

By: Neave

H.B. No. 616

A BILL TO BE ENTITLED

AN ACT

1
2 relating to compensation for a portion of a forensic medical
3 examination of a sexual assault survivor and for the evidence
4 collection kit required for the examination.

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

6 SECTION 1. Article 56.06, Code of Criminal Procedure, is
7 amended by adding Subsection (b-1) and amending Subsection (c) to
8 read as follows:

9 (b-1) On application to the attorney general, a health care
10 facility that provides a forensic medical examination to a sexual
11 assault survivor in accordance with this article is entitled to be
12 compensated for the reasonable costs of the forensic portion of
13 that examination and for the evidence collection kit, not to exceed
14 the amount the law enforcement agency would otherwise be required
15 to pay under Subsection (c), if the examination was performed by a
16 physician or by a sexual assault examiner or sexual assault nurse
17 examiner, as defined by Section 420.003, Government Code.

18 (c) A law enforcement agency that requests a forensic
19 medical examination of a victim of an alleged sexual assault for use
20 in the investigation or prosecution of the offense shall pay the
21 [all] costs, less any amount to be paid directly to the health care
22 facility by the attorney general under Subsection (b-1), of the
23 forensic portion of the examination and of the evidence collection
24 kit. On application to the attorney general, the law enforcement

1 agency is entitled to be reimbursed for the reasonable costs of the
2 forensic portion of that examination and of the evidence collection
3 kit if the examination was performed by a physician or by a sexual
4 assault examiner or sexual assault nurse examiner, as defined by
5 Section 420.003, Government Code.

6 SECTION 2. Article 56.065, Code of Criminal Procedure, is
7 amended by adding Subsection (c-1) and amending Subsection (d) to
8 read as follows:

9 (c-1) On application to the attorney general, a health care
10 facility that provides a forensic medical examination to a sexual
11 assault survivor in accordance with this article is entitled to be
12 compensated for the appropriate costs of the forensic portion of
13 that examination and for the evidence collection kit, not to exceed
14 the amount the department would otherwise be required to pay under
15 Subsection (d), if a physician, sexual assault examiner, or sexual
16 assault nurse examiner conducts the forensic portion of the
17 examination within 96 hours after the alleged sexual assault
18 occurred.

19 (d) The department shall pay the appropriate fees, as set by
20 attorney general rule, less any amount to be paid directly to the
21 health care facility by the attorney general under Subsection
22 (c-1), for the forensic portion of the medical examination and for
23 the evidence collection kit if a physician, sexual assault
24 examiner, or sexual assault nurse examiner conducts the forensic
25 portion of the examination within 96 hours after the alleged sexual
26 assault occurred. The attorney general shall reimburse the
27 department for fees paid under this subsection.

1 SECTION 3. Article 56.54(k), Code of Criminal Procedure, is
2 amended to read as follows:

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

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

8 (2) compensate a health care facility for certain
9 costs of a forensic medical examination that are incurred by the
10 facility under Article 56.06 or 56.065, as provided by those
11 articles; and

12 (3) make a payment to or on behalf of an individual for
13 the reasonable costs incurred for medical care provided under
14 Article 56.06 or 56.065 in accordance with Section 323.004, Health
15 and Safety Code.

16 SECTION 4. Section 323.005(a), Health and Safety Code, is
17 amended to read as follows:

18 (a) The department shall develop a standard information
19 form for sexual assault survivors that must include:

20 (1) a detailed explanation of the forensic medical
21 examination required to be provided by law, including a statement
22 that photographs may be taken of the genitalia;

23 (2) information regarding treatment of sexually
24 transmitted infections and pregnancy, including:

25 (A) generally accepted medical procedures;

26 (B) appropriate medications; and

27 (C) any contraindications of the medications

1 prescribed for treating sexually transmitted infections and
2 preventing pregnancy;

3 (3) information regarding drug-facilitated sexual
4 assault, including the necessity for an immediate urine test for
5 sexual assault survivors who may have been involuntarily drugged;

6 (4) information regarding crime victims compensation,
7 including:

8 (A) a statement that other entities are
9 responsible for paying for the forensic portion of an examination
10 and for the evidence collection kit and that those entities will
11 seek compensation or reimbursement for those costs[+]

12 [~~(i) a law enforcement agency will pay for~~
13 ~~the forensic portion of an examination requested by the agency~~
14 ~~under Article 56.06, Code of Criminal Procedure, and for the~~
15 ~~evidence collection kit; or~~

16 [~~(ii) the Department of Public Safety will~~
17 ~~pay the appropriate fees for the forensic portion of an examination~~
18 ~~conducted under Article 56.065, Code of Criminal Procedure, and for~~
19 ~~the evidence collection kit]; and~~

20 (B) [~~reimbursement~~] information regarding the
21 reimbursement of the survivor for the medical portion of the
22 examination;

23 (5) an explanation that consent for the forensic
24 medical examination may be withdrawn at any time during the
25 examination;

26 (6) the name and telephone number of sexual assault
27 crisis centers statewide; and

1 (7) information regarding postexposure prophylaxis
2 for HIV infection.

3 SECTION 5. Section 420.031(d), Government Code, is amended
4 to read as follows:

5 (d) A law enforcement agency that requests a medical
6 examination of a victim of an alleged sexual assault or other sex
7 offense for use in the investigation or prosecution of the offense
8 shall pay the costs of the evidence collection kit, unless the
9 health care facility performing the forensic medical examination is
10 directly compensated for the costs of the evidence collection kit
11 by the attorney general's office under Article 56.06(b-1) or
12 56.065(c-1), Code of Criminal Procedure. This subsection does not
13 require a law enforcement agency to pay any costs of treatment for
14 injuries.

15 SECTION 6. The change in law made by this Act applies to a
16 forensic medical examination that occurs on or after the effective
17 date of this Act. A forensic medical examination that occurs before
18 that date is governed by the law as it existed immediately before
19 the effective date of this Act, and the former law is continued in
20 effect for that purpose.

21 SECTION 7. This Act takes effect September 1, 2019.