

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1446
By: Dale et al. (Rodríguez)
Criminal Justice
5/21/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.H.B. 1446 amends current law relating to reimbursement of certain medical costs for victims of certain sex offenses and compensation to victims of stalking for relocation and housing rental expenses.

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 Article 56.06, Code of Criminal Procedure, to read as follows:

Art. 56.06. FORENSIC MEDICAL EXAMINATION FOR SEXUAL ASSAULT
VICTIM WHO HAS REPORTED ASSAULT; COSTS.

SECTION 2. Amends Article 56.06, Code of Criminal Procedure, by amending Subsections (a), (b), (c), and (d) and adding Subsection (f), as follows:

(a) Requires the law enforcement agency, with the consent of the victim, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, if a sexual assault is reported to a law enforcement agency within 96 hours of the assault, to request a forensic medical examination of the victim of the alleged assault for use in the investigation or prosecution of the offense. Authorizes a law enforcement agency to decline to request a forensic medical examination under this subsection only if the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency and if there is no other evidence to corroborate the current allegations of sexual assault.

(b) Authorizes the law enforcement agency, if a sexual assault is not reported within the period described by Subsection (a), on receiving the consent described by that subsection, to request a forensic medical examination of a victim of an alleged sexual assault as considered appropriate by the agency.

(c) Requires a law enforcement agency that requests a forensic medical examination of a victim of an alleged sexual assault for use in the investigation or prosecution of the offense to pay all costs of the examination. Makes no further change to this subsection.

(d) Authorizes a law enforcement agency or prosecuting attorney's office to pay all costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of the forensic medical examination or manner in which it was performed.

(f) Authorizes the attorney general to make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Section 323.004 (Minimum Standards for Emergency Services), Health and Safety Code.

SECTION 3. Amends Article 56.065, Code of Criminal Procedure, by adding Subsection (k), to authorize the attorney general to make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Section 323.004, Health and Safety Code.

SECTION 4. Amends Article 56.32(a)(9), Code of Criminal Procedure, as follows:

(9) Redefines "pecuniary loss" to mean the amount of expense reasonably and necessarily incurred as a result of personal injury or death for reasonable and necessary costs for relocation and housing rental assistance payments as provided by Article 56.42(d).

Deletes existing text providing that "pecuniary loss" means the amount of expense reasonably and necessarily incurred as a result of personal injury or death for reasonable and necessary costs, as provided by Article 56.42(d), incurred by a victim of family violence or a victim of sexual assault who is assaulted in the victim's place of residence for relocation and housing rental assistance payments.

SECTION 5. Amends Article 56.42(d), Code of Criminal Procedure, as follows:

(d) Authorizes a victim who is a victim of stalking, family violence, or trafficking of persons, or a victim of sexual assault who is assaulted in the victim's place of residence, to receive a onetime-only assistance payment in an amount not to exceed the amounts set forth in this subsection.

SECTION 6. Amends Article 56.54(k), Code of Criminal Procedure, as follows:

(k) Authorizes the attorney general to use the compensation to victims of crime fund to:

(1) reimburse a law enforcement agency for the reasonable costs of a forensic medical examination that are incurred by the agency under Article 56.06 or 56.065 (Medical Examination for Sexual Assault Victim Who Has Not Reported Assault; Costs); and

(2) make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided under Article 56.06 or 56.065 in accordance with Section 323.004, Health and Safety Code.

SECTION 7. (a) Provides that the change made in law by this Act relating to reimbursement of certain medical costs applies only to payments made for medical care provided on or after the effective date of this Act. Provides that payments made for medical care provided before the effective date of this Act are governed by the law in effect on the date the care was provided, and the former law is continued in effect for that purpose.

(b) Provides that the change made in law by this Act relating to compensation for relocation and housing rental expenses applies only to a victim of a criminal offense committed or a violation that occurs on or after the effective date of this Act. Provides that the victim of a criminal offense committed or a violation that occurs before the effective date of this Act is governed by the law in effect on the date the offense was committed or the violation occurred, and the former law is continued in effect for that purpose. Provides that, for purposes of this subsection, a criminal offense was committed or a violation occurred before the effective date of this Act if any element of the offense or violation occurred before that date.

SECTION 8. Effective date: September 1, 2015.