

BILL ANALYSIS

S.B. 1402
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Sexual Assault Survivors' Task Force (SASTF) was established in 2019 with an ambitious goal to establish a survivor-centered, trauma-informed, collaborative, and coordinated response to sexual violence experienced by adults and children in Texas. The SASTF steering committee includes the Office of the Governor, the Texas Association Against Sexual Assault, and the Children's Advocacy Centers of Texas. Over the last four years SASTF has worked with stakeholders across the state to transform sexual assault policy in Texas.

The SASTF Law Enforcement Working Group reviews best practices and makes policy recommendations for officer training, resource availability, and investigation of sexual assault and other sex offenses. The members of the working group are law enforcement officers and stakeholders from across Texas. Currently, the basic peace officer training provided by the Texas Commission on Law Enforcement only includes child abuse and neglect, family violence, and sexual assault and does not address the unique differences and experiences of adult sexual assault survivors. Among their recommendations to the 88th Texas Legislature, SASTF recommends a change in peace officer training, a recommendation which was approved by the law enforcement working group. Specifically, SASTF recommended the legislature add instruction related to a trauma-informed approach to child sexual abuse and adult sexual assault investigations to the basic peace officer course. S.B. 1402 seeks to implement this recommendation, among others.

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

S.B. 1402 amends the Government Code to make the Sexual Assault Survivors' Task Force (SASTF) permanent by removing the provision setting the task force to expire September 1, 2023. With respect to SASTF, the bill does the following:

- changes the composition of SASTF by:
 - specifying that a representative of the Department of Family and Protective Services is included among the members appointed for purposes of representing each state agency that has duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or that provides services to survivors;
 - including the following as additional members:

- an adult survivor of child sexual abuse or the parent or guardian of a survivor of child sexual abuse; and
 - a survivor of adult sexual assault; and
 - removing as a member the president of the Texas Society of Pathologists or the president's designee;
- makes statutory provisions governing state agency advisory committees inapplicable to the composition or duration of SASTF or to the designation of SASTF's presiding officer; and
- entitles a SASTF member who is not employed by a state agency or an individual invited by the governor to participate in scheduled SASTF meetings to the following:
 - a per diem in the amount provided by the General Appropriations Act for each day the member performs duties as a SASTF member or the individual attends a task force meeting; and
 - reimbursement for actual and necessary expenses incurred in performing duties as a member or participant of SASTF, as applicable.

S.B. 1402 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE), in consultation with SASTF and not later than January 1, 2024, to establish a basic education and training program on responding to reports of child sexual abuse and adult sexual assault, including the use of best practices and trauma-informed response techniques to effectively recognize, investigate, and document such cases. The bill requires the training program to consist of at least eight instructional hours and requires TCOLE, as part of the minimum curriculum requirements for peace officer training schools, to require an officer to complete the program not later than the last day of the first full continuing education training period after the date the officer is licensed unless the officer completes the program as part of the officer's basic training course. That curriculum completion requirement applies only to an officer who first begins to satisfy those requirements on or after January 1, 2024.

S.B. 1402 requires TCOLE to require an officer to complete the training program on responding to sexual abuse or assault unless the officer has completed the training as part of their school curriculum or other training equivalent to the training program as determined by TCOLE.

S.B. 1402 repeals Section 1701.253(b-2), Occupations Code.

EFFECTIVE DATE

September 1, 2023.