87R16167 AJZ-D

By:  Neave, Button, Collier, H.B. No. 2555

     González of El Paso, Meyer, et al.

Substitute the following for H.B. No. 2555:

By:  White C.S.H.B. No. 2555

A BILL TO BE ENTITLED

AN ACT

relating to evidence to be included and tracked in the statewide electronic tracking system maintained for evidence of a sexual assault or other sex offense and to noncompliance with requirements imposed with respect to that evidence.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 420.034(c), Government Code, is amended to read as follows:

(c)  The tracking system must:

(1)  include the evidence collection kit and any other items collected during the forensic medical examination in relation to a sexual assault or other sex offense, regardless of whether the evidence is collected in relation to an individual who is alive or deceased;

(2)  track the location and status of each item of evidence through the criminal justice process, including the initial collection of the item of evidence in a forensic medical examination, receipt and storage of the item of evidence at a law enforcement agency, receipt and analysis of the item of evidence at an accredited crime laboratory, and storage and destruction of the item of evidence after the item is analyzed;

(3) [~~(2)~~]  allow a facility or entity performing a forensic medical examination of a survivor, law enforcement agency, accredited crime laboratory, prosecutor, or other entity providing a chain of custody for an item of evidence to update and track the status and location of the item; and

(4) [~~(3)~~]  allow a survivor to anonymously track or receive updates regarding the status and location of each item of evidence collected in relation to the offense.

SECTION 2.  Section 420.045, Government Code, is transferred to Section 420.034, Government Code, redesignated as Subsection (h), Section 420.034, Government Code, and amended to read as follows:

(h)  Not later than December 1 of each year, the department [~~Sec. 420.045. REPORT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR OTHER SEX OFFENSE. Each law enforcement agency and public accredited crime laboratory~~] shall submit a [~~quarterly~~] report to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature [~~department~~] identifying the number of evidence collection kits that have [~~the law enforcement agency has~~] not yet been submitted for laboratory analysis or for which the [~~crime~~] laboratory analysis has not yet been completed [~~an analysis~~], as applicable. The report must be titled "Statewide Electronic Tracking System Report".

SECTION 3.  Section 420.035(a), Government Code, as added by Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular Session, 2019, is amended to read as follows:

(a)  If a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense receives signed, written consent to release the evidence as provided by Section 420.0735, the facility or entity shall:

(1)  promptly notify any law enforcement agency investigating the [~~alleged~~] offense; and

(2)  not later than two business days after the date the examination is performed, enter the identification number of the evidence collection kit into the statewide electronic tracking system under Section 420.034.

SECTION 4.  Section 420.042, Government Code, is amended by adding Subsection (g) to read as follows:

(g)  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 this section shall provide to the department written documentation of the failure, including a detailed explanation for the failure. The agency shall submit the documentation required by this subsection on or before the 30th day after the date on which the agency discovers that the evidence was not submitted within the period required by this section.

SECTION 5.  Section 420.046, Government Code, is amended to read as follows:

Sec. 420.046.  NONCOMPLIANCE. Failure to comply with the requirements of Subchapter B or this subchapter may be used to determine eligibility for receiving grant funds from the department, the office of the governor, or another state agency.

SECTION 6.  The changes in law made by this Act to Section 420.034(c), Government Code, and Section 420.035(a), Government Code, as added by Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular Session, 2019, apply only to sexual assault evidence and evidence of other sex offenses collected on or after the effective date of this Act. Evidence collected before the effective date of this Act is governed by the law in effect on the date the evidence was collected, and the former law is continued in effect for that purpose.

SECTION 7.  Section 420.042(g), Government Code, as added by this Act, applies to evidence of a sexual assault or other sex offense in possession of a law enforcement agency on or after the effective date of this Act.

SECTION 8.  This Act takes effect September 1, 2021.