

## **BILL ANALYSIS**

Senate Research Center  
78R834 KEL-D

S.B. 53  
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Jurisprudence  
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### **DIGEST AND PURPOSE**

Currently, some victims of sexual assault do not report assaults because they fear not being believed. Some feel that myths about sexual assault, such as date rape or acquaintance rape, are rampant among the general public. Prosecutors report that some sexual assault cases are not tried, because the prosecutors do not believe that a grand jury will indict the accused sex offender. The result is that some sex offenders are not brought to justice and are free to perpetrate another sexual assault. As proposed, S.B. 53 requires judges to provide grand jury training about the dynamics of sexual assault, with the training to be provided by local rape crisis centers or, if the court is outside any rape crisis service area, by trainers who will train only with curriculum approved by the Texas Association Against Sexual Assault.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to district courts in SECTION 1 (Article 19.43, Code of Criminal Procedure) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 19, Code of Criminal Procedure, by adding Article 19.43, as follows:

Article 19.43. GRAND JUROR TRAINING REGARDING SEXUAL ASSAULT ISSUES. (a) Requires the district court (court) to ensure that each grand juror receives training regarding issues of sexual assault, including issues related to victims and perpetrators of sexual assault, except as provided by Subsection (b).

(b) Authorizes the court to excuse a grand juror from training if the court finds that the juror is unlikely to address sexual assault issues during the juror's term of service.

(c) Requires the court to adopt rules necessary to accomplish the purpose of this article. Requires the rules to include certain provisions.

(d) Requires the sexual assault program or other entity, on the court's request and as applicable, to provide the training using a curriculum approved by a statewide association committed to ending sexual violence in this state.

(e) Requires the curriculum to provide certain information.

SECTION 2. (a) Requires a district court, by October 1, 2003, to adopt the rules required by Article 19.43, Code of Criminal Procedure, as added by this Act.

(b) Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.