

BILL ANALYSIS

H.B. 4272
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Judiciary & Civil Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law a healthcare provider that provides forensic medical examinations can apply to the Office of the Attorney General (OAG) to be reimbursed for certain costs associated with providing those exams to sexual assault survivors. Victims of sexual assault are dealing with intense trauma and their privacy has been violated in the most extreme terms. Those who come forward to have a forensic examination outside of the hospital setting rely on the privacy, comfort, and safety provided by these providers. While the OAG has the right to combat fraud and ensure the reimbursements requested are for actual services provided, patients' privacy still must remain at the forefront. As such, H.B. 4272 seeks to allow personally identifiable information and intimate photographs to be redacted and withheld from any documentation provided to the OAG in support of a reimbursement claim.

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

H.B. 4272 amends the Code of Criminal Procedure to authorize a health care provider or sexual assault examiner to redact any personally identifiable information of a sexual assault survivor and withhold any visual material depicting a sexual assault survivor with the survivor's intimate parts exposed or otherwise depicting the survivor in an intimate state when providing documentation in support of a request for additional reimbursement for the costs of a forensic medical examination of a sexual assault victim reporting an assault.

H.B. 4272 amends the Government Code to authorize an advocate or sexual assault program to redact any such information and withhold any such material in disclosing a communication or record for purposes of a management or financial audit, a program evaluation, or research.

EFFECTIVE DATE

September 1, 2023.