

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1713  
By: Whitmire  
Criminal Justice  
5/6/2011  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

In 2009, the 81st Legislature passed H.B. 2626. This bill authorized the attorney general to use funds in the Crime Victims Compensation Fund to reimburse the Department of Public Safety of the State of Texas for costs it incurred in the reimbursement of hospitals for the costs of conducting forensic examinations for victims of a sexual assault.

Part of the purpose of this law was to comply with the federal Violence Against Women Act, which requires states to verify that victims of sexual assault are to be reimbursed for charges incurred for conducting a forensic medical examination.

There is no corresponding statute allowing hospitals to be reimbursed for conducting forensic medical examinations of victims of family violence. Thus, if the victim of family violence cannot pay for the costs of conducting a forensic examination, the hospital must bear those costs. Additionally, there is no statute, as with victims of sexual assault, that mandates that a hospital conduct a forensic medical examination whenever the patient is a victim of family violence.

While forensic medical exams are only performed in a small number, approximately 6.2 percent, of domestic violence cases, forensic medical exams are often essential in successfully investigating and prosecuting family violence cases, especially in strangulation cases.

C.S.S.B. 1713 authorizes funds in the Crime Victims Compensation Fund, to the extent they are available, to be used to reimburse hospitals for the costs in conducting forensic medical exams in instances involving family violence.

C.S.S.B. 1713 amends current law relating to compensation under the Crime Victims' Compensation Act for forensic medical examinations performed with respect to victims of family violence.

### **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 56.32(a)(9), Code of Criminal Procedure, to provide that "pecuniary loss" means the amount of expense reasonably and necessarily incurred as a result of personal injury or death for certain expenses, including a forensic medical examination performed with respect to a victim of family violence.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.