

BILL ANALYSIS

Senate Research Center
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S.B. 37
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Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, law enforcement agencies are not required to request a forensic examination for victims who report an assault within a certain time period. Rape crisis centers throughout Texas describes many situations where a sexual assault victim reports the crime but a thorough investigation is not completed in a timely manner. The failure to believe a victim appears to be the most likely reason that law enforcement personnel fail to obtain a forensic examination.

A forensic examination is a highly technical exams used to collect evidence from a person's body. DNA evidence can be the most valuable evidence collected from the victim. However, when believability is at issue, damage to tissue, bruising, and other injuries can point to lack of consent. Forensic nurse examiners report that even with in 96 hours of the rape, important evidence can still be collected. As proposed, S.B. 37 provides that a victim of an alleged sexual assault is entitled to a forensic medical examination if the alleged sexual assault was reported within 96 hours of its occurrence.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subsection (a), Article 56.02, Code of Criminal Procedure, to provide that a victim of a sexual assault has the right to a forensic medial examination if the victim reported the sexual assault to a law enforcement agency within 96 hours of the assault. Make nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.