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H.B. No. 1590

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Section 420.012, Government Code, is amended to
read as follows:

Sec. 420.012. CONSULTATIONS. In implementing this chapter,
the attorney general shall 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 [~~persons~~] and organizations having
knowledge and experience relating to the issues of sexual assault
and other sex offenses.

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 individuals and
organizations listed in Section 420.012 [~~having knowledge and~~

1 ~~experience in the issues of sexual assault and other sex offenses].~~

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

4 Sec. 772.0064. SEXUAL ASSAULT SURVIVORS' TASK FORCE. (a)

5 In this section:

6 (1) "Sexual assault," "sexual assault nurse
7 examiner," and "survivor" have the meanings assigned by Section
8 420.003.

9 (2) "Task force" means the Sexual Assault Survivors'
10 Task Force.

11 (b) The governor shall establish the Sexual Assault
12 Survivors' Task Force within the criminal justice division
13 established under Section 772.006.

14 (c) The task force shall include a steering committee
15 composed of the following members:

16 (1) the governor or the governor's designee;

17 (2) the president of the state sexual assault
18 coalition, as defined by Section 420.003, or the president's
19 designee; and

20 (3) the president of the statewide organization
21 described by Section 264.409, Family Code, or the president's
22 designee.

23 (d) The task force is composed of the following members:

24 (1) the governor or the governor's designee;

25 (2) a representative of each state agency that has
26 duties relating to the prevention, investigation, or prosecution of
27 sexual assault or other sex offenses or provides services to

1 survivors, including:

2 (A) the office of the attorney general; and

3 (B) the Health and Human Services Commission;

4 (3) a member of the senate, appointed by the
5 lieutenant governor, or the member's designee;

6 (4) a member of the house of representatives,
7 appointed by the speaker of the house, or the member's designee;

8 (5) the executive director of the Texas Commission on
9 Law Enforcement or the executive director's designee;

10 (6) the presiding officer of the Texas Forensic
11 Science Commission or the presiding officer's designee;

12 (7) the division director of the law enforcement
13 support division of the Texas Department of Public Safety with
14 authority over the Crime Laboratory Service or the division
15 director's designee;

16 (8) the president of the Texas Association of Crime
17 Laboratory Directors or the president's designee;

18 (9) the president of the Texas District and County
19 Attorney's Association or the president's designee;

20 (10) the president of the Texas Society of
21 Pathologists or the president's designee;

22 (11) the president of the International Association of
23 Forensic Nurses Texas Chapter or the president's designee;

24 (12) the president of the statewide organization
25 described by Section 264.409, Family Code, or the president's
26 designee;

27 (13) the president of the state sexual assault

1 coalition, as defined by Section 420.003, or the president's
2 designee;

3 (14) a representative from a law enforcement agency
4 appointed by the steering committee described by Subsection (c);

5 (15) a sexual assault nurse examiner appointed by the
6 steering committee described by Subsection (c) to represent the
7 interests of health care facilities that perform sexual assault
8 forensic exams; and

9 (16) other members deemed appropriate by the steering
10 committee described by Subsection (c).

11 (e) An appointed member serves at the pleasure of the
12 official who appointed the member.

13 (f) The governor is the presiding officer of the task force.

14 (g) The task force shall meet at the call of the governor.

15 (h) The steering committee shall:

16 (1) create within the task force:

17 (A) a working group focusing on survivors who are
18 children; and

19 (B) a working group focusing on survivors who are
20 adults;

21 (2) ensure that the task force identifies systemic
22 issues and solutions pertaining to survivors of all ages;

23 (3) ensure that the task force does not unnecessarily
24 duplicate existing standards, information, and protocol in
25 preventing, investigating, prosecuting, and responding to sexual
26 assault and other sex offenses; and

27 (4) review and approve all task force reports,

1 recommendations, resources, protocols, advice, and other
2 information before release.

3 (i) The task force shall:

4 (1) develop policy recommendations to allow the state
5 to:

6 (A) effectively coordinate funding for services
7 to child and adult survivors; and

8 (B) better prevent, investigate, and prosecute
9 incidents of sexual assault and other sex offenses;

10 (2) facilitate communication and cooperation between
11 state agencies that have duties relating to the prevention,
12 investigation, or prosecution of sexual assault or other sex
13 offenses or services provided to survivors in order to identify and
14 coordinate state resources available for assisting survivors;

15 (3) collect, analyze, and make publicly available
16 information, organized by council of governments region, regarding
17 the prevention, investigation, and prosecution of sexual assault
18 and other sex offenses and services provided to survivors,
19 including a list of SAFE-ready facilities designated under Section
20 [323.0015](#), Health and Safety Code;

21 (4) make and periodically update recommendations
22 regarding the collection, preservation, tracking, analysis, and
23 destruction of evidence in cases of sexual assault or other sex
24 offenses, including recommendations:

25 (A) to the attorney general regarding:

26 (i) evidence collection kits for use in the
27 collection and preservation of evidence of sexual assault or other

1 sex offenses;

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

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

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

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

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

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

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

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

23 (5) advise and provide resources to the Texas
24 Commission on Law Enforcement and other law enforcement
25 organizations to improve law enforcement officer training related
26 to the investigation and documentation of cases involving sexual
27 assault and other sex offenses, with a focus on the interactions

1 between law enforcement officers and survivors;

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

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

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

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

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

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

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

25 (9) develop a statewide standard for best practices in
26 the funding and provision of services to survivors by nonprofit
27 organizations, health care facilities, institutions of higher

1 education, sexual assault response teams, and other governmental
2 entities.

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

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

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

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

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

20 (5) recommendations for accomplishing policy goals.

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

25 (l) The task force shall use any available federal or state
26 funding for the purposes of this section.

27 (m) This section expires September 1, 2023.

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

3 (b-1) The commission shall consult with the Sexual Assault
4 Survivors' Task Force established under Section 772.0064,
5 Government Code, regarding minimum curriculum requirements for
6 training in the investigation and documentation of cases that
7 involve sexual assault or other sex offenses.

8 (b-2) This subsection and Subsection (b-1) expire September
9 1, 2023.

10 SECTION 5. As soon as practicable after the effective date
11 of this Act, the governor shall establish the Sexual Assault
12 Survivors' Task Force and the steering committee, the lieutenant
13 governor, and the speaker of the house shall appoint members as
14 required by Section 772.0064, Government Code, as added by this
15 Act.

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