

1 AN ACT

2 relating to the investigation and punishment of certain sexual
3 offenses, to protective orders issued on the basis of certain
4 sexual offenses, to crime victims' compensation, and to the
5 establishment of a state sexual offense prevention and response
6 program for the Texas Military Department.

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

8 SECTION 1. This Act may be cited as the Vanessa Guillén Act.

9 SECTION 2. Chapter 432, Government Code, is amended by
10 adding Subchapter J-1 to read as follows:

11 SUBCHAPTER J-1. SEXUAL OFFENSE PREVENTION AND RESPONSE

12 Sec. 432.171. DEFINITIONS. In this subchapter:

13 (1) "Coordinator" means the state sexual offense
14 response coordinator employed as provided by this subchapter.

15 (2) "Department" means the Texas Military Department.

16 (3) "Program" means the state sexual offense
17 prevention and response program established as provided by this
18 subchapter.

19 (4) "Restricted report" means a reporting option that
20 allows a person who is a victim of an offense to confidentially
21 disclose the offense to the coordinator and obtain medical
22 treatment, including emergency care and counseling, without
23 initiating an investigation. The report may not be referred to law
24 enforcement officers or to command officials of the Texas military

1 forces to initiate an official investigation unless the person who
2 reported the offense consents.

3 (5) "Texas military forces" means the Texas Army
4 National Guard, the Texas Air National Guard, and the Texas State
5 Guard.

6 (6) "Unrestricted report" means a reporting option
7 that allows a person who is a victim of an offense to report the
8 offense to the coordinator if the person does not request
9 confidentiality in reporting the offense or request a restricted
10 report.

11 Sec. 432.172. SEXUAL ASSAULT AND INDECENT ASSAULT. A
12 person subject to this chapter who commits an offense under Section
13 22.011, 22.012, or 22.021, Penal Code, is subject to investigation
14 under this subchapter and punishment under this chapter.

15 Sec. 432.173. STATE SEXUAL OFFENSE PREVENTION AND RESPONSE
16 PROGRAM; COORDINATOR. (a) To the extent state funds are available
17 for this purpose, the department shall establish a state sexual
18 offense prevention and response program and employ or designate a
19 state sexual offense response coordinator to perform victim
20 advocacy services, including ensuring that persons who are victims
21 of sexual assault or indecent assault receive appropriate
22 responsive care and understand the options available for reporting
23 the assault.

24 (b) The coordinator shall accept reports for alleged
25 offenses under Sections 22.011, 22.012, and 22.021, Penal Code,
26 made by a person who is a member of the Texas military forces
27 against an accused person who is a member of the Texas military

1 forces.

2 (c) The coordinator shall notify each person who is a victim
3 of a sexual assault reported under Subsection (b) of their
4 eligibility for crime victims' compensation under Chapter 56B, Code
5 of Criminal Procedure.

6 (d) The program and coordinator are within the department
7 but shall exercise the authority granted under this subchapter
8 independently from the chain of command within the department.

9 (e) The coordinator must allow a member of the Texas
10 military forces who is the victim of an alleged offense under
11 Section 22.011, 22.012, or 22.021, Penal Code, to:

12 (1) file with the coordinator a restricted or
13 unrestricted report or file a restricted report and later convert
14 that report to an unrestricted report;

15 (2) participate in the United States Department of
16 Defense Catch a Serial Offender program; and

17 (3) receive notice when the coordinator is made aware
18 that the accused person has been subsequently accused of an offense
19 under Section 22.011, 22.012, or 22.021, Penal Code, by a service
20 member or any other person.

21 Sec. 432.174. INVESTIGATION. (a) On the filing of an
22 unrestricted report alleging an offense under Section 22.011 or
23 22.021, Penal Code, the coordinator:

24 (1) shall refer the unrestricted report to the Texas
25 Rangers division of the Department of Public Safety for
26 investigation; and

27 (2) may refer the unrestricted report to the

1 appropriate local law enforcement agency for the initial collection
2 of evidence.

3 (b) A local law enforcement agency that initially collects
4 evidence for an unrestricted report under Subsection (a) shall
5 transfer all relevant evidence and information to the Texas Rangers
6 division of the Department of Public Safety on request of the
7 division.

8 (c) On the filing of an unrestricted report alleging an
9 offense under Section 22.012, Penal Code, the coordinator shall
10 refer the unrestricted report to the appropriate local law
11 enforcement agency for investigation.

12 (d) The Texas Rangers division of the Department of Public
13 Safety shall assign an officer of the Texas Rangers to investigate
14 reports referred to the division under this section. If the
15 investigation demonstrates probable cause that an offense under
16 Section 22.011 or 22.021, Penal Code, was committed by a person
17 subject to this chapter, the investigator shall refer the matter to
18 the appropriate local district attorney, criminal district
19 attorney, or county attorney with criminal jurisdiction.

20 Sec. 432.175. PROTECTIVE ORDER. In accordance with Article
21 7B.001(a-1), Code of Criminal Procedure, and with the consent of
22 the person who is the victim of an offense under Section 22.011,
23 22.012, or 22.021, Penal Code, alleged to have been committed by a
24 person subject to this chapter, the coordinator may file an
25 application for a protective order under Subchapter A, Chapter 7B,
26 Code of Criminal Procedure, on behalf of the victim.

27 Sec. 432.176. REPORT TO LEGISLATURE; LEGISLATIVE

1 OVERSIGHT. (a) The adjutant general or coordinator shall annually
2 submit a report on the activities under the program and the
3 activities of the department relating to sexual offense prevention
4 and response to:

- 5 (1) the governor;
- 6 (2) the lieutenant governor;
- 7 (3) the speaker of the house of representatives; and
- 8 (4) the chairs of the standing committees of the
9 senate and house of representatives with primary jurisdiction over
10 the department.

11 (b) Using state data collected by the coordinator, the
12 report must include for the preceding state fiscal year:

13 (1) the policies and procedures implemented by the
14 coordinator and adjutant general in response to incidents of sexual
15 assault and indecent assault;

16 (2) an assessment of the implementation and
17 effectiveness of the program and the policies and procedures on the
18 prevention and oversight of and the state's response to reports of
19 sexual assault and indecent assault within the department;

20 (3) an analysis of the number of incidents of sexual
21 assault and indecent assault involving members of the Texas
22 military forces; and

23 (4) deficiencies in the department's training of the
24 coordinator.

25 (c) Information provided in the report required under
26 Subsection (b)(3) for restricted cases is limited to aggregated
27 statistical data to protect victim privacy and for unrestricted

1 cases is limited to aggregated statistical data that at a minimum
2 includes:

3 (1) statistics relating to the types of offenses
4 investigated under this subchapter;

5 (2) statistics relating to victims and accused
6 persons;

7 (3) the status of investigations under this subchapter
8 and prosecutions under this chapter; and

9 (4) the status of administrative actions taken by the
10 department against members of the Texas military forces who are on
11 state active duty.

12 SECTION 3. Article 7B.001, Code of Criminal Procedure, is
13 amended by adding Subsection (a-1) to read as follows:

14 (a-1) In addition to the persons having standing to file the
15 application under Subsection (a), the state sexual offense response
16 coordinator described by Subchapter J-1, Chapter 432, Government
17 Code, with the consent of a person who is the victim of an offense
18 under Section 22.011, 22.012, or 22.021, Penal Code, alleged to
19 have been committed by a person subject to Chapter 432, Government
20 Code, may file an application for a protective order under this
21 subchapter on behalf of the victim.

22 SECTION 4. Article 7B.002, Code of Criminal Procedure, is
23 amended to conform to Chapter 955 (S.B. 194), Acts of the 86th
24 Legislature, Regular Session, 2019, and further amended to read as
25 follows:

26 Art. 7B.002. TEMPORARY EX PARTE ORDER. (a) If the court
27 finds from the information contained in an application for a

1 protective order that there is a clear and present danger of sexual
2 assault or abuse, indecent assault, stalking, trafficking, or other
3 harm to the applicant, the court, without further notice to the
4 alleged offender and without a hearing, may issue a temporary ex
5 parte order for the protection of the applicant or any other member
6 of the applicant's family or household.

7 (b) For purposes of this article, a military protective
8 order issued to a person because the person was a reported victim of
9 an offense under Section 22.011, 22.012, or 22.021, Penal Code,
10 constitutes sufficient information for a court to find there is a
11 clear and present danger of sexual assault or abuse or other harm to
12 the applicant.

13 SECTION 5. The Texas Military Department is required to
14 implement a provision of this Act only if the legislature
15 appropriates money specifically for that purpose. If the
16 legislature does not appropriate money specifically for that
17 purpose, the Texas Military Department may, but is not required to,
18 implement a provision of this Act using other appropriations
19 available for that purpose.

20 SECTION 6. To the extent of any conflict, this Act prevails
21 over another Act of the 87th Legislature, Regular Session, 2021,
22 relating to nonsubstantive additions to and corrections in enacted
23 codes.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 623 passed the Senate on April 12, 2021, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 623 passed the House, with amendment, on May 24, 2021, by the following vote: Yeas 146, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor