

AN ACT

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.

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

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

(d) The task force is composed of the following members:

(1) the governor or the governor's designee;

(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) the office of the attorney general; ~~and~~

(B) the Health and Human Services Commission; and

(C) the Department of Family and Protective Services;

(3) the executive director of the Texas Commission on Law Enforcement or the executive director's designee;

(4) the presiding officer of the Texas Forensic Science Commission or the presiding officer's designee;

1           (5) the division director of the law enforcement  
2 support division of the Texas Department of Public Safety with  
3 authority over the Crime Laboratory Service or the division  
4 director's designee;

5           (6) the president of the Texas Association of Crime  
6 Laboratory Directors or the president's designee;

7           (7) the president of the Texas District and County  
8 Attorney's Association or the president's designee;

9           (8) ~~[the president of the Texas Society of~~  
10 ~~Pathologists or the president's designee;~~

11           ~~(9)~~ the president of the International Association  
12 of Forensic Nurses Texas Chapter or the president's designee;

13           (9) ~~(10)~~ the president of the statewide  
14 organization described by Section 264.409, Family Code, or the  
15 president's designee;

16           (10) ~~(11)~~ the president of the state sexual assault  
17 coalition, as defined by Section 420.003, or the president's  
18 designee;

19           (11) ~~(12)~~ a representative from a law enforcement  
20 agency appointed by the steering committee described by Subsection  
21 (c);

22           (12) ~~(13)~~ a sexual assault nurse examiner appointed  
23 by the steering committee described by Subsection (c) to represent  
24 the interests of health care facilities that perform sexual assault  
25 forensic exams;

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

1           (14) a survivor of adult sexual assault; and

2           (15) [~~(14)~~] other members considered appropriate by  
3 the steering committee described by Subsection (c).

4           (m) Chapter 2110 does not apply to the composition or  
5 duration of the task force or to the designation of the task force's  
6 presiding officer [~~This section expires September 1, 2023~~].

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

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

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

16           SECTION 2. Section 323.0045, Health and Safety Code, is  
17 amended to read as follows:

18           Sec. 323.0045. BASIC SEXUAL ASSAULT FORENSIC EVIDENCE  
19 COLLECTION TRAINING. (a) A person who performs a forensic medical  
20 examination on a sexual assault survivor must complete [~~have~~] at  
21 least two hours of basic forensic evidence collection training or  
22 the equivalent education that conforms to the evidence collection  
23 protocol developed by the attorney general under Section 420.031,  
24 Government Code.

25           (b) A person who completes a continuing medical or nursing  
26 education course in forensic evidence collection described by  
27 Section 156.057 or 301.306, Occupations Code, that is approved or

1 recognized by the appropriate licensing board is considered to have  
2 completed basic [~~sexual assault~~] forensic evidence collection  
3 training for purposes of this chapter.

4 (c) Each health care facility that has an emergency  
5 department and that is not a SAFE-ready facility shall develop a  
6 written policy [~~plan~~] to ensure that a person described by  
7 Subsection (a) completes training on basic [~~train personnel on~~  
8 ~~sexual assault~~] forensic evidence collection in accordance with  
9 this section.

10 SECTION 3. Subchapter A, Chapter 323, Health and Safety  
11 Code, is amended by adding Section 323.0046 to read as follows:

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

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

21 (2) the rights of sexual assault survivors under  
22 Chapter 56A, Code of Criminal Procedure, including:

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

27 (B) the role of an advocate as defined by Section

1 420.003, Government Code, in responding to a sexual assault  
2 survivor.

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

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

14 SECTION 4. Section 1701.253, Occupations Code, is amended  
15 by adding Subsection (q) to read as follows:

16 (q) As part of the minimum curriculum requirements, the  
17 commission shall require an officer to complete the basic education  
18 and training program developed under Section 1701.272. An officer  
19 shall complete the program not later than the last day of the first  
20 full continuing education training period after the date the  
21 officer is licensed under this chapter unless the officer completes  
22 the program as part of the officer's basic training course.

23 SECTION 5. Subchapter F, Chapter 1701, Occupations Code, is  
24 amended by adding Section 1701.272 to read as follows:

25 Sec. 1701.272. TRAINING PROGRAM ON RESPONDING TO SEXUAL  
26 ABUSE OR ASSAULT. (a) The commission shall, in consultation with  
27 the Sexual Assault Survivors' Task Force established under Section

1 772.0064, Government Code, establish a basic education and training  
2 program on child sexual abuse and adult sexual assault, including  
3 the use of best practices and techniques to effectively recognize,  
4 investigate, and document those cases. The training program must  
5 consist of at least eight hours of instruction.

6 (b) The commission shall require an officer to complete the  
7 training program unless the officer has completed the training  
8 under Section 1701.253(q) or other training equivalent to the  
9 training program as determined by the commission.

10 SECTION 6. Section 1701.253(b-2), Occupations Code, is  
11 repealed.

12 SECTION 7. (a) Section 323.0045(a), Health and Safety  
13 Code, as amended by this Act, applies only to a forensic medical  
14 examination that occurs on or after December 1, 2023. A forensic  
15 medical examination that occurs before the effective date of this  
16 Act is governed by the law as it existed immediately before that  
17 date, and the former law is continued in effect for that purpose.

18 (b) Not later than December 1, 2023, a health care facility  
19 that has an emergency department shall develop the written policies  
20 required by Section 323.0045(c), Health and Safety Code, as amended  
21 by this Act, and Section 323.0046(c), Health and Safety Code, as  
22 added by this Act.

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

27 SECTION 8. Not later than January 1, 2024, the Texas

1 Commission on Law Enforcement shall establish the training program  
2 required by Section 1701.272, Occupations Code, as added by this  
3 Act.

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

8 SECTION 10. This Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1402 passed the Senate on May 3, 2023, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendments on May 25, 2023, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1402 passed the House, with amendments, on May 23, 2023, by the following vote: Yeas 92, Nays 47, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor