

By: Howard

H.B. No. 1172

A BILL TO BE ENTITLED

AN ACT

relating to the rights of victims of sexual assault or other prohibited sexual conduct.

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

SECTION 1. The heading to Article 15.051, Code of Criminal Procedure, is amended to read as follows:

Art. 15.051. ~~[REQUIRING]~~ POLYGRAPH EXAMINATION OF COMPLAINANT PROHIBITED.

SECTION 2. Article 15.051(a), Code of Criminal Procedure, is amended to read as follows:

(a) A peace officer or an attorney representing the state may not require, request, or take a polygraph examination of a person who charges or seeks to charge in a complaint the commission of an offense under Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code.

SECTION 3. Article 56A.251(a), Code of Criminal Procedure, is amended to read as follows:

(a) If ~~[Except as provided by Subsection (b), if]~~ a sexual assault is reported to a law enforcement agency within 96 hours after the assault, the law enforcement agency, with the consent of the victim of the alleged assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the

1 offense.

2 SECTION 4. The heading to Subchapter H, Chapter 56A, Code of
3 Criminal Procedure, is amended to read as follows:

4 SUBCHAPTER H. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING
5 FORENSIC MEDICAL EXAMINATION OR LAW ENFORCEMENT INTERVIEW

6 SECTION 5. Subchapter H, Chapter 56A, Code of Criminal
7 Procedure, is amended by adding Article 56A.3515 to read as
8 follows:

9 Art. 56A.3515. PRESENCE OF SEXUAL ASSAULT PROGRAM ADVOCATE
10 OR OTHER VICTIM'S REPRESENTATIVE DURING LAW ENFORCEMENT INTERVIEW.

11 (a) Before conducting an interview with a victim reporting a sexual
12 assault, the peace officer conducting the interview shall offer the
13 victim the opportunity to have an advocate from a sexual assault
14 program, as defined by Section 420.003, Government Code, be present
15 with the victim during the interview, if the advocate is available
16 at the time of the interview. The advocate must have completed a
17 sexual assault training program described by Section 420.011(b),
18 Government Code.

19 (b) If an advocate described by Subsection (a) is not
20 available at the time of the interview, the peace officer
21 conducting the interview shall offer the victim the opportunity to
22 have a crime victim liaison from the law enforcement agency or a
23 victim's assistance counselor from a state or local agency or other
24 entity be present with the victim during the interview.

25 (c) An advocate, liaison, or counselor authorized to be
26 present during an interview under this article may only provide the
27 victim reporting the sexual assault with:

1 (1) counseling and other support services; and

2 (2) information regarding the rights of crime victims
3 under Subchapter B.

4 (d) The advocate, liaison, or counselor and the sexual
5 assault program or other entity providing the advocate, liaison, or
6 counselor may not delay or otherwise impede the interview process.

7 (e) A sexual assault program providing an advocate under
8 Subsection (a) shall pay all costs associated with providing the
9 advocate. An entity providing a victim's assistance counselor
10 under Subsection (b) shall pay all costs associated with providing
11 the counselor.

12 (f) A peace officer or law enforcement agency that provides
13 an advocate, liaison, or counselor with access to a victim
14 reporting a sexual assault is not subject to civil or criminal
15 liability for providing that access.

16 SECTION 6. The following provisions of the Code of Criminal
17 Procedure are repealed:

18 (1) Articles [15.051](#)(b) and (c); and

19 (2) Article [56A.251](#)(b).

20 SECTION 7. This Act takes effect September 1, 2021.