

## **BILL ANALYSIS**

C.S.H.B. 1590  
By: Howard  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been noted that while there are many services devoted to addressing the needs of sexual assault survivors in Texas, not enough is being done to ensure coordination and cooperation among service providers and that the services provided are adequate. C.S.H.B. 1590 seeks to address those issues by establishing the Sexual Assault Survivors' Task Force.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1590 amends the Government Code to require the governor to establish the Sexual Assault Survivors' Task Force within the criminal justice division of the governor's office. The bill establishes that the presiding body of the task force is a three-member steering committee and sets out the composition of the task force and the steering committee. The bill provides for the appointment of certain task force members, establishes that an appointed member serves at the pleasure of the appointing official, and requires the task force to meet at the call of the steering committee.

C.S.H.B. 1590 sets out the duties of the steering committee with respect to the task force, which include among other duties, the creation within the task force of working groups focusing on survivors who are children and who are adults. The bill requires the working group focusing on survivors who are children to collect data on the rate of pregnancy among children 14 years of age and younger.

C.S.H.B. 1590 sets out the duties of the task force, which include among other duties, biennially contracting for a survey of the resources provided to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities in each region of Texas, and requires the task force, not later than November 1 of each even-numbered year, to analyze the data from the survey and prepare a report, or contract with a private entity for the preparation of a report, to submit to the legislature. The bill requires the report to include:

- a description of the resources provided to child and adult survivors by those entities and of the differences between those resources and the statewide standard;
- recommendations on measures to be taken by the state and each region to better comply with that standard;

- certain funding-related information;
- the rate of pregnancy among children 14 years of age and younger and recommendations for reducing pregnancy in children caused by sexual assault or other sex offenses provided by the applicable working group; and
- recommendations for accomplishing policy goals.

C.S.H.B. 1590 requires all recommendations, standards, and resource information provided by the task force, to the extent possible, to be evidence-based and consistent with standards of practice and care in Texas and throughout the country. The bill requires the task force to use any available federal or state funding for purposes of the bill's provisions relating to the task force, which expire September 1, 2023.

C.S.H.B. 1590 expands the group of individuals and entities with which the attorney general is required to consult in implementing the Sexual Assault Prevention and Crisis Services Act by including:

- state sexual assault coalitions;
- state agencies, task forces, and councils that have duties relating to the prevention, investigation, or prosecution of sexual assault or other sex offenses or services provided to survivors;
- forensic science experts; and
- individuals and organizations having knowledge and experience relating to the issues of sex offenses.

The bill requires the attorney general to consult with those individuals and entities in developing an evidence collection kit and protocol for distribution to law enforcement agencies and proper medical personnel.

C.S.H.B. 1590 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE) to consult with the task force regarding minimum curriculum requirements for law enforcement officer training in the investigation and documentation of cases that involve sexual assault or other sex offenses. This requirement expires September 1, 2023.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1590 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute does not include provisions creating the Office for Sexual Assault for Survivor Assistance within the criminal justice division of the governor's office, but the substitute includes provisions, set to expire September 1, 2023, creating instead the Sexual Assault Survivor's Task Force within the division, which is tasked with many of the same duties as the office and is required to prepare, or contract for the preparation of, and submit a similar biennial report to the legislature. The substitute changes from the office to the task force the entity with whom TCOLE must consult regarding certain law enforcement officer training requirements.

The substitute does not require the division to use funding received under the federal Victims of Crime Act of 1984 for the purposes of the office but requires the task force instead to use any available federal or state funding for its purposes. The substitute sets the provisions relating to the task force to expire September 1, 2023.

The substitute does not include a provision providing for the office's advice to the attorney general in adopting rules necessary to implement the Sexual Assault Prevention and Crisis Services Act, but the substitute includes provisions instead expanding the group of individuals and entities with whom the attorney general must consult in implementing the act. The substitute changes from the office to those individuals and entities the parties with whom the attorney general must consult with in developing a related evidence collection kit and protocol.