

BILL ANALYSIS

Senate Research Center

S.B. 806
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current statute, when law enforcement responds to domestic violence calls, they must provide the victims with a written notification of their rights. Advocates for survivors of sexual assault have identified that a similar notification would benefit victims of sexual assault by informing them of their rights, which include obtaining a forensic medical exam, anonymously tracking case evidence updates, and requesting the local prosecutor to file a criminal complaint. Research has shown that a positive experience during the initial reporting process is extremely beneficial for a victim's long-term healing and experience with systems.

This proposed legislation updates and strengthens existing notification requirements for peace officers and law enforcement personnel to ensure that victims of sexual assault are connected with resources as quickly as possible to begin the healing process and prevent revictimization. The language is modeled after the type of notification that law enforcement is currently required to provide to domestic violence victims.

As proposed, S.B. 806 amends current law relating to the duties of peace officers regarding interactions with victims of sexual assault.

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 the heading to Subchapter I, Chapter 56A, Code of Criminal Procedure, to read as follows:

SUBCHAPTER I. PEACE OFFICER AND LAW ENFORCEMENT AGENCY DUTIES; VICTIM NOTIFICATIONS

SECTION 2. Amends Subchapter I, Chapter 56A, Code of Criminal Procedure, by adding Article 56A.403, as follows:

Art. 56A.403. DUTIES OF PEACE OFFICERS REGARDING VICTIMS OF SEXUAL ASSAULT. (a) Requires a peace officer who investigates an incident involving sexual assault or who responds to a disturbance call that may involve sexual assault to:

(1) provide to the victim a written notice containing information about the rights of crime victims under Article 56A.052 (Additional Rights of Victims of Sexual Assault, Indecent Assault, Stalking, or Trafficking).

(b) Requires the peace officer, at the initial contact or at the earliest possible time after the initial contact between a sexual assault victim and the peace officer responding to the incident or disturbance call about the offense, to:

(1) provide to the victim:

(A) a written referral to the nearest sexual assault program as defined by Section 351.251 (Definitions), Local Government Code; and

(B) information about the statewide electronic tracking system established under Section 420.034 (Statewide Electronic Tracking System), Government Code;

(2) offer to request a forensic medical examination on behalf of the victim in accordance with Article 56A.251 (Request for Forensic Medical Examination);

(3) coordinate with the local response team, as defined by Section 351.251, Local Government Code, to provide continuing care to the victim or to further investigate the offense; and

(4) provide to the victim a written notice containing all of the information required by this article.

(c) Requires each law enforcement agency to consult with a local sexual assault program or response team, as those terms are defined by Section 351.251, Local Government Code, to develop the written notice required by Subsection (b). Provides that the notice is required to include the information described by Subsection (d) and is authorized to be combined with the written notice required under Article 56A.401 (Notification of Rights). Requires the law enforcement agency, at least once each biennium, to update the notice required by Subsection (b).

(d) Requires that the notice required by Subsection (b) be in English and Spanish and include the current contact information for a victim assistance coordinator under Article 56A.201 (Designation of Victim Assistance Coordinator) and a crime victim liaison under Article 56A.203 (Designation of Crime Victim Liaison). Sets forth the language required to be included in the notice.

(e) Authorizes a sexual assault program to provide a written description of the program's services to a law enforcement agency, for use in delivering the written referral required by Subsection (b).

SECTION 3. Repealer: Article 56A.402 (Referral to Sexual Assault Program), Code of Criminal Procedure.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2023.