

BILL ANALYSIS

Senate Research Center
87R16862 SCL-F

C.S.S.B. 476
By: Nelson
Criminal Justice
3/30/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 86th Legislature passed several bills to improve the investigation and prosecution processes for sexual assaults. The legislature has also provided additional funding for rape crisis centers and domestic violence shelters and addressed the backlog of sexual assault kits in recent years. However, gaps still remain in how we respond to sexual assault cases. S.B. 476 addresses gaps in sexual assault response in Texas communities by requiring relevant stakeholders to develop sexual assault response teams (SARTs).

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

C.S.S.B. 476 amends current law relating to establishment of county adult sexual assault response teams.

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 Chapter 351, Local Government Code, by adding Subchapter J, as follows:

SUBCHAPTER J. COUNTY ADULT SEXUAL ASSAULT RESPONSE TEAMS

Sec. 351.251. DEFINITIONS. Defines "adult," "program," "response team," and "survivor."

Sec. 351.252. ESTABLISHMENT. (a) Requires the commissioners court of each county, except as provided by Subsection (b), to establish an adult sexual assault response team and sets forth certain members to be appointed by the commissioners court.

(b) Authorizes two or more contiguous counties, each with a population of 50,000 or less, to partner to form a multicounty response team.

Sec. 351.253. PRESIDING OFFICER. Requires the response team to elect a presiding officer from among its members.

Sec. 351.254. MEETINGS. (a) Requires a response team to meet:

- (1) at least quarterly at a time determined by the presiding officer;
- (2) not later than the 90th day after the last day of a regular legislative session to review and amend as necessary any protocols, forms, or guidelines developed under this subchapter; and
- (3) at any other time at the call of the presiding officer.

(b) Authorizes the member or entity the member is representing, if a response team member is unable to participate in a response team meeting, to designate another individual to represent the member or entity at the meeting. Requires each member or a designee of that member to participate in all response team meetings.

(c) Requires a response team member to attend the quarterly meetings held as required under Subsection (a)(1) to participate in response team functions.

(d) Requires a response team to meet independently of a children's advocacy center multidisciplinary team described by Section 264.406 (Multidisciplinary Team), Family Code.

Sec. 351.255. VACANCIES. Requires the commissioners court of a county to fill a vacancy for a response team member not later than the 30th day after the date the vacancy occurs and in the same manner as the original appointment.

Sec. 351.256. ADULT SEXUAL ASSAULT RESPONSE PROTOCOL. (a) Requires a response team to develop a written protocol addressing the coordinated response for adult survivors in the county and sets forth certain requirements of such a protocol.

(b) Provides that, in developing a protocol under this section, the response team:

(1) is required to consider Chapter 56A (Rights of Crime Victims), Code of Criminal Procedure;

(2) is authorized to provide different procedures for use within a particular municipality or area of the county served by the response team; and

(3) is required to prioritize the health and safety of survivors.

(c) Provides that the purpose of the protocol developed under this section is to ensure coordination between all agencies involved in sexual assault cases to increase the efficacy of response and to minimize survivor traumatization. Requires the response team to provide the protocol to each agency in the county that responds to disclosures of sexual assault.

(d) Provides that failure to follow a protocol developed under this section does not constitute the basis for a claim or defense to a civil or criminal action or preclude the admissibility of evidence.

Sec. 351.257. REPORT. Requires a response team, not later than December 1 of each odd-numbered year, to provide to the commissioners court of each county the response team serves a report that includes certain information.

Sec. 351.258. MEETINGS AND RECORDS; CONFIDENTIALITY. (a) Provides that a response team meeting is not subject to Chapter 551 (Open Meetings), Government Code.

(b) Provides that this section does not prohibit a response team from requesting or allowing the attendance of a person who is not a response team member at a response team meeting.

(c) Provides that information and records acquired by a response team in the exercise of its purpose and duties under this subchapter are confidential and not subject to disclosure under Chapter 552 (Public Information), Government Code, and authorizes their disclosure only as necessary to implement the response team's purpose and duties.

(d) Provides that a report or a statistical compilation of data reports created by the response team is public information subject to Chapter 552, Government Code,

provided the report or compilation does not contain any personally identifiable information.

(e) Provides that information, documents, and records of the response team that are confidential under this section are not subject to subpoena or discovery and are prohibited from being introduced into evidence in any civil, criminal, or administrative proceeding, except that information, documents, and records otherwise available from other sources are not immune from subpoena, discovery, or introduction into evidence solely because that information or those documents or records were presented during a response team meeting or maintained by the response team.

(f) Authorizes a response team to only review a sexual assault case of an adult survivor with the signed, written consent of the survivor. Requires that the consent specify the information or records covered by the release, the reason or purpose for the release, and the person or agency to which the information is to be released.

SECTION 2. (a) Requires the commissioners court of each county, not later than December 1, 2021, to appoint the members to and call the first meeting of the county's adult sexual assault response team in accordance with Subchapter J, Chapter 351, Local Government Code, as added by this Act, and requires the members of the team to appoint the initial presiding officer at the first meeting of each adult sexual assault response team.

(b) Requires each adult sexual assault response team, not later than December 1, 2022, to develop a written protocol as required by Section 351.256, Local Government Code, as added by this Act.

SECTION 3. Effective date: September 1, 2021.