

BILL ANALYSIS

Senate Research Center

H.B. 1990
By: Naishtat (Barrientos)
Jurisprudence
5-15-97
Committee Report (Amended)

DIGEST

Public awareness of sexual assault has increased in the past few years, as has the number of advocates who wish to provide services to sexual assault survivors. Currently, state law does not require that a communication between a sexual assault advocate and a sexual assault victim remain confidential. This bill will provide regulations regarding advocates for survivors of sexual assault and confidential communications, and provide a criminal penalty.

PURPOSE

As proposed, H.B. 1990 provides regulations regarding advocates for survivors of sexual assault and confidential communications, and provides a criminal penalty.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 44.003, Health and Safety Code, to define "advocate." Makes conforming changes.

SECTION 2. Amends Chapter 44, Health and Safety Code, by adding Subchapters C and D, as follows:

SUBCHAPTER C. ADVOCATES FOR SURVIVORS OF SEXUAL ASSAULT

Sec. 44.051. ADVOCATES FOR SURVIVORS OF SEXUAL ASSAULT. Authorizes an individual to act as an advocate for survivors of sexual assault if the individual has completed a sexual assault training program certified by the Texas Department of Health (department) and is employed by a sexual assault program; or provided services through a sexual assault program as a volunteer under the supervision of an advocate.

SUBCHAPTER D. CONFIDENTIAL COMMUNICATIONS

Sec. 44.071. CONFIDENTIAL COMMUNICATIONS. Sets forth regulations regarding the confidentiality of communications between an advocate and a survivor, or a person claiming to be a survivor of sexual assault.

Sec. 44.072. EXCEPTIONS. Sets forth exceptions to the confidentiality regulations under this subchapter.

Sec. 44.073. CONSENT. Sets forth regulations regarding consent for the release of confidential information.

Sec. 44.074. CRIMINAL SUBPOENA. Requires a person to disclose a communication or record that is confidential under this chapter for use in a criminal investigation or proceeding in response to a subpoena issued in accordance with law, notwithstanding any other provision of this chapter.

Sec. 44.075. OFFENSE. Provides that a person commits a Class C misdemeanor if the person intentionally or knowingly discloses a communication or record that is confidential under this chapter, except as provided by this chapter.

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

On page 5, line 9, strike "may" and substitute "shall."