

1-1 By: Neave, et al. (Senate Sponsor - Paxton) H.B. No. 2555
1-2 (In the Senate - Received from the House April 27, 2021;
1-3 May 10, 2021, read first time and referred to Committee on Criminal
1-4 Justice; May 20, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 20, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11			X	
1-12			X	
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 2555 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the tracking and analysis of evidence of a sexual
1-20 assault or other sex offense, to noncompliance with requirements
1-21 imposed with respect to that evidence, and to other law enforcement
1-22 procedures occurring with respect to a sexual offense.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 420.003(1-a), Government Code, is
1-25 amended to read as follows:

1-26 (1-a) "Active criminal case" means a case:

1-27 (A) in which:

1-28 (i) a sexual assault or other sex offense
1-29 has been reported to a law enforcement agency; ~~and~~

1-30 (ii) physical evidence of the offense has
1-31 been submitted to the agency or an accredited crime laboratory
1-32 under this chapter for analysis; and

1-33 (iii) the agency documents that an offense
1-34 has been committed and reported; and

1-35 (B) for which:

1-36 (i) the statute of limitations has not run
1-37 with respect to the prosecution of the offense; or

1-38 (ii) a DNA profile was obtained that is
1-39 eligible under Section 420.043 for comparison with DNA profiles in
1-40 the state database or CODIS DNA database.

1-41 SECTION 2. Sections 420.034(a) and (c), Government Code,
1-42 are amended to read as follows:

1-43 (a) For purposes of this section, "evidence" means evidence
1-44 collected during the investigation of a ~~[an alleged]~~ sexual assault
1-45 or other sex offense, including:

1-46 (1) evidence from an evidence collection kit used to
1-47 collect and preserve evidence of a sexual assault or other sex
1-48 offense; and

1-49 (2) other biological evidence of a sexual assault or
1-50 other sex offense.

1-51 (c) The tracking system must:

1-52 (1) include the evidence collection kit and any other
1-53 items collected during the forensic medical examination in relation
1-54 to a sexual assault or other sex offense and submitted for a
1-55 laboratory analysis that is necessary to identify the offender or
1-56 offenders, regardless of whether the evidence is collected in
1-57 relation to an individual who is alive or deceased;

1-58 (2) track the location and status of each item of
1-59 evidence through the criminal justice process, including the
1-60 initial collection of the item of evidence in a forensic medical

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

2-5 (3) ~~[(2)]~~ allow a facility or entity performing a
2-6 forensic medical examination of a survivor, law enforcement agency,
2-7 accredited crime laboratory, prosecutor, or other entity providing
2-8 a chain of custody for an item of evidence to update and track the
2-9 status and location of the item; and

2-10 (4) ~~[(3)]~~ allow a survivor to anonymously track or
2-11 receive updates regarding the status and location of each item of
2-12 evidence collected in relation to the offense.

2-13 SECTION 3. Section 420.045, Government Code, is transferred
2-14 to Section 420.034, Government Code, redesignated as Subsection
2-15 (h), Section 420.034, Government Code, and amended to read as
2-16 follows:

2-17 (h) Not later than December 1 of each year, the department
2-18 ~~[Sec. 420.045. REPORT OF UNANALYZED EVIDENCE OF SEXUAL ASSAULT OR~~
2-19 ~~OTHER SEX OFFENSE. Each law enforcement agency and public~~
2-20 ~~accredited crime laboratory]~~ shall submit a ~~[quarterly]~~ report to
2-21 the ~~governor, lieutenant governor, speaker of the house of~~
2-22 ~~representatives, and members of the legislature [department]~~
2-23 ~~identifying the number of evidence collection kits that have [the~~
2-24 ~~law enforcement agency has]~~ not yet been submitted for laboratory
2-25 analysis or for which the ~~[crime]~~ laboratory analysis has not yet
2-26 been completed ~~[an analysis]~~, as applicable. ~~The annual report must~~
2-27 ~~be titled "Statewide Electronic Tracking System Report" and must be~~
2-28 ~~posted on the department's publicly accessible Internet website.~~

2-29 SECTION 4. Section 420.035(a), Government Code, as added by
2-30 Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular
2-31 Session, 2019, is amended to read as follows:

2-32 (a) If a health care facility or other entity that performs
2-33 a medical examination to collect evidence of a sexual assault or
2-34 other sex offense receives signed, written consent to release the
2-35 evidence as provided by Section 420.0735, the facility or entity
2-36 shall:

2-37 (1) promptly notify any law enforcement agency
2-38 investigating the ~~[alleged]~~ offense; and

2-39 (2) not later than two business days after the date the
2-40 examination is performed, enter the identification number of the
2-41 evidence collection kit into the statewide electronic tracking
2-42 system under Section 420.034.

2-43 SECTION 5. Section 420.042, Government Code, is amended by
2-44 adding Subsection (g) to read as follows:

2-45 (g) A law enforcement agency that fails to submit evidence
2-46 of a sexual assault or other sex offense to a public accredited
2-47 crime laboratory within the period required by this section shall
2-48 provide to the department written documentation of the failure,
2-49 including a detailed explanation for the failure. The agency shall
2-50 submit the documentation required by this subsection on or before
2-51 the 30th day after the date on which the agency discovers that the
2-52 evidence was not submitted within the period required by this
2-53 section.

2-54 SECTION 6. Section 420.046, Government Code, is amended to
2-55 read as follows:

2-56 Sec. 420.046. NONCOMPLIANCE. Failure to comply with the
2-57 requirements of Subchapter B or this subchapter may be used to
2-58 determine eligibility for receiving grant funds from the
2-59 department, the office of the governor, or another state agency.

2-60 SECTION 7. Section 420.042(b), Government Code, is
2-61 repealed.

2-62 SECTION 8. The changes in law made by this Act to Section
2-63 420.034(c), Government Code, and Section 420.035(a), Government
2-64 Code, as added by Chapter 408 (H.B. 8), Acts of the 86th
2-65 Legislature, Regular Session, 2019, apply only to sexual assault
2-66 evidence and evidence of other sex offenses collected on or after
2-67 the effective date of this Act. Evidence collected before the
2-68 effective date of this Act is governed by the law in effect on the
2-69 date the evidence was collected, and the former law is continued in

3-1 effect for that purpose.

3-2 SECTION 9. Section [420.042\(g\)](#), Government Code, as added by
3-3 this Act, applies to evidence of a sexual assault or other sex
3-4 offense in possession of a law enforcement agency on or after the
3-5 effective date of this Act.

3-6 SECTION 10. This Act takes effect September 1, 2021.

3-7

* * * * *