

**SUBJECT:** Authorizing a sexual assault victim services court program

**COMMITTEE:** Judiciary and Civil Jurisprudence — favorable, without amendment

**VOTE:** 5 ayes — Leach, Julie Johnson, Krause, Schofield, Smith

1 nay — Middleton

3 absent — Davis, Dutton, Moody

**WITNESSES:** For — Charles Reed, Dallas County Commissioners Court; Amy Derrick, Dallas County Criminal District Attorney; Kristen Lenau, Texas Association Against Sexual Assault; Matthew Kita; (*Registered, but did not testify*: Melissa Shannon, Bexar County Commissioners Court; Jim Allison, County Judges and Commissioners Association of Texas; M. Paige Williams, for Dallas County Criminal District Attorney John Creuzot; Ken Shetter, One Safe Place; Jennifer Mudge, Texas Council on Family Violence; Thomas Parkinson)

Against — None

**BACKGROUND:** Penal Code Title 5 defines various criminal offenses against the person, including sexual offenses and assaultive offenses.

It has been shown that a relatively small number of cases of sexual assault of an adult are filed in comparison to the number of reported incidents of sexual assault in Texas, which raises concerns about the adequacy of the criminal justice system in addressing such cases. It has been suggested that the establishment of specialty courts for sexual assault survivors in Texas could be beneficial in addressing the unique needs of survivors and potentially enhance justice for this population.

**DIGEST:** HB 1706 would authorize the commissioners court of a county to establish a sexual assault victim services court program for participants who:

- were victims of an alleged sexual assault in which a person was arrested for or charged with a sexual or assaultive offense committed against the victim; and
- voluntarily agreed to participate in the program.

The local administrative district and statutory county court judges of the county could designate a court in the county for assignment of eligible cases. The judge of the designated court would be required to have experience hearing sexual assault cases under applicable Penal Code statute, and the prosecuting attorney for the court would have to have experience in prosecuting such cases.

The bill would define "sexual assault victim services court program" as having certain characteristics, including:

- integration of services provided by public agencies and community organizations for participating victims;
- early identification and prompt assignment of eligible cases to the designated court;
- access for participating victims to counseling and other related services provided by public agencies and community organizations;
- inclusion of a participant's family members who voluntarily agreed to be involved in the services provided to the participant;
- issuance of protective orders for victims on the victim's consent and as authorized by state law; and
- continued monitoring of sexual assault defendants through prosecution and adjudication and for the duration of convicted offenders' sentences.

An established court program would be required to ensure that a victim's participation in the program was voluntary and to allow a participant to withdraw from the program at any time. The program also would be required to make, establish, and publish local procedures to ensure maximum participation of eligible victims in the county.

A county could 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.

The bill would take effect September 1, 2021.