

BILL ANALYSIS

Senate Research Center
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S.B. 39
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Education
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Many times, the genetic evidence collected for sexual assault cases is discovered during a medical forensic exam of the victim. These exams are as complex and expensive as they are necessary. However, the medical professionals who are required to perform these exams receive no training through their nursing or medical schools on how to properly collect, package, and store this extremely important evidence.

While forensic medical examination services in some metropolitan areas are excellent, access to trained medical professionals is restricted and unevenly distributed throughout the state. Many rural, mid-sized counties, and geographically large urban areas lack health professionals who are properly trained in providing evidentiary examinations, collecting, preserving and documenting evidence, and interpreting findings.

The result is victims being improperly examined and prosecutors lacking critical evidence. The need for competent healthcare workers for basic medical forensic examinations is critical.

As proposed, S.B. 39 requires medical and nursing schools to provide basic forensic medical education to medical and nursing school students. The training should emphasize the multidisciplinary perspective and address the emotional and medical needs of victims as well as the evidence collection requirements of the justice system.

While the requirements in this bill would not replace the need for sexual assault nurse examiners (who receive over 40 hours of training), this bill would ensure that every sexual assault survivor has evidence collected by a medical professional who has some basic training.

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 Subchapter F, Chapter 51, Education Code, by adding Section 51.310, as follows:

Sec. 51.310. FORENSIC EVIDENCE COLLECTION COURSE REQUIREMENT. (a) Requires certain institutions of higher education to establish a course in forensic evidence collection and, except as provided in Subsection (b), to require completion of the course as a prerequisite to receiving certain degrees in medicine and nursing.

(b) Authorizes the institution of higher education to determine whether to award transfer credit to a student for a substantially similar course completed at another institution of a certain type.

(c) Requires the Texas Higher Education Coordinating Board to establish standards for the course required by this section.

SECTION 2. (a) Requires each institution, offering certain programs to which this Act applies, to offer the course required by this Act no later than the Fall 2006 semester.

(b) Makes application of this Act prospective to August 1, 2006.

SECTION 3. Effective date: upon passage or September 1, 2005.