

By: Neave, Button, Collier,
González of El Paso, Meyer, et al.

H.B. No. 2555

A BILL TO BE ENTITLED

1 AN ACT

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

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

7 SECTION 1. Sections 420.034(a) and (c), Government Code,
8 are amended to read as follows:

9 (a) For purposes of this section, "evidence" means evidence
10 collected during the investigation of a a [~~an alleged~~] sexual assault
11 or other sex offense, including:

12 (1) evidence from an evidence collection kit used to
13 collect and preserve evidence of a sexual assault or other sex
14 offense; and

15 (2) other biological evidence of a sexual assault or
16 other sex offense.

17 (c) The tracking system must:

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

23 (2) track the location and status of each item of
24 evidence through the criminal justice process, including the

1 initial collection of the item of evidence in a forensic medical
2 examination, receipt and storage of the item of evidence at a law
3 enforcement agency, receipt and analysis of the item of evidence at
4 an accredited crime laboratory, and storage and destruction of the
5 item of evidence after the item is analyzed;

6 (3) ~~[(2)]~~ allow a facility or entity performing a
7 forensic medical examination of a survivor, law enforcement agency,
8 accredited crime laboratory, prosecutor, or other entity providing
9 a chain of custody for an item of evidence to update and track the
10 status and location of the item; and

11 (4) ~~[(3)]~~ allow a survivor to anonymously track or
12 receive updates regarding the status and location of each item of
13 evidence collected in relation to the offense.

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

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

1 titled "Statewide Electronic Tracking System Report".

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

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

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

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

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

18 (g) A law enforcement agency that fails to submit evidence
19 of a sexual assault or other sex offense to a public accredited
20 crime laboratory within the period required by this section shall
21 provide to the department written documentation of the failure,
22 including a detailed explanation for the failure. The agency shall
23 submit the documentation required by this subsection on or before
24 the 30th day after the date on which the agency discovers that the
25 evidence was not submitted within the period required by this
26 section.

27 SECTION 5. Section 420.046, Government Code, is amended to

1 read as follows:

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

6 SECTION 6. The changes in law made by this Act to Section
7 420.034(c), Government Code, and Section 420.035(a), Government
8 Code, as added by Chapter 408 (H.B. 8), Acts of the 86th
9 Legislature, Regular Session, 2019, apply only to sexual assault
10 evidence and evidence of other sex offenses collected on or after
11 the effective date of this Act. Evidence collected before the
12 effective date of this Act is governed by the law in effect on the
13 date the evidence was collected, and the former law is continued in
14 effect for that purpose.

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

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