

BILL ANALYSIS

H.B. 2462
By: Neave
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2019, the Texas Legislature passed House Bill 8, the Lavinia Masters Act, an omnibus bill relating to the criminal statute of limitations for certain sex offenses that, in part, addressed the collection and analysis of sexual assault evidence and the backlog of thousands of untested rape kits. However, there remain concerns that a person reporting a sexual assault may be denied a forensic medical exam for collecting evidence for a sexual assault case under certain circumstances, including the limited time frame within which the alleged assault must be reported. The governor's Sexual Assault Survivors' Task Force has evaluated existing practices around how sexual violence is addressed in Texas and developed recommendations to further improve forensic medical examinations. H.B. 2462 seeks to address this issue and the recommendations by removing a law enforcement agency's authority to decline to request a forensic examination of the victim of a sexual assault that is reported within 120 hours following the assault due to certain circumstances and by changing the circumstances under which a law enforcement agency may request such an examination.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2462 amends the Code of Criminal Procedure to remove a law enforcement agency's authority to decline to request a forensic examination of the victim of a sexual assault that is reported within the prescribed 120-hour period following an assault because the person reporting the assault has made one or more false reports of sexual assault to any law enforcement agency and there is no other evidence corroborating the reported assault. The bill changes the circumstances under which a law enforcement agency may request such an examination for the victim of a sexual assault reported outside of that 120-hour period from when the agency considered it appropriate to either of the following:

- based on the circumstances of the reported assault, the agency believes that the examination would further the investigation or prosecution; or
- after a medical evaluation by a physician, sexual assault examiner, or sexual assault nurse examiner, the physician or examiner notifies the agency that the examination should be conducted.

EFFECTIVE DATE

September 1, 2021.