

## **BILL ANALYSIS**

C.S.H.B. 2395

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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, when law enforcement responds to domestic violence calls, they must provide the victims with a written notification of their rights. Advocates for survivors of sexual assault have suggested that a similar notification would benefit victims of sexual assault by informing them of their rights, which include obtaining a forensic medical examination, anonymously tracking case evidence updates, and requesting the local prosecutor to file a criminal complaint. A positive experience during the initial reporting process can be extremely beneficial for a victim's long-term healing and experience with systems. C.S.H.B. 2395 seeks to update and strengthen existing notification requirements for peace officers and law enforcement personnel to ensure that victims of sexual assault are connected with resources as quickly as possible to begin the healing process and prevent revictimization.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 2395 amends the Code of Criminal Procedure to require a peace officer who investigates an incident involving sexual assault or who responds to a disturbance call that may involve sexual assault to provide to the victim a written notice containing information about the additional rights afforded under state law to victims of sexual assault, indecent assault, stalking, or trafficking. The bill requires the peace officer, at the initial contact between the officer and the victim or the earliest possible time thereafter, to do the following:

- provide to the victim information about the statewide electronic tracking system for evidence related to sexual assault;
- offer to request a forensic medical examination on the victim's behalf;
- coordinate with the local sexual assault response team to provide continuing care to the victim or to further investigate the offense; and
- provide to the victim a written notice regarding rights for adult victims of sexual assault.

The bill repeals the requirement in current law for a law enforcement agency to provide to a sexual assault victim, if the agency possesses the relevant information, a referral to a sexual assault program and a written description of the services provided by the program at the time the agency provides the victim notice of the rights of crime victims under state law. The bill instead includes provision of a written referral to the nearest sexual assault program among the required actions of the investigating or responding peace officer at initial contact or the earliest time possible. The bill retains the authorization in current law for a sexual assault program to

provide a written description of the program's services to a law enforcement agency for use in delivering the referral.

C.S.H.B. 2395 requires each law enforcement agency to consult with a local sexual assault program or response team to develop the written notice regarding rights for adult victims of sexual assault. The bill requires the notice to be in English and Spanish and to include the current contact information for a victim assistance coordinator and a crime victim liaison. The bill sets out a list of statements regarding the rights of an adult victim of sexual assault that the notice must include to be considered sufficient. The bill requires the law enforcement agency to update the notice at least once each biennium and authorizes the notice to be combined with the written notification of rights provided to all crime victims.

C.S.H.B. 2395 applies only to a sexual assault reported on or after the bill's effective date.

C.S.H.B. 2395 repeals Article 56A.402, Code of Criminal Procedure.

#### **EFFECTIVE DATE**

September 1, 2023.

#### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

C.S.H.B. 2395 differs from the introduced in minor or nonsubstantive ways and includes a Texas Legislative Council draft number in the footer.