

By: Howard, Morrison, Neave, Hunter, Miller,
et al.

H.B. No. 1590

Substitute the following for H.B. No. 1590:

By: Burns

C.S.H.B. No. 1590

A BILL TO BE ENTITLED

AN ACT

1
2 relating to statewide policies and practices, personnel training,
3 evidence collection and preservation, and data collection and
4 analysis regarding the prevention, investigation, and prosecution
5 of sexual assault and other sex offenses.

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

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

9 Sec. 420.012. CONSULTATIONS. In implementing this chapter,
10 the attorney general shall consult with:

11 (1) state sexual assault coalitions;

12 (2) state agencies, task forces, and councils that
13 have duties relating to the prevention, investigation, or
14 prosecution of sexual assault or other sex offenses or services
15 provided to survivors;

16 (3) forensic science experts; and

17 (4) individuals [~~persons~~] and organizations having
18 knowledge and experience relating to the issues of sexual assault
19 and other sex offenses.

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

22 (c) In developing the evidence collection kit and protocol,
23 the attorney general shall consult with the individuals and
24 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 presiding body of the task force is a steering
15 committee composed of the following members:

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

17 (2) the president of the Texas Association Against
18 Sexual Assault or the president's designee; and

19 (3) the president of the Children's Advocacy Centers
20 of Texas or the president's designee.

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

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

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

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

- 1 (B) the Health and Human Services Commission;
2 (3) a member of the senate, appointed by the
3 lieutenant governor, or the member's designee;
4 (4) a member of the house of representatives,
5 appointed by the speaker of the house, or the member's designee;
6 (5) the executive director of the Texas Commission on
7 Law Enforcement or the executive director's designee;
8 (6) the presiding officer of the Texas Forensic
9 Science Commission or the presiding officer's designee;
10 (7) the division director of the law enforcement
11 support division of the Texas Department of Public Safety with
12 authority over the Crime Laboratory Service or the division
13 director's designee;
14 (8) the president of the Texas Association of Crime
15 Laboratory Directors or the president's designee;
16 (9) the president of the Texas District and County
17 Attorney's Association or the president's designee;
18 (10) the president of the Texas Municipal Police
19 Association or the president's designee;
20 (11) the president of the Texas Society of
21 Pathologists or the president's designee;
22 (12) the president of the International Association of
23 Forensic Nurses Texas Chapter or the president's designee;
24 (13) the president of the Children's Advocacy Centers
25 of Texas or the president's designee;
26 (14) the president of the Texas Association Against
27 Sexual Assault or the president's designee;

1 (15) a sexual assault nurse examiner appointed by the
2 steering committee described by Subsection (c) to represent the
3 interests of health care facilities that perform sexual assault
4 forensic exams; and

5 (16) other members deemed appropriate by the steering
6 committee described by Subsection (c).

7 (e) An appointed member serves at the pleasure of the
8 official who appointed the member.

9 (f) The task force shall meet at the call of the steering
10 committee.

11 (g) The steering committee shall:

12 (1) create within the task force:

13 (A) a working group focusing on survivors who are
14 children; and

15 (B) a working group focusing on survivors who are
16 adults;

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

19 (3) ensure that the task force does not unnecessarily
20 duplicate existing standards, information, and protocol in
21 preventing, investigating, prosecuting, and responding to sexual
22 assault and other sex offenses; and

23 (4) review and approve all task force reports,
24 recommendations, resources, protocols, advice, and other
25 information before release.

26 (h) The task force shall:

27 (1) develop policy recommendations to allow the state

1 to:

2 (A) effectively coordinate funding for services
3 to child and adult survivors; and

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

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

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

17 (4) make and periodically update recommendations
18 regarding the collection, preservation, tracking, analysis, and
19 destruction of evidence in cases of sexual assault or other sex
20 offenses, including recommendations:

21 (A) to the attorney general regarding:

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

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

27 (iii) the curriculum for training programs

1 on collecting and preserving evidence of sexual assault and other
2 sex offenses; and

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

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

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

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

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

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

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

25 (6) provide to law enforcement agencies, prosecutors,
26 and judges with jurisdiction over sexual assault or other sex
27 offense cases information and resources to maximize effective and

1 empathetic investigation, prosecution, and hearings, including
2 information and resources:

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

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

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

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

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

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

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

26 (i) The working group created under Subsection (g)(1)(A)
27 focusing on survivors who are children shall collect data on the

1 rate of pregnancy among children 14 years of age and younger.

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

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

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

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

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

19 (5) the rate of pregnancy among children 14 years of
20 age and younger and recommendations regarding methods to reduce
21 pregnancy in children caused by sexual assault or other sex
22 offenses, provided by the working group created under Subsection
23 (g)(1)(A) focusing on survivors who are children; and

24 (6) recommendations for accomplishing policy goals.

25 (k) To the extent possible, all recommendations, standards,
26 and resource information provided by the task force must be
27 evidence-based and consistent with standards of practice and care

1 in this state and throughout the country.

2 (1) The task force shall use any available federal or state
3 funding for the purposes of this section.

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

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

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

12 (b-2) This subsection and Subsection (b-1) expire September
13 1, 2023.

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

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