the criminal justice process, including the
19 initial collection of evidence for the kit in a forensic medical
20 examination performed at a health care facility, receipt and
21 storage of the kit at a law enforcement agency, receipt and analysis
22 of the kit at an accredited crime laboratory, and storage and
23 destruction of the kit after the applicable evidence is analyzed;

24 (2) allow a health care facility performing a forensic

1 medical examination of a survivor, law enforcement agency,
2 accredited crime laboratory, prosecutor, or other entity providing
3 a chain of custody for an evidence collection kit to update and
4 track the status and location of the kit; and

5 (3) allow a survivor to anonymously track or receive
6 updates regarding the status and location of the survivor's
7 evidence collection kit.

8 (c) The department shall require participation in the
9 tracking system by any entity that collects evidence for an
10 evidence collection kit or investigates or prosecutes a sex offense
11 for which an evidence collection kit has been completed.

12 (d) Records entered into the tracking system are
13 confidential and are not subject to disclosure under Chapter 552.
14 Records relating to an evidence collection kit may be accessed only
15 by:

16 (1) the survivor for whom the evidence collection kit
17 was completed; or

18 (2) an employee of an entity described by Subsection
19 (c), for purposes of updating or tracking the status or location of
20 the evidence collection kit.

21 SECTION 3. Not later than September 1, 2019, the Department
22 of Public Safety of the State of Texas shall require all entities
23 described by Section 420.034(c), Government Code, as added by this
24 Act, to participate in the statewide electronic tracking system
25 established under that section.

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