

BILL ANALYSIS

Senate Research Center

S.B. 1402
By: Zaffirini; Paxton
Criminal Justice
7/13/2023
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Sexual assault cases are sensitive and complex in nature, and officers who lack specialized training may not be equipped to, for example, gather and preserve valuable DNA evidence or provide appropriate care to victims during the investigation process. An officer's failure to provide adequate emotional support may further traumatize victims and limit their willingness to report sexual assault crimes. Specialized training for police regarding sexual assault cases is essential to improve their investigation tactics and the overall outcomes for survivors.

Accordingly, S.B. 1402 would require to law enforcement officers to complete at least eight hours of specialized training about trauma-informed child sexual abuse and sexual assault investigations. This change would allow law enforcement to establish trust with victims, which would in turn encourage more victims to come forward.

(Original Author's/Sponsor's Statement of Intent)

S.B. 1402 amends current law relating to the composition, continuation, and duties of the Sexual Assault Survivors' Task Force, compensation for task force members and certain other task force participants, and establishment of a mandatory training program for persons responding to reports of and treating survivors of child sexual abuse and adult sexual assault.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 772.0064, Government Code, by amending Subsections (d) and (m) and adding Subsection (n), as follows:

(d) Provides that the Sexual Assault Survivors' Task Force (task force) is composed of the following members:

(1) makes no changes to this subdivision;

(2) a representative of each state agency that has duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or provides services to survivors, including:

(A)-(B) makes nonsubstantive changes to these paragraphs; and

(C) the Department of Family and Protective Services;

(3)-(7) makes no changes to these subdivisions;

(8)-(12) redesignates existing Subdivisions (9)-(13) as Subdivisions as (8)-(12);

(13) an adult survivor of child sexual abuse or the parent or guardian of a survivor of child sexual abuse;

(14) a survivor of adult sexual assault; and

(15) redesignates existing Subdivision (14) as Subdivision (15).

Deletes existing text providing that the task force includes the president of the Texas Society of Pathologists or the president's designee.

(m) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the composition or duration of the task force or to the designation of the task force's presiding officer. Deletes existing text providing that Section 772.0064 (Sexual Assault Survivors' Task Force) expires September 1, 2023.

(n) Provides that a task force member who is not employed by a state agency or an individual invited by the governor to participate in scheduled task force meetings is entitled to:

(1) a per diem in the amount provided by the General Appropriations Act for each day the member performs duties as a task force member or the individual attends a task force meeting; and

(2) reimbursement for actual and necessary expenses incurred in performing duties as a member or participant of the task force, as applicable.

SECTION 2. Amends Section 323.0045, Health and Safety Code, as follows:

Sec. 323.0045. BASIC SEXUAL ASSAULT FORENSIC EVIDENCE COLLECTION TRAINING. (a) Requires a person who performs a forensic medical examination on a sexual assault survivor to complete at least two hours of basic forensic evidence collection training or the equivalent education that conforms to the evidence collection protocol developed by the attorney general under Section 420.031 (Evidence Collection Protocol; Kits), Government Code, rather than have at least basic forensic evidence collection training or the equivalent education.

(b) Provides that a person who completes a continuing medical or nursing education course in forensic evidence collection described by Section 156.057 (Continuing Education in Forensic Evidence Collection) or 301.306 (Forensic Evidence Collection Component in Continuing Education), Occupations Code, that is approved or recognized by the appropriate licensing board is considered to have completed basic forensic evidence collection training for purposes of Chapter 323 (Emergency Services and Forensic Examination Programs for Survivors of Sexual Assault). Deletes existing text providing that a person who completes a continuing medical or nursing education course in forensic evidence collection that is approved or recognized by the appropriate licensing board is considered to have basic sexual assault forensic evidence training for purposes of this chapter.

(c) Requires that each health care facility that has an emergency department and that is not a SAFE-ready facility develop a written policy to ensure that a person described by Subsection (a) completes training on basic forensic evidence collection in accordance with this section. Deletes existing text requiring each health care facility that has an emergency department and that is not a SAFE-ready facility to develop a plan to train personnel on sexual assault forensic evidence collection.

SECTION 3. Amends Subchapter A, Chapter 323, Health and Safety Code, by adding Section 323.0046, as follows:

Sec. 323.0046. BASIC SEXUAL ASSAULT RESPONSE POLICY AND TRAINING FOR CERTAIN HEALTH CARE FACILITY PERSONNEL. (a) Requires a health care facility that has an emergency department to provide at least one hour of basic sexual assault response training to facility employees who provide patient admission functions, patient-related administrative support functions, or direct patient care. Requires that the training include instruction on:

(1) the provision of survivor-centered, trauma-informed care to sexual assault survivors; and

(2) the rights of sexual assault survivors under Chapter 56A (Rights of Crime Victims), Code of Criminal Procedure, including:

(A) the availability of a forensic medical examination, including an examination that is available when a sexual assault survivor does not report the assault to a law enforcement agency; and

(B) the role of an advocate as defined by Section 420.003 (Definitions), Government Code, in responding to a sexual assault survivor.

(b) Provides that an employee described by Subsection (a) who completes a continuing medical or nursing education course in forensic evidence collection described by Section 156.057 or 301.306, Occupations Code, that is approved or recognized by the appropriate licensing board is considered to have completed basic sexual assault response training for purposes of this section.

(c) Requires each health care facility that has an emergency department and that is not a SAFE-ready facility to develop a written policy to ensure that all appropriate facility personnel complete the basic sexual assault response training required by Subsection (a).

SECTION 4. Amends Section 1701.253, Occupations Code, by adding Subsection (q), as follows:

(q) Requires the Texas Commission on Law Enforcement (TCOLE) to require an officer to complete, as part of the minimum curriculum requirements, the basic education and training program developed under Section 1701.272. Requires an officer to complete the program not later the last day of the first full continuing education training period after the date the officer is licensed under Chapter 1701 (Law Enforcement Officers) unless the officer completes the program as part of the officer's basic training course.

SECTION 5. Amends Subchapter F, Chapter 1701, Occupations Code, by adding Section 1701.272, as follows:

Sec. 1701.272. TRAINING PROGRAM ON RESPONDING TO SEXUAL ABUSE OR ASSAULT. (a) Requires TCOLE, in consultation with the task force established under Section 772.0064, Government Code, to establish a basic education and training program on child sexual abuse and adult sexual assault, including the use of best practices and techniques to effectively recognize, investigate, and document those cases. Requires that the training program consist of at least eight hours of instruction.

(b) Requires TCOLE to require an officer to complete the training program unless the officer has completed the training under Section 1701.253(q) or other training equivalent to the training program as determined by TCOLE.

SECTION 6. Repealer: Section 1701.253(b-2) (relating to the September 1, 2023, expiration of certain subsections concerning curriculum requirements for the task force), Occupations Code.

SECTION 7. (a) Makes application of Section 323.0045(a), Health and Safety Code, as amended by this Act, prospective to December 1, 2023.

(b) Requires a health care facility that has an emergency department, not later than December 1, 2023, to develop the written policies required by Section 323.0045(c), Health and Safety Code, as amended by this Act, and Section 323.0046(c), Health and Safety Code, as added by this Act.

(c) Provides that a health care facility, notwithstanding Section 323.0046(a), Health and Safety Code, as added by this Act, that has an emergency department is not required to comply with that subsection until December 1, 2023.

SECTION 8. Requires TCOLE, not later than January 1, 2024, to establish the training program required by Section 1701.272, Occupations Code, as added by this Act.

SECTION 9. Provides that the minimum curriculum requirements under Section 1701.253(q), Occupations Code, as added by this Act, apply only to an officer who first begins to satisfy those requirements on or after January 1, 2024.

SECTION 10. Effective date: September 1, 2023.