

C.BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1402
By: Zaffirini; Paxton
Criminal Justice
4/25/2023
Committee Report (Substituted)

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)

C.S.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 peace officers on responding to reports 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) creates this subdivision from existing text.

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 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 3. 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 trauma-informed response 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 4. 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 5. 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 6. 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 7. Effective date: September 1, 2023.