

BILL ANALYSIS

Senate Research Center

S.B. 1183
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Criminal Justice
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 54.033 (Sexually Transmitted Disease, AIDS, and HIV Testing), Family Code, requires a victim to wait until the conclusion of a juvenile's trial for certain sex offenses before they can find out whether the defendant has an STD, AIDS, or HIV.

This means only after the juvenile is found guilty of engaging in delinquent conduct as defined by statute, including sexual contact, sexual assault, and aggravated sexual assault, that the juvenile must undergo a medical procedure designed to show whether the child has an STD, AIDS, or HIV.

Because of this requirement, a victim cannot find out whether he or she has acquired an STD, AIDS, or HIV until the conclusion of the trial. This delay in the acquisition of critical information prevents the immediate treatment for STDs, AIDS, or HIV, which ultimately has a detrimental effect on a victim's health, both mentally and physically.

S.B. 1183 allows for the testing of juvenile defendants accused of indecency with a child, sexual assault, or aggravated sexual assault to be performed earlier in the adjudicative process, before the child is found to have engaged in this delinquent conduct. This will allow the victim to have access to information regarding a potential transfer of disease or infection from the defendant sooner rather than later, so that the treatment and recovery process can begin promptly.

As proposed, S.B. 1183 amends current law relating to testing of a juvenile for a sexually transmitted disease or human immunodeficiency virus (HIV) upon the filing of a petition alleging delinquent conduct.

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 Section 54.033, Family Code, as follows:

(a) Requires a child, alleged to have engaged in delinquent conduct by a petition filed under 53.04 (Court Petition; Answer) or 53.045 (Violent or Habitual Offenders), or a petition filed under 54.02 (Waiver of Jurisdiction and Discretionary Transfer to Criminal Court) of this code that included a violation of Sections 21.11(a)(1) (relating to an offense being committed if a person engages in sexual contact with a child or causes the child to engage in sexual contact), 22.011 (Sexual Assault), or 22.021 (Aggravated Sexual Assault), Penal Code, to undergo a medical procedure or test at the direction of the juvenile court designed to show or help show whether the child has a sexually transmitted disease, acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) or infection with any other probable causative agent of AIDS. Deletes existing text requiring a child found at the conclusion of an adjudication hearing under Section 54.03 (Adjudication Hearing) of this code to have engaged in delinquent conduct that included a violation of Sections 21.11(a)(1), 22.011, or 22.021,

Penal Code, to undergo a medical procedure or test at the direction of the juvenile court designed to show or help show whether the child has certain medical conditions.

SECTION 2. Provides that the change in law made by this Act applies to a petition alleging delinquent conduct filed on or after the effective date of this Act, regardless of whether the delinquent conduct occurred before, on, or after the effective date of this Act.

SECTION 3. Effective date: September 1, 2013.