

## **BILL ANALYSIS**

C.S.S.B. 476  
By: Nelson  
County Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The 86th Legislature enacted legislation that improved the investigation and prosecution processes for sexual assaults. Furthermore, the legislature 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 the necessary approach to sexual assault cases across Texas. C.S.S.B. 476 seeks to address this issue by establishing county adult sexual assault response teams.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 476 amends the Local Government Code to require the commissioners court of each county to establish an adult sexual assault response team that includes the following members appointed by the commissioners court:

- the chief administrator, or the chief administrator's designee, of a sexual assault program that provides services for the county;
- a prosecutor with jurisdiction in the county over cases involving sexual assault committed against adults;
- the chief, or the chief's designee, of the municipal police department with the largest population in the county, provided a municipality in the county has a municipal police department;
- the sheriff or the sheriff's designee;
- either:
  - a sexual assault nurse examiner or forensic examiner from a facility that conducts sexual assault forensic exams for the county; or
  - a representative from the largest health care provider operating in the county if the county does not have such a professional;
- a behavioral health services provider operating in the county or, if the county does not have a behavioral health services provider, a representative from the county health department; and
- other persons the presiding officer of the response team considers necessary for the operation of the response team or as recommended by the response team.

The bill authorizes two or more counties, each with a population of 250,000 or less, within a contiguous area to partner to form a multicounty response team. The bill provides for the

election of a presiding officer of the response team, the meeting schedule of the team, and the procedure to fill a team vacancy.

C.S.S.B. 476 requires each response team to develop, not later than December 1, 2022, a written protocol addressing the coordinated response for adult survivors in the county that includes the following:

- the procedures to be used in investigating and prosecuting cases arising from a report of sexual assault;
- interagency information sharing, in accordance with state and federal law, to ensure the timely exchange of relevant information and enhance the response to survivors;
- the location and accessibility of sexual assault forensic examinations;
- information on the availability of and access to medical care when the care is clinically indicated;
- a requirement to ensure survivors are offered access to sexual assault program advocates;
- information on the availability of and access to mental and behavioral health services;
- a requirement to ensure that relevant law enforcement agencies notify survivors in a timely manner regarding the status of any criminal case and court proceeding;
- an assessment of relevant community trends, including drug-facilitated sexual assault, the incidence of predatory date rape, and sex trafficking;
- a biennial evaluation through sexual assault case reviews of the effectiveness of individual agency and interagency protocols and systems;
- at least four hours of annual cross-agency training on the dynamics of sexual assault for response team members participating in the quarterly response team meetings; and
- procedures for addressing conflicts within the response team and for maintaining the confidentiality of information shared among response team members as required by law.

C.S.S.B. 476 does the following:

- sets out the required and discretionary actions of a response team in developing the protocol and the purpose of each protocol;
- requires a response team to provide the protocol to each agency in the county that responds to disclosures of sexual assault;
- establishes that failure to follow a developed protocol does not constitute the basis for a claim or defense to a civil or criminal action or preclude the admissibility of evidence;
- establishes biennial response team reporting requirements;
- provides for the confidentiality of response team meetings and records; and
- provides for the initial appointments and meeting of each response team.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 476 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The engrossed authorized two or more contiguous counties, each with a population of 50,000 or less, to partner to form a multicounty response team, whereas the substitute authorizes two or more counties, each with a population of 250,000 or less, within a contiguous area to partner to form a multicounty response team.

The substitute includes a specification absent from the engrossed that the program applicable to the bill's provisions is a sexual assault program.