

## **BILL ANALYSIS**

Senate Research Center

S.B. 919  
By: Moncrief  
Criminal Justice  
3-19-97  
As Filed

### **DIGEST**

Currently, the Texas Department of Health (TDH) has authority for the Sexual Assault Prevention and Crisis Services Program and contracts with the attorney general's office to implement the program; however, TDH is not involved in running the program. This legislation transfers the authority for the program from TDH to the attorney general in an effort to consolidate the oversight and administration of sexual assault prevention and crisis services.

### **PURPOSE**

As proposed, S.B. 919 provides for the transfer of the Sexual Assault Prevention and Crisis Services program from the Texas Department of Health to the Office of the Attorney General and establishes related provisions.

### **RULEMAKING AUTHORITY**

Rulemaking authority is granted to the attorney general in SECTION 1 (Sections 420.004(b), 420.005(c), and 420.009(a)-(c), Chapter 420A, Government Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Title 4, Government Code, by adding Chapter 420, as follows:

#### CHAPTER 420. SEXUAL ASSAULT PREVENTION AND CRISIS SERVICES

##### SUBCHAPTER A. GENERAL PROVISIONS

Sec. 420.001. SHORT TITLE: Sexual Assault Prevention and Crisis Services Act.

Sec. 420.002. PURPOSE. Sets forth the purpose of this chapter.

Sec. 420.003. DEFINITIONS. Defines "program," "service," "sexual assault," "sexual assault examiner," "sexual assault nurse examiner," "sexual assault program," and "survivor."

Sec. 420.004. SERVICE. Provides that the Sexual Assault Prevention and Crisis Service Division is in the office of the attorney general. Authorizes the attorney general to adopt rules relating to assigning service areas, monitoring services, distributing funds, and collecting information from programs.

Sec. 420.005. GRANTS. Sets forth the terms by which the attorney general is authorized to award grants, and the services a program is required to provide in order to be eligible for a grant. Requires the attorney general, by rule, to require a program receiving a grant to submit certain financial reports; submit to an annual audit; cooperate during site-monitoring visits; and offer minimum services. Provides that this section does not prohibit a program from offering any additional service. Establishes that a grant is governed by the Uniform Grant and Contract Management Act of 1981 and rules adopted under that Act. Sets forth the terms by which the receipt of grant money by a program is authorized to be suspended, and by which a hearing is required to be held.

Sec. 420.006. FUNDING. Authorizes the attorney general to receive grants, gifts, or appropriations of money from certain sources to finance the grant program. Prohibits the attorney general from using more than 15 percent of the annual legislative appropriation to the service for the administration of this chapter. Provides that the sexual assault prevention and crisis services fund is in the state treasury, and establishes the use of those moneys.

Sec. 420.0061. SEXUAL ASSAULT PROGRAM FUND. Sets forth the terms under which the sexual assault program fund is a special account in the general revenue fund consisting of fees collected by a certain method. Authorizes the legislature to appropriate fund money only to the attorney general to finance the grant program.

Sec. 420.007. REPORT. Establishes the conditions under which the attorney general is required to publish a report on the service containing certain information. Requires a copy of the report to be submitted to certain persons and entities.

Sec. 420.008. CONFIDENTIALITY. Prohibits the attorney general from disclosing any information received from reports, collected case information, or site-monitoring visits that would identify a person working at or receiving services from a program.

Sec. 420.009. CERTIFICATION AND RULES. Authorizes the attorney general to adopt rules necessary to implement this chapter; and requires the attorney general to adopt rules establishing minimum standards for the certification of a sexual assault program, and a sexual assault nurse examiner. Requires the attorney general to develop minimum standards for program certification standards; conditions under which a program that is in violation may be suspended, decertified, or placed on probation; examiner training courses; criteria for interstate reciprocity of sexual assault nurse examiners; and conditions under which a nurse examiner may be suspended, decertified, or placed on probation.

Sec. 420.010. CONSULTATIONS. Requires the attorney general to consult persons and organizations having knowledge and experience relating to sexual assault.

Sec. 420.011. DEPOSIT BY COMPTROLLER; AUDIT. Sets forth the terms by which the comptroller is required to deposit moneys received or credited to the program in the fund; and by which moneys collected and spent are subject to audit.

Sec. 420.012. ATTORNEY GENERAL SUPERVISION OF COLLECTION OF COSTS; FAILURE TO COMPLY. Establishes the terms under which the attorney general shall send a warning letter to the court or the governing body of the governmental unit in which the court is located for failure to assess or collect costs; the court or governing body shall respond in writing; the comptroller shall conduct an audit of the appropriate entity; and the attorney general may refuse award grants or notify the State Commission on Judicial Conduct. Provides that the failure, refusal, or neglect of a judicial officer to comply with a requirement of this subchapter constitutes official misconduct and is grounds for removal from office.

#### SUBCHAPTER B. COLLECTION AND PRESERVATION OF EVIDENCE OF SEX OFFENSE

Sec. 420.031. EVIDENCE COLLECTION PROTOCOL; KITS. Sets forth the terms by which the service is required to develop an evidence collection protocol that includes collection procedures and a list of requirements for the contents of an evidence collection kit. Sets forth the terms by which a law enforcement agency is required to pay the costs of the evidence collection kit, and is not required to pay the costs of treatment for injuries. Prohibits evidence collected under this section from being released unless certain conditions are met. Provides that failure to comply with evidence collection procedures or requirements does not affect the admissibility of the evidence in a trial of the offense.

SECTION 2. Repealer: Chapter 44, Health and Safety Code (Sexual Assault Prevention and Crisis Services).

SECTION 3. Severability clause.

SECTION 4. Effective date: September 1, 1997.

SECTION 5. Emergency clause.