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By:  Howard H.B. No. 1590

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Office for Sexual Assault Survivor Assistance within the criminal justice division of the governor's office.

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

SECTION 1.  Section 420.011(a), Government Code, is amended to read as follows:

(a)  The attorney general, with the advice of the Office for Sexual Assault Survivor Assistance established under Section 772.0064, may adopt rules necessary to implement this chapter. A proposed rule must be provided to grant recipients at least 60 days before the date of adoption.

SECTION 2.  Section 420.031(c), Government Code, is amended to read as follows:

(c)  In developing the evidence collection kit and protocol, the attorney general shall consult with the Office for Sexual Assault Survivor Assistance established under Section 772.0064 [~~individuals and organizations having knowledge and experience in the issues of sexual assault and other sex offenses~~].

SECTION 3.  Subchapter A, Chapter 772, Government Code, is amended by adding Section 772.0064 to read as follows:

Sec. 772.0064.  OFFICE FOR SEXUAL ASSAULT SURVIVOR ASSISTANCE. (a) In this section:

(1)  "Office" means the Office for Sexual Assault Survivor Assistance.

(2)  "Sexual assault," "sexual assault nurse examiner," and "survivor" have the meanings assigned by Section 420.003.

(b)  The governor shall establish the Office for Sexual Assault Survivor Assistance within the criminal justice division established under Section 772.006.

(c)  The governor shall appoint a director for the office to serve at the pleasure of the governor.

(d)  The director may hire staff as necessary to carry out the duties of the office within the guidelines established by the governor.

(e)  The office shall:

(1)  facilitate communication and cooperation between state agencies that have duties relating to sexual assault prevention, investigation, or prosecution or services provided to survivors in order to coordinate state resources available for assisting survivors;

(2)  collect, analyze, and make publicly available information, organized by council of governments region, regarding the prevention, investigation, and prosecution of sexual assault and services provided to survivors, including a list of SAFE-ready facilities designated under Section 323.0015, Health and Safety Code;

(3)  periodically make and update recommendations to the attorney general for rules governing the collection and preservation of evidence in cases of sexual assault or other sex offenses, including recommendations regarding:

(A)  evidence collection kits for use in the collection and preservation of evidence of a sexual assault or other sex offense;

(B)  protocols for the collection and preservation of evidence of a sexual assault or other sex offense;

(C)  the curriculum for sexual assault evidence collection and preservation training programs; and

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

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

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

(6)  develop a statewide standard for best practices in the provision of resources to survivors by nonprofit organizations, health care facilities, institutions of higher education, and governmental entities in consultation with individuals and organizations having knowledge and experience in issues of sexual assault or other sex offenses, including one or more:

(A)  law enforcement agencies with jurisdiction over the investigation of sexual assault or other sex offenses;

(B)  prosecutors responsible for prosecuting sexual assault or other sex offenses;

(C)  representatives of each state agency that has duties relating to sexual assault prevention, investigation, or prosecution or provides services to survivors, including the office of the attorney general;

(D)  representatives from regional councils of government or the Texas Association of Regional Councils;

(E)  representatives of the Texas Forensic Science Commission;

(F)  nonprofit organizations that receive funds under the Victims of Crime Act of 1984 (Title II, Pub. L. No. 98-473) for the purposes of providing services to survivors;

(G)  health care facilities that perform forensic examinations on survivors;

(H)  certified sexual assault nurse examiners;

(I)  providers of sexual assault nurse examiner training programs certified by the attorney general;

(J)  representatives from Texas Court Appointed Special Advocates; and

(K)  representatives designated by a nonprofit organization that provides services to survivors to represent the interests of survivors of sexual assault or other sex offenses.

(f)  Not later than November 1 of each even-numbered year, the office shall analyze the data from the survey performed under Subsection (e) and prepare and submit to the legislature a report that includes:

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

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

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

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

(g)  To the extent possible, all recommendation, standard, and resource information provided by the office shall be evidence-based and consistent with standards of practice and care in this state and throughout the country.

(h)  To the extent permitted by federal law, the criminal justice division shall use funding received under the Victims of Crime Act of 1984 (Title II, Pub. L. No. 98-473) for purposes of this section.

SECTION 4.  Section 1701.253, Occupations Code, is amended by adding Subsection (b-1) to read as follows:

(b-1)  The commission shall consult with the Office for Sexual Assault Survivor Assistance 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.

SECTION 5.  As soon as practicable after the effective date of this Act, the governor shall establish the Office for Sexual Assault Survivor Assistance and appoint a director of the office as required by Section 772.0064, Government Code, as added by this Act.

SECTION 6.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.