

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

By: Paxton

S.R. No. 548

R E S O L U T I O N

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

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

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

15 (1-a) "Active criminal case" means a case:

16 (A) in which:

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

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

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

24 (B) for which:

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

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

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

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

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

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

16 (c) The tracking system must:

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

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

1 an accredited crime laboratory, and storage and destruction of the
2 item of evidence after the item is analyzed;

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

8 (4) [~~(3)~~] allow a survivor to anonymously track or
9 receive updates regarding the status and location of each item of
10 evidence collected in relation to the offense.

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

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

27 SECTION 14. Section [420.035\(a\)](#), Government Code, as added

1 by Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular
2 Session, 2019, is amended to read as follows:

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

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

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

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

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

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

27 Sec. 420.046. NONCOMPLIANCE. Failure to comply with the

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

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

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

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

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

23 (2) Senate Rules 12.03(1) and (3) are suspended to permit
24 the committee to change, alter, or amend text and to add text on a
25 matter not in disagreement in proposed SECTION 19 of the bill, a
26 transition provision for the bill, to read as follows:

27 SECTION 19. The changes in law made by this Act to Chapters

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

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