

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 2555
By: Neave et al. (Paxton)
Criminal Justice
5/19/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2019, the Texas Legislature passed the Lavinia Masters Act and appropriated roughly \$50 million dollars in additional funding for the tracking, collection, and analysis of sexual assault evidence collection kits in Texas. The DNA evidence collected is used to find "hits" or DNA matches to find the perpetrator of the crime. This funding allowed for more evidence to be tested and has resulted in an 80 percent reduction of the rape kit backlog. Over the past two years, the Governor's Sexual Assault Survivors' Task Force has evaluated existing practices addressing sexual violence in Texas and has developed recommendations for conducting forensic medical examinations and evidence tracking. H.B. 2555 seeks to enact these recommendations and enhance accountability for the collection, tracking, and analysis of evidence collected in the examination of a sexual assault or other sex offense. Specifically, this bill requires a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense and receives the consent necessary to release the evidence to enter the identification number of the evidence collection kit into the statewide electronic tracking system not later than two business days after the date the examination is performed.

(Original Author's / Sponsor's Statement of Intent)

C.S.H.B. 2555 amends current law relating to the tracking and analysis of evidence of a sexual assault or other sex offense, to noncompliance with requirements imposed with respect to that evidence, and to other law enforcement procedures occurring with respect to a sexual offense.

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 420.003(1-a), Government Code, to redefine "active criminal case" for Chapter 420 (Sexual Assault Prevention and Crisis Services).

SECTION 2. Amends Sections 420.034(a) and (c), Government Code, as follows:

(a) Redefines "evidence" for purposes of Section 420.034 (Statewide Electronic Tracking System), Government Code.

(c) Requires that the statewide electronic tracking system:

(1) include the evidence collection kit and any other items collected during the forensic medical examination in relation to a sexual assault or other sex offense and submitted for a laboratory analysis that is necessary to identify the offender or offenders, regardless of whether the evidence is collected in relation to an individual who is alive or deceased;

(2) creates this subdivision from existing text and makes no further changes;

(3) redesignates existing Subdivision (2) as Subdivision (3) and makes no further changes; and

(4) redesignates existing Subdivision (3) as Subdivision (4) and makes no further changes.

SECTION 3. Transfers Section 420.045, Government Code, to Section 420.034, Government Code, redesignates it as Subsection (h), Section 420.034, Government Code, and amends it, as follows:

(h) Requires the Department of Public Safety of the State of Texas (DPS), not later than December 1 of each year, to submit a report to the governor, the lieutenant governor, the speaker of the Texas House of Representatives, and members of the legislature identifying the number of evidence collection kits that have not yet been submitted for laboratory analysis or for which the laboratory analysis has not yet been completed, as applicable. Requires that the annual report be titled "Statewide Electronic Tracking System Report" and be posted on DPS's publicly accessible Internet website.

Deletes existing text requiring each law enforcement agency and public accredited crime laboratory to submit a quarterly report to DPS identifying the number of evidence collection kits that the law enforcement agency has not yet submitted for laboratory analysis or for which the crime laboratory has not yet completed an analysis, as applicable.

SECTION 4. Amends Section 420.035(a), Government Code, as added by Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular Session, 2019, as follows:

(a) Requires a health care facility or other entity that performs a medical examination to collect evidence of a sexual assault or other sex offense, if the facility or entity receives signed, written consent to release the evidence as provided by Section 420.0735 (Consent for Release of Certain Evidence), to, not later than two business days after the date the examination is performed, enter the identification number of the evidence collection kit into the statewide electronic tracking system under Section 420.034. Makes nonsubstantive changes.

SECTION 5. Amends Section 420.042, Government Code, by adding Subsection (g), as follows:

(g) Requires a law enforcement agency that fails to submit evidence of a sexual assault or other sex offense to a public accredited crime laboratory within the period required by Section 420.042 (Analysis of Evidence) to provide to DPS written documentation of the failure, including a detailed explanation for the failure. Requires the law enforcement agency to submit the documentation required by this subsection on or before the 30th day after the date on which the agency discovers that the evidence was not submitted within the period required by Section 420.042.

SECTION 6. Amends Section 420.046, Government Code, to provide that failure to comply with the requirements of Subchapter B (Collection, Preservation, and Tracking of Evidence of Sex Offense) or Subchapter B-1 (Analysis of Evidence of Sexual Assault or Other Sex Offense) may be used to determine eligibility for receiving grant funds from DPS, the Office of the Governor, or another state agency.

SECTION 7. Repealer: Section 420.042(b) (relating to requiring a person who submits evidence of a sexual assault or other sex offense to a public accredited crime laboratory under Chapter 420 or other law to provide a certain signed, written certification with each submission), Government Code.

SECTION 8. Makes application of Section 420.034(c), Government Code, and Section 420.035(a), Government Code, as added by Chapter 408 (H.B. 8), Acts of the 86th Legislature, Regular Session, 2019, prospective.

SECTION 9. Makes application of Section 420.042(g), Government Code, as added by this Act, prospective.

SECTION 10. Effective date: September 1, 2021.