

SUBJECT: Using the crime victims compensation fund for sexual assault exam costs

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 7 ayes — Herrero, Moody, Canales, Hunter, Leach, Shaheen, Simpson

0 nays

WITNESSES: For — Chris Kaiser, Texas Association Against Sexual Assault;
(*Registered, but did not testify*: Kathryn Freeman, Christian Life
Commission; Melinda Smith, Combined Law Enforcement Associations
of Texas; Julie Bassett)

Against — None

On — Gene McCleskey, Office of the Attorney General

BACKGROUND: Code of Criminal Procedure, art. 56.54 governs the crime victims compensation fund, which awards financial assistance to victims of violent crime for certain expenses not reimbursed by insurance or other sources. Revenue for the fund includes criminal court costs, fees, and fines. The program is administered by the Office of the Attorney General. The attorney general can use the crime victims compensation fund to reimburse a law enforcement agency for the reasonable costs of a medical examination incurred under Code of Criminal Procedure, art. 56.06.

Under that article, law enforcement authorities are required to pay the costs of medical examinations for some alleged sexual assault victims. Code of Criminal Procedure, art. 56.065 requires the Department of Public Safety to pay the costs of medical examinations for other certain alleged sexual assault victims. However, the attorney general does not have authority to use the fund to reimburse the Department of Public Safety for these exams. The attorney general also does not have authority to reimburse individuals who pay the costs of these sexual assault medical exams performed under Code of Criminal Procedure, art. 56.06 and art. 56.065.

DIGEST: CSHB 1446 would expand the uses of the crime victims compensation fund to include reimbursing the Department of Public Safety for the costs of medical examinations for certain alleged sexual assault victims. It also would allow the fund to be used to make payments to or on the behalf of individuals who received medical examinations for alleged sexual assaults under Code of Criminal Procedure, art. 56.06 or art. 56.065 and would authorize the attorney general to make such payments.

The bill would take effect September 1, 2015, and would apply only to payments for medical care provided on or after that date.

NOTES: The Legislative Budget Board estimates that CSHB 1446 would have no impact on general revenue related funds but would have a negative impact of \$5.4 million in fiscal 2016-17 on the crime victims compensation fund.