

BILL ANALYSIS

C.S.H.B. 2555
By: Neave
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2019, the Texas Legislature passed the Lavinia Masters Act and appropriated roughly \$50 million dollars in additional funding for the tracking, collection, and analysis of sexual assault evidence collection kits in Texas. The DNA evidence collected is used to find "hits" or DNA matches to find the perpetrator of the crime. This funding allowed for more evidence to be tested and has resulted in an 80 percent reduction of the rape kit backlog. Over the past two years, the Governor's Sexual Assault Survivors' Task Force has evaluated existing practices addressing sexual violence in Texas and has developed recommendations for conducting forensic medical examinations and evidence tracking. C.S.H.B. 2555 seeks to enact certain of these recommendations and enhance accountability for the collection, tracking, and analysis of evidence collected in the examination of a sexual assault or other sex offense.

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

C.S.H.B. 2555 amends the Government Code to require the statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense to include the evidence collection kit and any other items collected during the forensic medical examination in relation to an applicable offense, regardless of whether the evidence is collected in relation to an individual who is alive or deceased. The bill requires the Department of Public Safety (DPS) to submit a report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature not later than December 1 of each year titled "Statewide Electronic Tracking System Report" and identifying the number of evidence collection kits that have not yet been submitted for laboratory analysis or for which the laboratory analysis has not yet been completed, as applicable. The bill removes the standalone requirement for each law enforcement agency and public accredited crime laboratory to submit a quarterly report to DPS that contains that same information.

C.S.H.B. 2555 requires a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense and receives the consent necessary to release the evidence to enter the identification number of the evidence collection kit into the statewide electronic tracking system not later than two business days after the date the examination is performed.

C.S.H.B. 2555 requires a law enforcement agency that fails to submit evidence of a sexual assault or other sex offense to a public accredited crime laboratory within the period required by law to provide written documentation of the failure, including a detailed explanation, to DPS on or before the 30th day after the date on which the agency discovers that the evidence was not submitted within that period.

C.S.H.B. 2555 authorizes the failure to comply with statutory provisions governing the collection, preservation, and tracking of evidence of a sex offense to be used to determine eligibility for receiving state grant funds.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2555 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does the following:

- clarifies that the evidence of a sexual assault or other sex offense the tracking system must include is the evidence collected during the forensic medical examination;
- includes a requirement for an entity that performs a medical examination to enter the identification number of the evidence collection kit into the tracking system;
- includes a requirement for a law enforcement agency that fails to submit evidence to a crime laboratory within a specified period to provide written documentation of the failure to DPS; and
- includes an authorization for noncompliance with provisions governing the collection, preservation, and tracking of evidence of a sex offense to be used to determine eligibility for state grant funds.