By:  Minjarez H.B. No. 4250

A BILL TO BE ENTITLED

AN ACT

relating to the investigation and punishment of certain sexual assaults, to protective orders issued on the basis of certain sexual assaults, to crime victims' compensation, and to the establishment of a state sexual assault prevention and response program for the Texas Military Department.

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

SECTION 1.  Chapter 432, Government Code, is amended by adding Subchapter J-1 to read as follows:

SUBCHAPTER J-1. SEXUAL ASSAULT

Sec. 432.171.  DEFINITIONS. In this subchapter:

(1)  "Coordinator" means the state sexual assault response coordinator employed as provided by this subchapter.

(2)  "Program" means the state sexual assault prevention and response program established as provided by this subchapter.

(3)  "Department" means the Texas Military Department.

Sec. 432.172.  SEXUAL ASSAULT. A person subject to this chapter who commits an offense under Section 22.011 or 22.021, Penal Code, is subject to investigation under this subchapter and punishment under this chapter.

Sec. 432.173.  STATE SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM; COORDINATOR. (a) To the extent state and federal funds are available for this purpose, the department shall establish a state sexual assault prevention and response program and employ or designate a state sexual assault response coordinator to perform victim advocacy services, including ensuring that victims of sexual assault receive appropriate responsive care and understand the available reporting options.

(b)  The coordinator shall notify the person who is the victim of sexual assault of their eligibility for the Crime Victims' Compensation program.

(c)  The program and coordinator are within the Texas Military Department but shall exercise the authority granted under this subchapter independently from the chain of command within the department.

(d)  The program must allow a victim of:

(1)  an offense under Section 22.011 or 22.021, Penal Code, to file a report with the coordinator alleging that a person subject to this chapter committed the offense; and

(2)  sexual harassment to:

(A)  file a confidential complaint of sexual harassment with the coordinator;

(B)  participate in the United States Department of Defense Catch a Serial Offender program;

(C)  receive notice if the accused person is subsequently accused of an offense under Section 22.011 or 22.021, Penal Code, by a service member or any other person; and

(D)  convert a confidential complaint to a formal complaint at any time.

Sec. 432.174.  INVESTIGATION. (a) Upon the filing of a formal report and with the consent of the victim, the coordinator shall refer the case or allegation to the Texas Rangers division of the Department of Public Safety for investigation.

(b)  The Texas Rangers division of the Department of Public Safety shall designate an officer of the Texas Rangers to serve as an investigator for cases and allegations referred to the division under this subchapter. If the investigation demonstrates a reasonable suspicion that an offense under Section 22.011 or 22.021, Penal Code, was committed by a person subject to this chapter, the investigator shall refer the matter to a district attorney or criminal district attorney with the appropriate jurisdiction.

Sec. 432.175.  PROTECTIVE ORDER. In accordance with Article 7B.001(a-1), Code of Criminal Procedure, the coordinator may file an application with the consent of a person who is the victim for a protective order under Subchapter A, Chapter 7B, Code of Criminal Procedure, on behalf of a person who is the victim of an offense under Section 22.011 or 22.021, Penal Code, that is alleged to have been committed by a person subject to this chapter.

Sec. 432.176.  REPORT TO LEGISLATURE; LEGISLATIVE OVERSIGHT. (a) The adjutant general or coordinator shall annually submit a report on the activities under the program and the activities of the Texas Military Department relating to sexual assault prevention and response to:

(1)  the governor;

(2)  the lieutenant governor;

(3)  the speaker of the house of representatives; and

(4)  the chairs of the standing committees of the senate and house of representatives with primary jurisdiction over the Texas Military Department.

(b)  The report must include:

(1)  for the preceding state fiscal year:

(A)  the policies and procedures implemented by the coordinator and adjutant general in response to incidents of sexual assault;

(B)  an assessment of the implementation and effectiveness of the program and the policies and procedures on the prevention and oversight of and response to sexual assaults within the Texas Military Department, including an assessment of the department's efforts to execute the priorities of the United States Department of Defense Sexual Assault Prevention and Response Office and the department's Sexual Harassment/Assault Response Program;

(C)  an analysis of the number of sexual assaults involving members of the state military forces; and

(D)  deficiencies in the Texas Military Department's sexual assault prevention training; and

(2)  for the current state fiscal year, the Texas Military Department's plans for preventing and responding to sexual assault, including plans relating to:

(A)  advocacy for sexual assault victims;

(B)  health care provider and medical response;

(C)  mental health and counseling response;

(D)  investigative and legal services; and

(E)  chaplain response.

(c)  Information provided in the report required under Subsection (b)(1)(C) for restricted cases is limited to aggregated statistical data to protect victim privacy and for unrestricted cases is limited to aggregated statistical data that at a minimum includes:

(1)  statistics relating to the types of offenses investigated under this subchapter;

(2)  statistics relating to victims and accused persons;

(3)  status of investigations under this subchapter;

(4)  status of investigations under this subchapter and prosecutions under this chapter; and

(5)  status of administrative actions taken by the Texas Military Department.

SECTION 2.  Article 7B.001, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1)  In addition to the persons having standing to file the application under Subsection (a), the state sexual assault response coordinator described by Subchapter J-1, Chapter 432, Government Code, may file an application with the consent of a person who is the victim for a protective order under this subchapter on behalf of a person who is the victim of an offense under Section 22.011 or 22.021, Penal Code, alleged to have been committed by a person subject to Chapter 432, Government Code.

SECTION 3.  Article 7B.003, Code of Criminal Procedure, is amended by adding Subsection (c) to read as follows:

(c)  For purposes of this article, a military protective order issued to a person because the person was a reported victim of an offense under Section 22.011 or 22.021, Penal Code, constitutes reasonable grounds to believe that the applicant is the victim of sexual assault.

SECTION 4.  To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 5.  This Act takes effect September 1, 2021.