

By: Watson

S.B. No. 587

A BILL TO BE ENTITLED

AN ACT

relating to the collection and reporting of information relating to the investigation and prosecution of sexual assault offenses.

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

SECTION 1. Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.0491 to read as follows:

Sec. 411.0491. SEXUAL ASSAULT REPORTING. (a) The department shall compile and maintain statistical information relating to the commission of an offense under Section 22.011 or 22.021, Penal Code, including information regarding:

(1) whether a forensic medical examination was performed as described by Article 56.06 or 56.065, Code of Criminal Procedure, and if so, whether:

(A) biological evidence, as defined by Article 38.43, Code of Criminal Procedure, was collected and analyzed in accordance with Subchapters B and B-1, Chapter 420; and

(B) a DNA profile obtained from the biological evidence was compared to DNA profiles in state databases or the CODIS database under Section 420.043;

(2) any arrests made in relation to the offense;

(3) the results of any prosecution of the offense, or, if the offense was not prosecuted, the reasons for not prosecuting the offense; and

(4) the classification assigned to the case by the law

1 enforcement agency at the time the case was closed, and, if the case
2 was classified as cleared by exceptional means, the specific
3 circumstance outside the control of the law enforcement agency that
4 prevented the arrest, charging, or prosecution of the offender.

5 (b) The department by rule shall identify the governmental
6 entities that possess information required by Subsection (a). A
7 governmental entity identified by the department under this
8 subsection shall report the information to the department in the
9 manner prescribed by the department.

10 (c) The department shall identify governmental entities
11 required to report under Subsection (b) that fail to timely report
12 or that report incomplete information to the department.

13 (d) Not later than February 15 of each year, the department
14 shall submit to the legislature and post on the department's
15 Internet website a report of the statistical information described
16 in Subsection (a) that was compiled for the preceding calendar
17 year. The report must include a list of the governmental entities
18 identified by the department under Subsection (c).

19 (e) The department may adopt rules as necessary to implement
20 this section.

21 SECTION 2. Notwithstanding Section 411.0491(d), Government
22 Code, as added by this Act, the Department of Public Safety is not
23 required to submit the initial report required by that section
24 covering the 2020 calendar year before February 15, 2021.

25 SECTION 3. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2019.