

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

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

By: White

C.S.H.B. No. 2555

A BILL TO BE ENTITLED

AN ACT

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

9 (c) The tracking system must:

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

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

22 (3) [~~2~~] allow a facility or entity performing a
23 forensic medical examination of a survivor, law enforcement agency,
24 accredited crime laboratory, prosecutor, or other entity providing

1 a chain of custody for an item of evidence to update and track the
2 status and location of the item; and

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

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

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

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

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

1 shall:

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

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

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

10 (g) A law enforcement agency that fails to submit evidence
11 of a sexual assault or other sex offense to a public accredited
12 crime laboratory within the period required by this section shall
13 provide to the department written documentation of the failure,
14 including a detailed explanation for the failure. The agency shall
15 submit the documentation required by this subsection on or before
16 the 30th day after the date on which the agency discovers that the
17 evidence was not submitted within the period required by this
18 section.

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

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

25 SECTION 6. The changes in law made by this Act to Section
26 420.034(c), Government Code, and Section 420.035(a), Government
27 Code, as added by Chapter 408 (H.B. 8), Acts of the 86th

1 Legislature, Regular Session, 2019, apply only to sexual assault
2 evidence and evidence of other sex offenses collected on or after
3 the effective date of this Act. Evidence collected before the
4 effective date of this Act is governed by the law in effect on the
5 date the evidence was collected, and the former law is continued in
6 effect for that purpose.

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

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