

BILL ANALYSIS

Senate Research Center
86R34216 TSS-D

C.S.H.B. 1590
By: Howard et al. (Watson)
Criminal Justice
5/16/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 1590 amends current law relating to statewide policies and practices, personnel training, evidence collection and preservation, and data collection and analysis regarding the prevention, investigation, and prosecution of sexual assault and other sex offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 420.012, Government Code, as follows:

Sec. 420.012. CONSULTATIONS. Requires the Texas attorney general (attorney general), in implementing this chapter (Sexual Assault Prevention and Crisis), to consult with:

- (1) state sexual assault coalitions;
- (2) state agencies, task forces, and councils that have duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or services provided to survivors;
- (3) forensic science experts; and
- (4) individuals and organizations having knowledge and experience relating to the issues of sexual assault and other sex offenses.

Deletes existing text requiring the attorney general, in implementing this chapter, to consult persons and organizations having knowledge and experience relating to sexual assault.

SECTION 2. Amends Section 420.031(c), Government Code, as follows:

(c) Requires the attorney general, in developing the evidence collection kit and protocol, to consult with the individuals and organizations listed in Section 420.012 (Consultations), rather than consult with individuals and organizations having knowledge and experience in the issues of sexual assault and other sex offenses.

SECTION 3. Amends Subchapter A, Chapter 772, Government Code, by adding Section 772.0064, as follows:

Sec. 772.0064. SEXUAL ASSAULT SURVIVORS' TASK FORCE. (a) Defines "sexual assault," "sexual assault nurse examiner," "survivor," and "task force" for purposes of this section.

- (b) Requires the governor to establish the Sexual Assault Survivors' Task Force (task force) within the criminal justice division established under Section 772.006 (Governor's Criminal Justice Division).
- (c) Requires the task force to include a steering committee composed of certain specified members.
- (d) Provides that the task force is composed of certain specified members.
- (e) Provides that an appointed member serves at the pleasure of the official who appointed the member.
- (f) Provides that the governor is the presiding officer of the task force.
- (g) Requires the task force to meet at the call of the governor.
- (h) Requires the steering committee to:
 - (1) create within the task force:
 - (A) a working group focusing on survivors who are children; and
 - (B) a working group focusing on survivors who are adults;
 - (2) ensure that the task force identifies systemic issues and solutions pertaining to survivors of all ages;
 - (3) ensure that the task force does not unnecessarily duplicate existing standards, information, and protocol in preventing, investigating, prosecuting, and responding to sexual assault and other sex offenses; and
 - (4) review and approve all task force reports, recommendations, resources, protocols, advice, and other information before release.
- (i) Requires the task force to:
 - (1) develop policy recommendations to allow the state to:
 - (A) effectively coordinate funding for services to child and adult survivors; and
 - (B) better prevent, investigate, and prosecute incidents of sexual assault and other sex offenses;
 - (2) facilitate communication and cooperation between state agencies that have duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or services provided to survivors in order to identify and coordinate state resources available for assisting survivors;
 - (3) collect, analyze, and make publicly available information, organized by region, regarding the prevention, investigation, and prosecution of sexual assault and other sex offenses and services provided to survivors, including a list of SAFE-ready facilities designated under Section 323.0015, Health and Safety Code;
 - (4) make and periodically update recommendations regarding the collection, preservation, tracking, analysis, and destruction of evidence in cases of sexual assault or other sex offenses, including recommendations:

(A) to the attorney general regarding:

(i) evidence collection kits for use in the collection and preservation of evidence of sexual assault or other sex offenses;

(ii) protocols for the collection and preservation of evidence of sexual assault or other sex offenses;

(iii) the curriculum for training programs on collecting and preserving evidence of sexual assault and other sex offenses; and

(iv) the requirements for certification of sexual assault nurse examiners; and

(B) to other appropriate individuals or organizations, regarding:

(i) the procedures for obtaining patient authorization for forensic medical examinations of child and adult survivors under Articles 56.06 and 56.065, Code of Criminal Procedure;

(ii) the requirements for maintaining an appropriate evidentiary chain of custody;

(iii) the identification and reporting of untested evidence throughout the state; and

(iv) standards for the submission of evidence to forensic laboratories for analysis, including procedures for submitting evidence in cases for which no evidence has been previously submitted or tested;

(5) advise and provide resources to the Texas Commission on Law Enforcement (TCOLE) and other law enforcement organizations to improve law enforcement officer training related to the investigation and documentation of cases involving sexual assault and other sex offenses, with a focus on the interactions between law enforcement officers and survivors;

(6) provide to law enforcement agencies, prosecutors, and judges with jurisdiction over sexual assault or other sex offense cases information and resources to maximize effective and empathetic investigation, prosecution, and hearings, including information and resources:

(A) regarding trauma-informed practices and the dynamics and effects of sexual assault and other sex offenses on child and adult survivors;

(B) intended to improve the understanding of and the response to sexual assault or other sex offenses;

(C) regarding best practices in the investigation and prosecution of sexual assault or other sex offenses; and

(D) for judges regarding common issues in the criminal trials of sexual assault and other sex offenses;

(7) biennially contract for a survey of the resources provided to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities in each region of the state;

(8) make recommendations as necessary to improve the collecting and reporting of data on the investigation and prosecution of sexual assault and other sex offenses; and

(9) develop a statewide standard for best practices in the funding and provision of services to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities.

(j) Requires the task force to, not later than November 1 of each even-numbered year, analyze the data from the survey performed under Subsection (i), prepare a report, or contract with a private entity for the preparation of a report, and submit to the legislature the report, which must include:

(1) a description of the resources provided to child and adult survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and governmental entities in each region of the state;

(2) a description of the differences between the resources provided to both child and adult survivors and the statewide standard, comparable by region and by year;

(3) recommendations on measures the state and each region could take to better comply with the statewide standard;

(4) a description of potential sources and mechanisms of funding available to implement the recommendations; and

(5) recommendations for accomplishing policy goals.

(k) Requires all recommendations, standards, and resource information provided by the task force, to the extent possible, to be evidence-based and consistent with standards of practice and care in this state and throughout the country.

(l) Requires the task force to use any available federal or state funding for the purposes of this section.

(m) Provides that this section expires September 1, 2023.

SECTION 4. Amends Section 1701.253, Occupations Code, by adding Subsections (b-1) and (b-2), as follows:

(b-1) Requires TCOLE consult with the task force established under Section 772.0064, Government Code, regarding minimum curriculum requirements for training in the investigation and documentation of cases that involve sexual assault or other sex offenses.

(b-2) Provides that this subsection and Subsection (b-1) expire September 1, 2023.

SECTION 5. Requires the governor to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. Authorizes, but does not require, the governor to implement a provision of this Act using other appropriations available for that purpose.

SECTION 6. Requires the governor, as soon as practicable after the effective date of this Act, to establish the task force and the steering committee, and requires the lieutenant governor and the speaker of the house to appoint members as required by Section 772.0064, Government Code, as added by this Act.

SECTION 7. Effective date: upon passage or September 1, 2019.