

BILL ANALYSIS

Senate Research Center
87R3598 ANG-D

H.B. 1706
By: Neave et al. (Huffman)
Jurisprudence
5/14/2021
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2019, there were over 18,000 incidents of sexual assault in the state according to the Texas Department of Public Safety. However, only around 1,500 cases of sexual assault of an adult were filed in district courts that year. Different types of specialty courts in Texas have been effective in addressing the unique needs of each population they serve and it has been suggested that the establishment of specialty courts for sexual assault survivors would be similarly effective in addressing survivors' needs.

H.B. 1706 seeks to address this issue by authorizing counties to establish specialty sexual assault victim services court programs in which services are made available for victims, and judges and prosecutors specialize in sexual assault cases.

H.B. 1706 amends current law relating to a specialty court program to provide victim services in sexual assault cases.

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 Title 2, Government Code, by adding Subtitle K-1, as follows:

SUBTITLE K-1. SPECIALTY COURTS FOR VICTIM SERVICES

CHAPTER 141. SEXUAL ASSAULT VICTIM SERVICES COURT PROGRAM

Sec. 141.001. SEXUAL ASSAULT VICTIM SERVICES COURT PROGRAM DEFINED. Defines "sexual assault victim services court program" for Chapter 141.

Sec. 141.002. AUTHORITY TO ESTABLISH PROGRAM; ELIGIBILITY. (a) Authorizes the commissioners court of a county to establish a sexual assault victim services court program for participants who:

(1) are victims of an alleged sexual assault in which a person is arrested for or charged with an offense under Chapter 21 (Sexual Offenses) or 22 (Assaultive Offenses), Penal Code, committed against the victim; and

(2) voluntarily agree to participate in the program.

(b) Authorizes the local administrative district and statutory county court judges of the county to designate a court in the county for assignment of cases described by Subsection (a). Requires the judge of the designated court to have experience hearing sexual assault cases under Chapter 21 or 22, Penal Code. Requires the prosecuting attorney for the court to have experience in prosecuting sexual assault offenses under Chapter 21 or 22, Penal Code.

Sec. 141.003. DUTIES OF SEXUAL ASSAULT VICTIM SERVICES COURT PROGRAM. (a) Requires that a sexual assault victim services court program established under Chapter 141:

(1) ensure that a victim eligible for participation in the program voluntarily agrees to participate in the program; and

(2) allow a participant to withdraw from the program at any time.

(b) Requires that a sexual assault victim services court program established under Chapter 141 make, establish, and publish local procedures to ensure maximum participation of eligible victims in the county.

Sec. 141.004. GIFTS, GRANTS, AND DONATIONS. Authorizes a county to accept a gift, grant, donation, or bequest of money, services, equipment, goods, or other tangible or intangible property from any source for the sexual assault victim services court program.

SECTION 2. Effective date: September 1, 2021.