

By: Manuel

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A BILL TO BE ENTITLED

AN ACT

relating to the duties of peace officers regarding interactions with victims of sexual assault.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Subchapter I, Chapter 56A, Code of Criminal Procedure, is amended to read as follows:

SUBCHAPTER I. PEACE OFFICER AND [REQUIRED NOTIFICATIONS BY] LAW ENFORCEMENT AGENCY DUTIES; VICTIM NOTIFICATIONS

SECTION 2. Subchapter I, Chapter 56A, Code of Criminal Procedure, is amended by adding Article 56A.403 to read as follows:

Art. 56A.403. DUTIES OF PEACE OFFICERS REGARDING VICTIMS OF SEXUAL ASSAULT. (a) A peace officer who investigates an incident involving sexual assault or who responds to a disturbance call that may involve sexual assault shall:

(1) provide to the victim a written notice containing information about the rights of crime victims under Article 56A.052.

(b) At the initial contact or at the earliest possible time after the initial contact between a sexual assault victim and the peace officer responding to the incident or disturbance call about the offense, the peace officer shall:

(1) provide to the victim:

(A) a written referral to the nearest sexual assault program as defined by Section 351.251, Local Government

1 Code; and

2 (B) information about the statewide electronic
3 tracking system established under Section 420.034, Government
4 Code;

5 (2) offer to request a forensic medical examination on
6 behalf of the victim in accordance with Article 56A.251;

7 (3) coordinate with the local response team, as
8 defined by Section 351.251, Local Government Code, to provide
9 continuing care to the victim or to further investigate the
10 offense; and

11 (4) provide to the victim a written notice containing
12 all of the information required by this article.

13 (c) Each law enforcement agency shall consult with a local
14 sexual assault program or response team, as those terms are defined
15 by Section 351.251, Local Government Code, to develop the written
16 notice required by Subsection (b). The notice must include the
17 information described by Subsection (d) and may be combined with
18 the written notice required under Article 56A.401. At least once
19 each biennium, the law enforcement agency shall update the notice
20 required by Subsection (b).

21 (d) The notice required by Subsection (b) must be in English
22 and Spanish and include the current contact information for a
23 victim assistance coordinator under Article 56A.201 and a crime
24 victim liaison under Article 56A.203. The notice is considered
25 sufficient if it includes the following statements:

26 "NOTICE TO ADULT VICTIMS OF SEXUAL ASSAULT"

27 "It is a crime for any person to cause you any physical injury

1 or harm."

2 "Please tell the investigating peace officer if you have been
3 injured or if you feel you are going to be in danger when the officer
4 leaves or at a later time."

5 "You have the right to:

6 "(1) obtain a forensic medical examination within 120 hours
7 of the assault to collect potential evidence and receive
8 preventative medications, even if you decide not to make a report
9 to a law enforcement agency;

10 "(2) anonymously track or receive updates regarding the
11 status and location of each item of evidence collected in your case;

12 "(3) have a sexual assault program advocate present during a
13 forensic medical examination;

14 "(4) have a sexual assault program advocate or other
15 victim's representative present during an investigative interview
16 with law enforcement;

17 "(5) ask the local prosecutor to file a criminal complaint
18 against the person who assaulted you; and

19 "(6) if a defendant is arrested for a crime against you
20 involving certain sexual crimes, stalking, or trafficking:

21 "(A) request an order for emergency protection to be issued
22 by a magistrate; and

23 "(B) apply to a court for a permanent order to protect you
24 (you should consult a legal aid office, a prosecuting attorney, or a
25 private attorney)."

26 "For example, the court can enter an order that prohibits the
27 person who assaulted you from:

1 "(1) committing further acts of violence;

2 "(2) threatening, harassing, or contacting you or a member
3 of your family or household; and

4 "(3) going near your place of employment or near a child
5 care facility or school attended by you or a member of your family
6 or household."

7 "You cannot be charged a fee by a court in connection with
8 filing, serving, or entering a protective order."

9 "If you have questions about the status of your case or need
10 assistance, you may contact the crime victim liaison (insert name)
11 at our agency (law enforcement agency address and victim liaison
12 phone number)."

13 "If you would like to speak with someone in the prosecuting
14 attorney's office, you may reach their victim assistance
15 coordinator at (address and phone number)."

16 "Call the following sexual assault program or social service
17 organization if you need assistance or wish to speak with an
18 advocate:

19 "

20 "_____."

21 "You may receive a sexual assault forensic medical
22 examination at the following location(s):

23 "

24 "_____."

25 "To get help from the National Human Trafficking Hotline:
26 1-888-373-7888 or text HELP or INFO to BeFree (233733)."

27 (e) A sexual assault program may provide a written

1 description of the program's services to a law enforcement agency,
2 for use in delivering the written referral required by Subsection
3 (b).

4 SECTION 3. Article 56A.402, Code of Criminal Procedure, is
5 repealed.

6 SECTION 4. The changes in law made by this Act apply only to
7 a sexual assault reported on or after the effective date of this
8 Act. A sexual assault reported before the effective date of this
9 Act is governed by the law in effect on the date the sexual assault
10 was reported, and the former law is continued in effect for that
11 purpose.

12 SECTION 5. This Act takes effect September 1, 2023.