

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

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

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~~

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

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

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

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

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

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

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

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

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

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

(1) the governor or the governor's designee;  
(2) a representative of each state agency that has duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or provides services to

survivors, including:

(A) the office of the attorney general; and

(B) the Health and Human Services Commission;

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

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

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

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

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

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

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

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

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

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

(13) the president of the state sexual assault

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

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

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

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

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

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

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

(h) The steering committee shall:

(1) create within the task force:

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

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

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

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

(4) review and approve all task force reports,



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

(i) The task force shall:

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

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

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

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

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

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

(A) to the attorney general regarding:

(i) evidence collection kits for use in the 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.

ADOPTED

MAY 19 2019

*Leta Spaul*  
Secretary of the Senate

By: *Mike Watson*

H.B. No. 1590

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

By: \_\_\_\_\_

C.S. H.B. No. 1590

*John Whitman*

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 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) the executive director of the Texas Commission on  
5 Law Enforcement or the executive director's designee;  
6                   (4) the presiding officer of the Texas Forensic  
7 Science Commission or the presiding officer's designee;  
8                   (5) the division director of the law enforcement  
9 support division of the Texas Department of Public Safety with  
10 authority over the Crime Laboratory Service or the division  
11 director's designee;  
12                   (6) the president of the Texas Association of Crime  
13 Laboratory Directors or the president's designee;  
14                   (7) the president of the Texas District and County  
15 Attorney's Association or the president's designee;  
16                   (8) the president of the Texas Society of Pathologists  
17 or the president's designee;  
18                   (9) the president of the International Association of  
19 Forensic Nurses Texas Chapter or the president's designee;  
20                   (10) the president of the statewide organization  
21 described by Section 264.409, Family Code, or the president's  
22 designee;  
23                   (11) the president of the state sexual assault  
24 coalition, as defined by Section 420.003, or the president's  
25 designee;  
26                   (12) a representative from a law enforcement agency  
27 appointed by the steering committee described by Subsection (c);



1           (13) 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           (14) other members considered appropriate by the  
6 steering committee described by Subsection (c).  
7           (e) An appointed member serves at the pleasure of the  
8 appointing official.  
9           (f) The governor is the presiding officer of the task force.  
10          (g) The task force shall meet at the call of the governor.  
11          (h) 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          (i) 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 region, regarding the prevention,  
13 investigation, and prosecution of sexual assault and other sex  
14 offenses and services provided to survivors, including a list of  
15 SAFE-ready facilities designated under Section 323.0015, Health  
16 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 (j) Not later than November 1 of each even-numbered year,  
27 the task force shall analyze the data from the survey performed

1 under Subsection (i), prepare a report, or contract with a private  
2 entity for the preparation of a report, and submit to the  
3 legislature the report, which must include:

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

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

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

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

16 (5) recommendations for accomplishing policy goals.

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

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

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

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

26 (b-1) The commission shall consult with the Sexual Assault  
27 Survivors' Task Force established under Section 772.0064,

1 Government Code, regarding minimum curriculum requirements for  
2 training in the investigation and documentation of cases that  
3 involve sexual assault or other sex offenses.

4 (b-2) This subsection and Subsection (b-1) expire September  
5 1, 2023.

6 SECTION 5. The governor is required to implement a  
7 provision of this Act only if the legislature appropriates money  
8 specifically for that purpose. If the legislature does not  
9 appropriate money specifically for that purpose, the governor may,  
10 but is not required to, implement a provision of this Act using  
11 other appropriations available for that purpose.

12 SECTION 6. As soon as practicable after the effective date  
13 of this Act, the governor shall establish the Sexual Assault  
14 Survivors' Task Force and the steering committee of that task force  
15 shall appoint members as required by Section 772.0064, Government  
16 Code, as added by this Act.

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 20, 2019**

**TO:** Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB1590** by Howard (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.), **As Passed 2nd House**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1590, As Passed 2nd House: a negative impact of (\$1,361,406) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The governor is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the governor may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

**General Revenue-Related Funds, Five-Year Impact:**

| Fiscal Year | Probable Net Positive/(Negative) Impact<br>to General Revenue Related Funds |
|-------------|---|
| 2020        | (\$988,703)   |
| 2021        | (\$372,703)   |
| 2022        | (\$988,703)   |
| 2023        | (\$372,703)   |
| 2024        | (\$988,703)   |



**All Funds, Five-Year Impact:**

| Fiscal Year | Probable (Cost) from<br>General Revenue Fund<br>1 | Change in Number of State Employees<br>from FY 2019 |
|-------------|---|---|
| 2020        | (\$988,703)                                       | 3.0   |
| 2021        | (\$372,703)                                       | 3.0   |
| 2022        | (\$988,703)                                       | 3.0   |
| 2023        | (\$372,703)                                       | 3.0   |
| 2024        | (\$988,703)                                       | 3.0   |

**Fiscal Analysis**

The bill would amend the Government Code and the Occupations Code to create a Sexual Assault Survivors' Task Force within the Criminal Justice Division (CJD) of the Governor's Office. The bill would require the task force to advise the Office of the Attorney General on rules governing the collection and preservation of evidence in sexual assault cases, advise the Texas Commission on Law Enforcement on resources to improve officer training in the investigation and documentation of sexual assault cases, biennially contract for a survey of resources provided to survivors, and develop best practice standards for the provision of resources to survivors.

The bill would take effect immediately upon receiving a two-thirds vote of all the members of each house, otherwise the bill would take effect September 1, 2019.

**Methodology**

Based on information provided by the Office of the Governor, this analysis assumes three additional FTEs would be needed each fiscal year in order to establish the new Sexual Assault Survivors' Task Force. It is estimated that the three FTEs, including a Program Supervisor and two Program would have a total salary cost of \$261,397 each fiscal year. Benefits and payroll contribution costs would be \$91,306. Additionally, the agency has estimated travel costs of approximately \$20,000 each year for these FTEs to visit stakeholders across the state. This results in total FTE related costs of \$372,703 each fiscal year.

Based on information provided by the Office of the Governor and the bill requiring the office to biannually contract for a survey of the resources provided to survivors by various entities, this analysis assumes that a two-year grant in the amount of \$616,000 each biennium would be required for a qualified entity to survey state resources and assist with the development of best practice standards for providers of sexual assault services. This cost estimate is consistent with the amount the CJD has previously provided in grant funds to various entities for similar research projects.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 300 Trusteed Programs Within the Office of the Governor, 302 Office of the Attorney General, 407 Commission on Law Enforcement

**LBB Staff:** WP, SD, LBO, NV, JSm, NA



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 16, 2019**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB1590** by Howard (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.), **Committee Report 2nd House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1590, Committee Report 2nd House, Substituted: a negative impact of (\$1,361,406) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The governor is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the governor may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

**General Revenue-Related Funds, Five-Year Impact:**

| <b>Fiscal Year</b> | <b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b> |
|--------------------|---|
| 2020               | (\$988,703)   |
| 2021               | (\$372,703)   |
| 2022               | (\$988,703)   |
| 2023               | (\$372,703)   |
| 2024               | (\$988,703)   |

**All Funds, Five-Year Impact:**

| Fiscal Year | Probable (Cost) from<br>General Revenue Fund<br>1 | Change in Number of State Employees<br>from FY 2019 |
|-------------|---|---|
| 2020        | (\$988,703)                                       | 3.0   |
| 2021        | (\$372,703)                                       | 3.0   |
| 2022        | (\$988,703)                                       | 3.0   |
| 2023        | (\$372,703)                                       | 3.0   |
| 2024        | (\$988,703)                                       | 3.0   |

**Fiscal Analysis**

The bill would amend the Government Code and the Occupations Code to create a Sexual Assault Survivors' Task Force within the Criminal Justice Division (CJD) of the Governor's Office. The bill would require the task force to advise the Office of the Attorney General on rules governing the collection and preservation of evidence in sexual assault cases, advise the Texas Commission on Law Enforcement on resources to improve officer training in the investigation and documentation of sexual assault cases, biennially contract for a survey of resources provided to survivors, and develop best practice standards for the provision of resources to survivors.

The bill would take effect immediately upon receiving a two-thirds vote of all the members of each house, otherwise the bill would take effect September 1, 2019.

**Methodology**

Based on information provided by the Office of the Governor, this analysis assumes three additional FTEs would be needed each fiscal year in order to establish the new Sexual Assault Survivors' Task Force. It is estimated that the three FTEs, including a Program Supervisor and two Program would have a total salary cost of \$261,397 each fiscal year. Benefits and payroll contribution costs would be \$91,306. Additionally, the agency has estimated travel costs of approximately \$20,000 each year for these FTEs to visit stakeholders across the state. This results in total FTE related costs of \$372,703 each fiscal year.

Based on information provided by the Office of the Governor and the bill requiring the office to biannually contract for a survey of the resources provided to survivors by various entities, this analysis assumes that a two-year grant in the amount of \$616,000 each biennium would be required for a qualified entity to survey state resources and assist with the development of best practice standards for providers of sexual assault services. This cost estimate is consistent with the amount the CJD has previously provided in grant funds to various entities for similar research projects.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 300 Trusteed Programs Within the Office of the Governor, 302 Office of the Attorney General, 407 Commission on Law Enforcement

**LBB Staff:** WP, LBO, NV, JSm, NA

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 14, 2019

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** **HB1590** by Howard (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.), **As Engrossed**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1590, As Engrossed: a negative impact of (\$1,361,406) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|--|
| 2020        | (\$988,703)  |
| 2021        | (\$372,703)  |
| 2022        | (\$988,703)  |
| 2023        | (\$372,703)  |
| 2024        | (\$988,703)  |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from General Revenue Fund<br>1 | Change in Number of State Employees from FY 2019 |
|-------------|--|--|
| 2020        | (\$988,703)                                    | 3.0  |
| 2021        | (\$372,703)                                    | 3.0  |
| 2022        | (\$988,703)                                    | 3.0  |
| 2023        | (\$372,703)                                    | 3.0  |
| 2024        | (\$988,703)                                    | 3.0  |

## **Fiscal Analysis**

The bill would amend the Government Code and the Occupations Code to create a Sexual Assault Survivors' Task Force within the Criminal Justice Division (CJD) of the Governor's Office. The bill would require the task force to advise the Office of the Attorney General on rules governing the collection and preservation of evidence in sexual assault cases, advise the Texas Commission on Law Enforcement on resources to improve officer training in the investigation and documentation of sexual assault cases, biennially contract for a survey of resources provided to survivors, and develop best practice standards for the provision of resources to survivors.

The bill would take effect immediately upon receiving a two-thirds vote of all the members of each house, otherwise the bill would take effect September 1, 2019.

## **Methodology**

Based on information provided by the Office of the Governor, this analysis assumes three additional FTEs would be needed each fiscal year in order to establish the new Sexual Assault Survivors' Task Force. It is estimated that the three FTEs, including a Program Supervisor and two Program would have a total salary cost of \$261,397 each fiscal year. Benefits and payroll contribution costs would be \$91,306. Additionally, the agency has estimated travel costs of approximately \$20,000 each year for these FTEs to visit stakeholders across the state. This results in total FTE related costs of \$372,703 each fiscal year.

Based on information provided by the Office of the Governor and the bill requiring the office to biannually contract for a survey of the resources provided to survivors by various entities, this analysis assumes that a two-year grant in the amount of \$616,000 each biennium would be required for a qualified entity to survey state resources and assist with the development of best practice standards for providers of sexual assault services. This cost estimate is consistent with the amount the CJD has previously provided in grant funds to various entities for similar research projects.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 300 Trusteed Programs Within the Office of the Governor, 302 Office of the Attorney General, 407 Commission on Law Enforcement

**LBB Staff:** WP, LBO, NV, JSm, NA

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 22, 2019

**TO:** Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB1590** by Howard (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.), **Committee Report 1st House, Substituted**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1590, Committee Report 1st House, Substituted: a negative impact of (\$1,361,406) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|--|
| 2020        | (\$988,703)  |
| 2021        | (\$372,703)  |
| 2022        | (\$988,703)  |
| 2023        | (\$372,703)  |
| 2024        | (\$988,703)  |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from General Revenue Fund<br>1 | Change in Number of State Employees from FY 2019 |
|-------------|--|--|
| 2020        | (\$988,703)                                    | 3.0  |
| 2021        | (\$372,703)                                    | 3.0  |
| 2022        | (\$988,703)                                    | 3.0  |
| 2023        | (\$372,703)                                    | 3.0  |
| 2024        | (\$988,703)                                    | 3.0  |

## **Fiscal Analysis**

The bill would amend the Government Code and the Occupations Code to create a Sexual Assault Survivors' Task Force within the Criminal Justice Division (CJD) of the Governor's Office. The bill would require the task force to advise the Office of the Attorney General on rules governing the collection and preservation of evidence in sexual assault cases, advise the Texas Commission on Law Enforcement on resources to improve officer training in the investigation and documentation of sexual assault cases, biennially contract for a survey of resources provided to survivors, and develop best practice standards for the provision of resources to survivors.

The bill would take effect immediately upon receiving a two-thirds vote of all the members of each house, otherwise the bill would take effect September 1, 2019.

## **Methodology**

Based on information provided by the Office of the Governor, this analysis assumes three additional FTEs would be needed each fiscal year in order to establish the new Sexual Assault Survivors' Task Force. It is estimated that the three FTEs, including a Program Supervisor and two Program would have a total salary cost of \$261,397 each fiscal year. Benefits and payroll contribution costs would be \$91,306. Additionally, the agency has estimated travel costs of approximately \$20,000 each year for these FTEs to visit stakeholders across the state. This results in total FTE related costs of \$372,703 each fiscal year.

Based on information provided by the Office of the Governor and the bill requiring the office to biennially contract for a survey of the resources provided to survivors by various entities, this analysis assumes that a two-year grant in the amount of \$616,000 each biennium would be required for a qualified entity to survey state resources and assist with the development of best practice standards for providers of sexual assault services. This cost estimate is consistent with the amount the CJD has previously provided in grant funds to various entities for similar research projects.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 300 Trusteed Programs Within the Office of the Governor, 302 Office of the Attorney General, 407 Commission on Law Enforcement

**LBB Staff:** WP, LBO, NV, JSm, NA

LEGISLATIVE BUDGET BOARD  
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 9, 2019

**TO:** Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB1590** by Howard (Relating to the establishment of the Office for Sexual Assault Survivor Assistance within the criminal justice division of the governor's office.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1590, As Introduced: a negative impact of (\$1,697,962) through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

| Fiscal Year | Probable Net Positive/(Negative) Impact to General Revenue Related Funds |
|-------------|--|
| 2020        | (\$1,156,981)  |
| 2021        | (\$540,981)  |
| 2022        | (\$1,156,981)  |
| 2023        | (\$540,981)  |
| 2024        | (\$1,156,981)  |

All Funds, Five-Year Impact:

| Fiscal Year | Probable (Cost) from General Revenue Fund<br>1 | Change in Number of State Employees from FY 2019 |
|-------------|--|--|
| 2020        | (\$1,156,981)                                  | 5.0  |
| 2021        | (\$540,981)                                    | 5.0  |
| 2022        | (\$1,156,981)                                  | 5.0  |
| 2023        | (\$540,981)                                    | 5.0  |
| 2024        | (\$1,156,981)                                  | 5.0  |

Fiscal Analysis

The bill would amend the Government Code and the Occupations Code to create an Office for

Sexual Assault Survivor Assistance within the Criminal Justice Division (CJD) of the Governor's Office. The bill would require the Office to advise the Office of the Attorney General on rules governing the collection and preservation of evidence in sexual assault cases, advise the Texas Commission on Law Enforcement on resources to improve officer training in the investigation and documentation of sexual assault cases, biennially contract for a survey of resources provided to survivors, and develop best practice standards for the provision of resources to survivors.

The bill would take effect immediately upon receiving a two-thirds vote of all the members of each house, otherwise the bill would take effect September 1, 2019.

### **Methodology**

Based on information provided by the Office of the Governor, this analysis assumes five additional FTEs would be needed each fiscal year in order to establish the new Office for Sexual Assault Survivor Assistance. It is estimated that the five FTEs, including a Director, three Program Specialists, and a Grant Coordinator would have a total salary cost of \$385,000 each fiscal year. Benefits and payroll contribution costs would be \$134,481. Associated other operating expenses amount to \$1,500. Additionally, the agency has estimated travel costs of approximately \$20,000 each year for these FTEs to visit stakeholders across the state. This results in total FTE related costs of \$540,981 each fiscal year.

Based on information provided by the Office of the Governor and the bill requiring the office to biennially contract for a survey of the resources provided to survivors by various entities, this analysis assumes that a two-year grant in the amount of \$616,000 each biennium would be required for a qualified entity to survey state resources and assist with the development of best practice standards for providers of sexual assault services. This cost estimate is consistent with the amount the CJD has previously provided in grant funds to various entities for similar research projects.

The bill directs the CJD to use funding available under the federal Victims of Crime Act (VOCA) to carry out the duties of this Office to the extent permitted by federal law. Additional consultation with the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime (OVC) would be necessary to determine whether or not any duties of this Office could be funded using the federal VOCA funds. CJD is permitted to set aside 5% of the VOCA funds annually for costs associated with administering the VOCA grant program within Texas. The remaining funds must be distributed in subgrants to eligible entities providing direct services to victims of crime. Based on the fact that this Office would not be involved in the administration of the annual VOCA grant program, CJD believes that the activities conducted by this office would not be considered an eligible cost under the 5% administrative set aside. Furthermore, the Office would not be providing direct services to victims and therefore its costs would not be eligible under the remaining portion of the VOCA grant program.

### **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 300 Trusteed Programs Within the Office of the Governor, 302 Office of the Attorney General, 407 Commission on Law Enforcement

**LBB Staff:** WP, LBO, JSm, NA