

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

By: Paxton

S.R. No. 548

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 87th Legislature, Regular Session, 2021, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill 2462 (the reporting of a sexual assault, to evidence of a sexual assault or other sex offense, and to other law enforcement procedures occurring with respect to a sexual assault or other sex offense) to consider and take action on the following matters:

(1) Senate Rule 12.03(4) is suspended to permit the committee to add text on a matter not included in either the house or senate version of the bill by adding the following new SECTIONS to the bill:

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

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

(A) in which:

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

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

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

(B) for which:

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

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

SECTION 12. Sections 420.034(a) and (c), Government Code, are amended to read as follows:

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

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

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

(c) The tracking system must:

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

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

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

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

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

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

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

accessible Internet website.

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

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

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

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

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

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

SECTION 16. Section 420.046, Government Code, is amended

to read as follows:

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

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

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

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

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

(2) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change, alter, or amend text and to add text on a

matter not in disagreement in proposed SECTION 19 of the bill, a transition provision for the bill, to read as follows:

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

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

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President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 30, 2021, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate