

House Bill 1590
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

SENATE VERSION (CS)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

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.

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(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;

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(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

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

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

(5) 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;

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- (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;

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- (6) the president of the Texas Association of Crime Laboratory Directors or the president's designee;
- (7) the president of the Texas District and County Attorney's Association or the president's designee;
- (8) the president of the Texas Society of Pathologists or the president's designee;
- (9) the president of the International Association of Forensic Nurses Texas Chapter or the president's designee;
- (10) the president of the statewide organization described by Section 264.409, Family Code, or the president's designee;
- (11) the president of the state sexual assault coalition, as defined by Section 420.003, or the president's designee;
- (12) a representative from a law enforcement agency appointed by the steering committee described by Subsection (c);
- (13) 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
- (14) other members considered appropriate by the steering committee described by Subsection (c).
- (e) An appointed member serves at the pleasure of the appointing official.
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- (g) The task force shall meet at the call of the governor.
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(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:

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(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

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(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:

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(i) evidence collection kits for use in the collection and preservation of evidence of sexual assault or other sex offenses;
(ii) protocols for the collection and preservation of evidence of sexual assault or other sex offenses;
(iii) the curriculum for training programs on collecting and preserving evidence of sexual assault and other sex offenses;
and
(iv) the requirements for certification of sexual assault nurse examiners; and
(B) to other appropriate individuals or organizations, regarding:
(i) the procedures for obtaining patient authorization for forensic medical examinations of child and adult survivors under Articles 56.06 and 56.065, Code of Criminal Procedure;
(ii) the requirements for maintaining an appropriate evidentiary chain of custody;
(iii) the identification and reporting of untested evidence throughout the state; and
(iv) standards for the submission of evidence to forensic laboratories for analysis, including procedures for submitting evidence in cases for which no evidence has been previously submitted or tested;
(5) advise and provide resources to the Texas Commission on Law Enforcement and other law enforcement organizations to improve law enforcement officer training related to the investigation and documentation of cases involving sexual assault and other sex offenses, with a focus on the interactions between law enforcement officers and survivors;

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(ii) protocols for the collection and preservation of evidence of sexual assault or other sex offenses;
(iii) the curriculum for training programs on collecting and preserving evidence of sexual assault and other sex offenses;
and
(iv) the requirements for certification of sexual assault nurse examiners; and
(B) to other appropriate individuals or organizations, regarding:
(i) the procedures for obtaining patient authorization for forensic medical examinations of child and adult survivors under Articles 56.06 and 56.065, Code of Criminal Procedure;
(ii) the requirements for maintaining an appropriate evidentiary chain of custody;
(iii) the identification and reporting of untested evidence throughout the state; and
(iv) standards for the submission of evidence to forensic laboratories for analysis, including procedures for submitting evidence in cases for which no evidence has been previously submitted or tested;
(5) advise and provide resources to the Texas Commission on Law Enforcement and other law enforcement organizations to improve law enforcement officer training related to the investigation and documentation of cases involving sexual assault and other sex offenses, with a focus on the interactions between law enforcement officers and survivors;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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(1) a description of the resources provided to child and adult survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and governmental entities in each region of the state;
(2) a description of the differences between the resources provided to both child and adult survivors and the statewide standard, comparable by region and by year;
(3) recommendations on measures the state and each region could take to better comply with the statewide standard;
(4) a description of potential sources and mechanisms of funding available to implement the recommendations; and
(5) recommendations for accomplishing policy goals.
(k) To the extent possible, all recommendations, standards, and resource information provided by the task force must be evidence-based and consistent with standards of practice and care in this state and throughout the country.
(l) The task force shall use any available federal or state funding for the purposes of this section.
(m) This section expires September 1, 2023.

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

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

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

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(1) a description of the resources provided to child and adult survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and governmental entities in each region of the state;
(2) a description of the differences between the resources provided to both child and adult survivors and the statewide standard, comparable by region and by year;
(3) recommendations on measures the state and each region could take to better comply with the statewide standard;
(4) a description of potential sources and mechanisms of funding available to implement the recommendations; and
(5) recommendations for accomplishing policy goals.
(k) To the extent possible, all recommendations, standards, and resource information provided by the task force must be evidence-based and consistent with standards of practice and care in this state and throughout the country.
(l) The task force shall use any available federal or state funding for the purposes of this section.
(m) This section expires September 1, 2023.

SECTION 4. Same as House version.

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No equivalent provision.

SECTION 5. 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.

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

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

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

SECTION 7. Same as House version.