

Amend **HB 2462** (house committee report) as follows:

(1) Strike page 1, line 18, through page 2, line 15, and substitute the following:

(b) If a sexual assault is not reported within the period described by Subsection (a) and the victim is a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a) or the consent described by Section 32.003 or 32.005, Family Code, a law enforcement agency shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense ~~[A law enforcement agency may decline to request a forensic medical examination under Subsection (a) only if:~~

~~[(1) the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency; and~~

~~[(2) there is no other evidence to corroborate the current allegations of sexual assault].~~

(c) If a sexual assault is not reported within the period described by Subsection (a) and the victim is not a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a), ~~[that subsection]~~ a law enforcement agency may request a forensic medical examination of a victim of a reported ~~[an alleged]~~ sexual assault for use in the investigation or prosecution of the offense if:

(1) based on the circumstances of the reported assault, the agency believes a forensic medical examination would further that investigation or prosecution; or

(2) after a medical evaluation by a physician, sexual assault examiner, or sexual assault nurse examiner, the physician or examiner notifies the agency that a forensic medical examination should be conducted ~~[as considered appropriate by the agency].~~

(d) If a sexual assault is reported to a law enforcement agency as provided by Subsection (a), (b), or (c), the law enforcement

(2) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter F, Chapter 56A, Code of Criminal

Procedure, is amended by adding Article 56A.2506 to read as follows:

Art. 56A.2506. DEFINITION. In this subchapter, "reported sexual assault" means a sexual assault that has been reported to a law enforcement agency.

SECTION _____. Article 56A.303, Code of Criminal Procedure, is amended to conform to Section 4, Chapter 1037 (HB 616), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

Art. 56A.303. FORENSIC MEDICAL EXAMINATION. (a) In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (b), a health care facility shall conduct a forensic medical examination of a victim of a ~~[an-alleged]~~ sexual assault if:

(1) the victim arrives at the facility within 120 ~~[96]~~ hours after the assault occurred;

(2) the victim consents to the examination; and

(3) at the time of the examination the victim has not reported the assault to a law enforcement agency.

(b) If a health care facility does not provide diagnosis or treatment services to victims of sexual assault, the facility shall refer a victim of a ~~[an-alleged]~~ sexual assault who seeks a forensic medical examination under Subsection (a) to a health care facility that provides services to those victims.

(c) A victim of a ~~[an-alleged]~~ sexual assault may not be required to participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination under this article.

SECTION _____. Article 56A.304, Code of Criminal Procedure, is amended to conform to Sections 4 and 8, Chapter 1037 (HB 616), Acts of the 86th Legislature, Regular Session, 2019, and is further amended to read as follows:

Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION. (a) On application to the ~~[The department shall pay the appropriate fees, as set by]~~ attorney general ~~[rule]~~, a health care facility that provides ~~[for the forensic portion of]~~ a forensic medical examination to a sexual assault survivor in accordance with this

subchapter, or the ~~[conducted under Article 56A.303(a) and for the evidence collection kit if a physician,~~ sexual assault examiner ~~[7]~~ or sexual assault nurse examiner who conducts that ~~[the forensic portion of the]~~ examination, as applicable, within 120 ~~[96]~~ hours after the ~~[alleged]~~ sexual assault occurred is entitled to be reimbursed in an amount set by attorney general rule for:

(1) the reasonable costs of the forensic portion of that examination; and

(2) the evidence collection kit.

(b) The application under Subsection (a) must be in the form and manner prescribed by the attorney general and must include:

(1) certification that the examination was conducted in accordance with the requirements of Article 56A.303(a); and

(2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination ~~[attorney general shall reimburse the department for fees paid under Subsection (a)].~~

(c) A health care facility or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (a) shall accept reimbursement from the attorney general as payment for the costs unless:

(1) the health care facility or sexual assault examiner or sexual assault nurse examiner, as applicable:

(A) requests, in writing, additional reimbursement from the attorney general; and

(B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and

(2) the attorney general determines that there is a reasonable justification for additional reimbursement.

(d) A health care facility is not entitled to reimbursement under this article unless the forensic medical examination was conducted at the facility by a physician, sexual assault examiner, or sexual assault nurse examiner.

(e) On request, the attorney general may provide training to a health care facility regarding the process for applying for reimbursement under this article.

(f) A victim of a ~~[an alleged]~~ sexual assault may not be

required to pay for:

- (1) the forensic portion of the forensic medical examination; or
- (2) the evidence collection kit.

SECTION _____. Article 56A.307, Code of Criminal Procedure, is amended to read as follows:

Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION OF ADDITIONAL EVIDENCE. The department, consistent with Chapter 420, Government Code, may develop procedures regarding the submission or collection of additional evidence of a [~~an alleged~~] sexual assault other than through a forensic medical examination as described by Article 56A.303(a).