

1-1 By: Howard, et al. (Senate Sponsor - Watson) H.B. No. 1590
1-2 (In the Senate - Received from the House May 7, 2019;
1-3 May 10, 2019, read first time and referred to Committee on Criminal
1-4 Justice; May 17, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 17, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Whitmire	X		
1-10	Huffman	X		
1-11	Buckingham	X		
1-12	Flores	X		
1-13	Hughes		X	
1-14	Miles	X		
1-15	Perry	X		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1590 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to statewide policies and practices, personnel training,
1-20 evidence collection and preservation, and data collection and
1-21 analysis regarding the prevention, investigation, and prosecution
1-22 of sexual assault and other sex offenses.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 420.012, Government Code, is amended to
1-25 read as follows:

1-26 Sec. 420.012. CONSULTATIONS. In implementing this chapter,
1-27 the attorney general shall consult with:

1-28 (1) state sexual assault coalitions;

1-29 (2) state agencies, task forces, and councils that
1-30 have duties relating to the prevention, investigation, or
1-31 prosecution of sexual assault or other sex offenses or services
1-32 provided to survivors;

1-33 (3) forensic science experts; and

1-34 (4) individuals ~~[persons]~~ and organizations having
1-35 knowledge and experience relating to the issues of sexual assault
1-36 and other sex offenses.

1-37 SECTION 2. Section 420.031(c), Government Code, is amended
1-38 to read as follows:

1-39 (c) In developing the evidence collection kit and protocol,
1-40 the attorney general shall consult with the individuals and
1-41 organizations listed in Section 420.012 ~~[having knowledge and~~
1-42 ~~experience in the issues of sexual assault and other sex offenses]~~.

1-43 SECTION 3. Subchapter A, Chapter 772, Government Code, is
1-44 amended by adding Section 772.0064 to read as follows:

1-45 Sec. 772.0064. SEXUAL ASSAULT SURVIVORS' TASK FORCE. (a)
1-46 In this section:

1-47 (1) "Sexual assault," "sexual assault nurse
1-48 examiner," and "survivor" have the meanings assigned by Section
1-49 420.003.

1-50 (2) "Task force" means the Sexual Assault Survivors'
1-51 Task Force.

1-52 (b) The governor shall establish the Sexual Assault
1-53 Survivors' Task Force within the criminal justice division
1-54 established under Section 772.006.

1-55 (c) The task force shall include a steering committee
1-56 composed of the following members:

1-57 (1) the governor or the governor's designee;

1-58 (2) the president of the state sexual assault
1-59 coalition, as defined by Section 420.003, or the president's
1-60 designee; and

2-1 (3) the president of the statewide organization
2-2 described by Section 264.409, Family Code, or the president's
2-3 designee.
2-4 (d) The task force is composed of the following members:
2-5 (1) the governor or the governor's designee;
2-6 (2) a representative of each state agency that has
2-7 duties relating to the prevention, investigation, or prosecution of
2-8 sexual assault or other sex offenses or provides services to
2-9 survivors, including:
2-10 (A) the office of the attorney general; and
2-11 (B) the Health and Human Services Commission;
2-12 (3) the executive director of the Texas Commission on
2-13 Law Enforcement or the executive director's designee;
2-14 (4) the presiding officer of the Texas Forensic
2-15 Science Commission or the presiding officer's designee;
2-16 (5) the division director of the law enforcement
2-17 support division of the Texas Department of Public Safety with
2-18 authority over the Crime Laboratory Service or the division
2-19 director's designee;
2-20 (6) the president of the Texas Association of Crime
2-21 Laboratory Directors or the president's designee;
2-22 (7) the president of the Texas District and County
2-23 Attorney's Association or the president's designee;
2-24 (8) the president of the Texas Society of Pathologists
2-25 or the president's designee;
2-26 (9) the president of the International Association of
2-27 Forensic Nurses Texas Chapter or the president's designee;
2-28 (10) the president of the statewide organization
2-29 described by Section 264.409, Family Code, or the president's
2-30 designee;
2-31 (11) the president of the state sexual assault
2-32 coalition, as defined by Section 420.003, or the president's
2-33 designee;
2-34 (12) a representative from a law enforcement agency
2-35 appointed by the steering committee described by Subsection (c);
2-36 (13) a sexual assault nurse examiner appointed by the
2-37 steering committee described by Subsection (c) to represent the
2-38 interests of health care facilities that perform sexual assault
2-39 forensic exams; and
2-40 (14) other members considered appropriate by the
2-41 steering committee described by Subsection (c).
2-42 (e) An appointed member serves at the pleasure of the
2-43 appointing official.
2-44 (f) The governor is the presiding officer of the task force.
2-45 (g) The task force shall meet at the call of the governor.
2-46 (h) The steering committee shall:
2-47 (1) create within the task force:
2-48 (A) a working group focusing on survivors who are
2-49 children; and
2-50 (B) a working group focusing on survivors who are
2-51 adults;
2-52 (2) ensure that the task force identifies systemic
2-53 issues and solutions pertaining to survivors of all ages;
2-54 (3) ensure that the task force does not unnecessarily
2-55 duplicate existing standards, information, and protocol in
2-56 preventing, investigating, prosecuting, and responding to sexual
2-57 assault and other sex offenses; and
2-58 (4) review and approve all task force reports,
2-59 recommendations, resources, protocols, advice, and other
2-60 information before release.
2-61 (i) The task force shall:
2-62 (1) develop policy recommendations to allow the state
2-63 to:
2-64 (A) effectively coordinate funding for services
2-65 to child and adult survivors; and
2-66 (B) better prevent, investigate, and prosecute
2-67 incidents of sexual assault and other sex offenses;
2-68 (2) facilitate communication and cooperation between
2-69 state agencies that have duties relating to the prevention,

3-1 investigation, or prosecution of sexual assault or other sex
3-2 offenses or services provided to survivors in order to identify and
3-3 coordinate state resources available for assisting survivors;
3-4 (3) collect, analyze, and make publicly available
3-5 information, organized by region, regarding the prevention,
3-6 investigation, and prosecution of sexual assault and other sex
3-7 offenses and services provided to survivors, including a list of
3-8 SAFE-ready facilities designated under Section 323.0015, Health
3-9 and Safety Code;
3-10 (4) make and periodically update recommendations
3-11 regarding the collection, preservation, tracking, analysis, and
3-12 destruction of evidence in cases of sexual assault or other sex
3-13 offenses, including recommendations:
3-14 (A) to the attorney general regarding:
3-15 (i) evidence collection kits for use in the
3-16 collection and preservation of evidence of sexual assault or other
3-17 sex offenses;
3-18 (ii) protocols for the collection and
3-19 preservation of evidence of sexual assault or other sex offenses;
3-20 (iii) the curriculum for training programs
3-21 on collecting and preserving evidence of sexual assault and other
3-22 sex offenses; and
3-23 (iv) the requirements for certification of
3-24 sexual assault nurse examiners; and
3-25 (B) to other appropriate individuals or
3-26 organizations, regarding:
3-27 (i) the procedures for obtaining patient
3-28 authorization for forensic medical examinations of child and adult
3-29 survivors under Articles 56.06 and 56.065, Code of Criminal
3-30 Procedure;
3-31 (ii) the requirements for maintaining an
3-32 appropriate evidentiary chain of custody;
3-33 (iii) the identification and reporting of
3-34 untested evidence throughout the state; and
3-35 (iv) standards for the submission of
3-36 evidence to forensic laboratories for analysis, including
3-37 procedures for submitting evidence in cases for which no evidence
3-38 has been previously submitted or tested;
3-39 (5) advise and provide resources to the Texas
3-40 Commission on Law Enforcement and other law enforcement
3-41 organizations to improve law enforcement officer training related
3-42 to the investigation and documentation of cases involving sexual
3-43 assault and other sex offenses, with a focus on the interactions
3-44 between law enforcement officers and survivors;
3-45 (6) provide to law enforcement agencies, prosecutors,
3-46 and judges with jurisdiction over sexual assault or other sex
3-47 offense cases information and resources to maximize effective and
3-48 empathetic investigation, prosecution, and hearings, including
3-49 information and resources:
3-50 (A) regarding trauma-informed practices and the
3-51 dynamics and effects of sexual assault and other sex offenses on
3-52 child and adult survivors;
3-53 (B) intended to improve the understanding of and
3-54 the response to sexual assault or other sex offenses;
3-55 (C) regarding best practices in the
3-56 investigation and prosecution of sexual assault or other sex
3-57 offenses; and
3-58 (D) for judges regarding common issues in the
3-59 criminal trials of sexual assault and other sex offenses;
3-60 (7) biennially contract for a survey of the resources
3-61 provided to survivors by nonprofit organizations, health care
3-62 facilities, institutions of higher education, sexual assault
3-63 response teams, and other governmental entities in each region of
3-64 the state;
3-65 (8) make recommendations as necessary to improve the
3-66 collecting and reporting of data on the investigation and
3-67 prosecution of sexual assault and other sex offenses; and
3-68 (9) develop a statewide standard for best practices in
3-69 the funding and provision of services to survivors by nonprofit

4-1 organizations, health care facilities, institutions of higher
4-2 education, sexual assault response teams, and other governmental
4-3 entities.

4-4 (j) Not later than November 1 of each even-numbered year,
4-5 the task force shall analyze the data from the survey performed
4-6 under Subsection (i), prepare a report, or contract with a private
4-7 entity for the preparation of a report, and submit to the
4-8 legislature the report, which must include:

4-9 (1) a description of the resources provided to child
4-10 and adult survivors by nonprofit organizations, health care
4-11 facilities, institutions of higher education, sexual assault
4-12 response teams, and governmental entities in each region of the
4-13 state;

4-14 (2) a description of the differences between the
4-15 resources provided to both child and adult survivors and the
4-16 statewide standard, comparable by region and by year;

4-17 (3) recommendations on measures the state and each
4-18 region could take to better comply with the statewide standard;

4-19 (4) a description of potential sources and mechanisms
4-20 of funding available to implement the recommendations; and

4-21 (5) recommendations for accomplishing policy goals.

4-22 (k) To the extent possible, all recommendations, standards,
4-23 and resource information provided by the task force must be
4-24 evidence-based and consistent with standards of practice and care
4-25 in this state and throughout the country.

4-26 (l) The task force shall use any available federal or state
4-27 funding for the purposes of this section.

4-28 (m) This section expires September 1, 2023.

4-29 SECTION 4. Section 1701.253, Occupations Code, is amended
4-30 by adding Subsections (b-1) and (b-2) to read as follows:

4-31 (b-1) The commission shall consult with the Sexual Assault
4-32 Survivors' Task Force established under Section 772.0064,
4-33 Government Code, regarding minimum curriculum requirements for
4-34 training in the investigation and documentation of cases that
4-35 involve sexual assault or other sex offenses.

4-36 (b-2) This subsection and Subsection (b-1) expire September
4-37 1, 2023.

4-38 SECTION 5. The governor is required to implement a
4-39 provision of this Act only if the legislature appropriates money
4-40 specifically for that purpose. If the legislature does not
4-41 appropriate money specifically for that purpose, the governor may,
4-42 but is not required to, implement a provision of this Act using
4-43 other appropriations available for that purpose.

4-44 SECTION 6. As soon as practicable after the effective date
4-45 of this Act, the governor shall establish the Sexual Assault
4-46 Survivors' Task Force and the steering committee of that task force
4-47 shall appoint members as required by Section 772.0064, Government
4-48 Code, as added by this Act.

4-49 SECTION 7. This Act takes effect immediately if it receives
4-50 a vote of two-thirds of all the members elected to each house, as
4-51 provided by Section 39, Article III, Texas Constitution. If this
4-52 Act does not receive the vote necessary for immediate effect, this
4-53 Act takes effect September 1, 2019.

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