

1-1 By: Dale, et al. (Senate Sponsor - Rodríguez) H.B. No. 1446
 1-2 (In the Senate - Received from the House May 13, 2015;
 1-3 May 15, 2015, read first time and referred to Committee on Criminal
 1-4 Justice; May 22, 2015, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 22, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to reimbursement of certain medical costs for victims of
 1-18 certain sex offenses.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. The heading to Article 56.06, Code of Criminal
 1-21 Procedure, is amended to read as follows:

1-22 Art. 56.06. FORENSIC MEDICAL EXAMINATION FOR SEXUAL ASSAULT
 1-23 VICTIM WHO HAS REPORTED ASSAULT; COSTS.

1-24 SECTION 2. Article 56.06, Code of Criminal Procedure, is
 1-25 amended by amending Subsections (a), (b), (c), and (d) and adding
 1-26 Subsection (f) to read as follows:

1-27 (a) If a sexual assault is reported to a law enforcement
 1-28 agency within 96 hours of the assault, the law enforcement agency,
 1-29 with the consent of the victim, a person authorized to act on behalf
 1-30 of the victim, or an employee of the Department of Family and
 1-31 Protective Services, shall request a forensic medical examination
 1-32 of the victim of the alleged assault for use in the investigation or
 1-33 prosecution of the offense. A law enforcement agency may decline to
 1-34 request a forensic medical examination under this subsection only
 1-35 if the person reporting the sexual assault has made one or more
 1-36 false reports of sexual assault to any law enforcement agency and if
 1-37 there is no other evidence to corroborate the current allegations
 1-38 of sexual assault.

1-39 (b) If a sexual assault is not reported within the period
 1-40 described by Subsection (a), on receiving the consent described by
 1-41 that subsection the law enforcement agency may request a forensic
 1-42 medical examination of a victim of an alleged sexual assault as
 1-43 considered appropriate by the agency.

1-44 (c) A law enforcement agency that requests a forensic
 1-45 medical examination of a victim of an alleged sexual assault for use
 1-46 in the investigation or prosecution of the offense shall pay all
 1-47 costs of the examination. On application to the attorney general,
 1-48 the law enforcement agency is entitled to be reimbursed for the
 1-49 reasonable costs of that examination if the examination was
 1-50 performed by a physician or by a sexual assault examiner or sexual
 1-51 assault nurse examiner, as defined by Section 420.003, Government
 1-52 Code.

1-53 (d) A law enforcement agency or prosecuting attorney's
 1-54 office may pay all costs related to the testimony of a licensed
 1-55 health care professional in a criminal proceeding regarding the
 1-56 results of the forensic medical examination or manner in which it
 1-57 was performed.

1-58 (f) The attorney general may make a payment to or on behalf
 1-59 of an individual for the reasonable costs incurred for medical care
 1-60 provided in accordance with Section 323.004, Health and Safety
 1-61 Code.

2-1 SECTION 3. Article 56.065, Code of Criminal Procedure, is
2-2 amended by adding Subsection (k) to read as follows:

2-3 (k) The attorney general may make a payment to or on behalf
2-4 of an individual for the reasonable costs incurred for medical care
2-5 provided in accordance with Section 323.004, Health and Safety
2-6 Code.

2-7 SECTION 4. Article 56.54(k), Code of Criminal Procedure, is
2-8 amended to read as follows:

2-9 (k) The attorney general may use the compensation to victims
2-10 of crime fund to:

2-11 (1) reimburse a law enforcement agency for the
2-12 reasonable costs of a forensic medical examination that are
2-13 incurred by the agency under Article 56.06 or 56.065; and

2-14 (2) make a payment to or on behalf of an individual for
2-15 the reasonable costs incurred for medical care provided under
2-16 Article 56.06 or 56.065 in accordance with Section 323.004, Health
2-17 and Safety Code.

2-18 SECTION 5. The change in law made by this Act applies only
2-19 to payments made for medical care provided on or after the effective
2-20 date of this Act. Payments made for medical care provided before
2-21 the effective date of this Act are governed by the law in effect on
2-22 the date the care was provided, and the former law is continued in
2-23 effect for that purpose.

2-24 SECTION 6. This Act takes effect September 1, 2015.

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