

Suspending limitations on conference committee  
jurisdiction, H.B. No. 2462 (Neave/Paxton)

By: Neave

H.R. No. 2005

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of  
2 Texas, 87th Legislature, Regular Session, 2021, That House Rule 13,  
3 Section 9(a), be suspended in part as provided by House Rule 13,  
4 Section 9(f), to enable the conference committee appointed to  
5 resolve the differences on House Bill 2462 (the reporting of a  
6 sexual assault, to evidence of a sexual assault or other sex  
7 offense, and to other law enforcement procedures occurring with  
8 respect to a sexual assault or other sex offense) to consider and  
9 take action on the following matters:

10 (1) House Rule 13, Section 9(a)(4), is suspended to permit  
11 the committee to add text on a matter not included in either the  
12 house or senate version of the bill by adding the following new  
13 SECTIONS to the bill:

14 SECTION 11. Section 420.003(1-a), Government Code, is  
15 amended to read as follows:

16 (1-a) "Active criminal case" means a case:

17 (A) in which:

18 (i) a sexual assault or other sex offense  
19 has been reported to a law enforcement agency; ~~and~~

20 (ii) physical evidence of the offense has  
21 been submitted to the agency or an accredited crime laboratory  
22 under this chapter for analysis; and

23 (iii) the agency documents that an offense  
24 has been committed and reported; and

1 (B) for which:

2 (i) the statute of limitations has not run  
3 with respect to the prosecution of the offense; or

4 (ii) a DNA profile was obtained that is  
5 eligible under Section 420.043 for comparison with DNA profiles in  
6 the state database or CODIS DNA database.

7 SECTION 12. 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 [~~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 and submitted for a  
21 laboratory analysis that is necessary to identify the offender or  
22 offenders, regardless of whether the evidence is collected in  
23 relation to an individual who is alive or deceased;

24 (2) track the location and status of each item of  
25 evidence through the criminal justice process, including the  
26 initial collection of the item of evidence in a forensic medical  
27 examination, receipt and storage of the item of evidence at a law

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

4 (3) [~~(2)~~] allow a facility or entity performing a  
5 forensic medical examination of a survivor, law enforcement agency,  
6 accredited crime laboratory, prosecutor, or other entity providing  
7 a chain of custody for an item of evidence to update and track the  
8 status and location of the item; and

9 (4) [~~(3)~~] allow a survivor to anonymously track or  
10 receive updates regarding the status and location of each item of  
11 evidence collected in relation to the offense.

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

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

1 SECTION 14. Section 420.035(a), Government Code, as added  
2 by Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular  
3 Session, 2019, is amended to read as follows:

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

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

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

15 SECTION 15. Section 420.042, Government Code, is amended by  
16 adding Subsection (g) to read as follows:

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

26 SECTION 16. Section 420.046, Government Code, is amended to  
27 read as follows:

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

5           SECTION 17. Section 420.042(b), Government Code, is  
6 repealed.

7           SECTION 20. The changes in law made by this Act to Section  
8 420.034(c), Government Code, and Section 420.035(a), Government  
9 Code, as added by Chapter 408 (H.B. 8), Acts of the 86th  
10 Legislature, Regular Session, 2019, apply only to sexual assault  
11 evidence and evidence of other sex offenses collected on or after  
12 the effective date of this Act. Evidence collected before the  
13 effective date of this Act is governed by the law in effect on the  
14 date the evidence was collected, and the former law is continued in  
15 effect for that purpose.

16           SECTION 21. Section 420.042(g), Government Code, as added  
17 by this Act, applies to evidence of a sexual assault or other sex  
18 offense in possession of a law enforcement agency on or after the  
19 effective date of this Act.

20           Explanation: The addition is necessary to improve the  
21 tracking and analysis of evidence of a sexual assault or other sex  
22 offense and to ensure compliance with certain requirements imposed  
23 with respect to a sex offense or evidence of a sex offense.

24           (2) House Rule 13, Sections 9(a)(1) and (3), are suspended  
25 to permit the committee to change, alter, or amend text and to add  
26 text on a matter not in disagreement in proposed SECTION 19 of the  
27 bill, a transition provision for the bill, to read as follows:

1           SECTION 19. The changes in law made by this Act to Chapters  
2 56A and 56B, Code of Criminal Procedure, apply only to a sexual  
3 assault reported on or after the effective date of this Act. A  
4 sexual assault reported before the effective date of this Act is  
5 governed by the law in effect on the date the sexual assault was  
6 reported, and the former law is continued in effect for that  
7 purpose.

8           Explanation: The change in the provision is necessary to  
9 specify a transition for amended Articles 56A.052, 56A.251,  
10 56A.252, 56A.302, 56A.303, 56A.304, 56A.307, and 56B.453, Code of  
11 Criminal Procedure, and added Articles 56A.2505 and 56A.2506, Code  
12 of Criminal Procedure, in the bill.