

1-1 By: Rodríguez S.B. No. 145
 1-2 (In the Senate - Filed November 10, 2014; January 27, 2015,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 30, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 30, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 145 By: Whitmire

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to reimbursement of certain medical costs for victims of
 1-20 certain sex offenses and compensation to victims of stalking for
 1-21 relocation and housing rental expenses.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. The heading to Article 56.06, Code of Criminal
 1-24 Procedure, is amended to read as follows:

1-25 Art. 56.06. FORENSIC MEDICAL EXAMINATION FOR SEXUAL ASSAULT
 1-26 VICTIM WHO HAS REPORTED ASSAULT; COSTS.

1-27 SECTION 2. Article 56.06, Code of Criminal Procedure, is
 1-28 amended by amending Subsections (a), (b), (c), and (d) and adding
 1-29 Subsection (f) to read as follows:

1-30 (a) If a sexual assault is reported to a law enforcement
 1-31 agency within 96 hours of the assault, the law enforcement agency,
 1-32 with the consent of the victim, a person authorized to act on behalf
 1-33 of the victim, or an employee of the Department of Family and
 1-34 Protective Services, shall request a forensic medical examination
 1-35 of the victim of the alleged assault for use in the investigation or
 1-36 prosecution of the offense. A law enforcement agency may decline to
 1-37 request a forensic medical examination under this subsection only
 1-38 if the person reporting the sexual assault has made one or more
 1-39 false reports of sexual assault to any law enforcement agency and if
 1-40 there is no other evidence to corroborate the current allegations
 1-41 of sexual assault.

1-42 (b) If a sexual assault is not reported within the period
 1-43 described by Subsection (a), on receiving the consent described by
 1-44 that subsection the law enforcement agency may request a forensic
 1-45 medical examination of a victim of an alleged sexual assault as
 1-46 considered appropriate by the agency.

1-47 (c) A law enforcement agency that requests a forensic
 1-48 medical examination of a victim of an alleged sexual assault for use
 1-49 in the investigation or prosecution of the offense shall pay all
 1-50 costs of the examination. On application to the attorney general,
 1-51 the law enforcement agency is entitled to be reimbursed for the
 1-52 reasonable costs of that examination if the examination was
 1-53 performed by a physician or by a sexual assault examiner or sexual
 1-54 assault nurse examiner, as defined by Section 420.003, Government
 1-55 Code.

1-56 (d) A law enforcement agency or prosecuting attorney's
 1-57 office may pay all costs related to the testimony of a licensed
 1-58 health care professional in a criminal proceeding regarding the
 1-59 results of the forensic medical examination or manner in which it
 1-60 was performed.

2-1 (f) The attorney general may make a payment to or on behalf
2-2 of an individual for the reasonable costs incurred for medical care
2-3 provided in accordance with Section 323.004, Health and Safety
2-4 Code.

2-5 SECTION 3. Article 56.065, Code of Criminal Procedure, is
2-6 amended by adding Subsection (k) to read as follows:

2-7 (k) The attorney general may make a payment to or on behalf
2-8 of an individual for the reasonable costs incurred for medical care
2-9 provided in accordance with Section 323.004, Health and Safety
2-10 Code.

2-11 SECTION 4. Article 56.32(a)(9), Code of Criminal Procedure,
2-12 is amended to read as follows:

2-13 (9) "Pecuniary loss" means the amount of expense
2-14 reasonably and necessarily incurred as a result of personal injury
2-15 or death for:

2-16 (A) medical, hospital, nursing, or psychiatric
2-17 care or counseling, or physical therapy;

2-18 (B) actual loss of past earnings and anticipated
2-19 loss of future earnings and necessary travel expenses because of:

2-20 (i) a disability resulting from the
2-21 personal injury;

2-22 (ii) the receipt of medically indicated
2-23 services related to the disability resulting from the personal
2-24 injury; or

2-25 (iii) participation in or attendance at
2-26 investigative, prosecutorial, or judicial processes related to the
2-27 criminally injurious conduct and participation in or attendance at
2-28 any postconviction or postadjudication proceeding relating to
2-29 criminally injurious conduct;

2-30 (C) care of a child or dependent;

2-31 (D) funeral and burial expenses, including, for
2-32 an immediate family member or household member of the victim, the
2-33 necessary expenses of traveling to and attending the funeral;

2-34 (E) loss of support to a dependent, consistent
2-35 with Article 56.41(b)(5);

2-36 (F) reasonable and necessary costs of cleaning
2-37 the crime scene;

2-38 (G) reasonable replacement costs for clothing,
2-39 bedding, or property of the victim seized as evidence or rendered
2-40 unusable as a result of the criminal investigation;

2-41 (H) reasonable and necessary costs for
2-42 relocation and housing rental assistance payments~~[, incurred by a victim of family violence or a~~
2-43 ~~victim of sexual assault who is assaulted in the victim's place of~~
2-44 ~~residence for relocation and housing rental assistance payments];~~

2-45 (I) for an immediate family member or household
2-46 member of a deceased victim, bereavement leave of not more than 10
2-47 work days; and

2-48 (J) reasonable and necessary costs of traveling
2-49 to and from a place of execution for the purpose of witnessing the
2-50 execution, including one night's lodging near the place at which
2-51 the execution is conducted.

2-52 SECTION 5. Article 56.42(d), Code of Criminal Procedure, is
2-53 amended to read as follows:

2-54 (d) A victim who is a victim of stalking, family violence,
2-55 or ~~[a victim of]~~ trafficking of persons, or a victim of sexual
2-56 assault who is assaulted in the victim's place of residence, may
2-57 receive a onetime-only assistance payment in an amount not to
2-58 exceed:

2-59 (1) \$2,000 to be used for relocation expenses,
2-60 including expenses for rental deposit, utility connections,
2-61 expenses relating to the moving of belongings, motor vehicle
2-62 mileage expenses, and for out-of-state moves, transportation,
2-63 lodging, and meals; and

2-64 (2) \$1,800 to be used for housing rental expenses.

2-65 SECTION 6. Article 56.54(k), Code of Criminal Procedure, is
2-66 amended to read as follows:

2-67 (k) The attorney general may use the compensation to victims
2-68 of crime fund to:
2-69

3-1 (1) reimburse a law enforcement agency for the
3-2 reasonable costs of a forensic medical examination that are
3-3 incurred by the agency under Article 56.06 or 56.065; and

3-4 (2) make a payment to or on behalf of an individual for
3-5 the reasonable costs incurred for medical care provided under
3-6 Article 56.06 or 56.065 in accordance with Section 323.004, Health
3-7 and Safety Code.

3-8 SECTION 7. (a) The change in law made by this Act relating
3-9 to reimbursement of certain medical costs applies only to payments
3-10 made for medical care provided on or after the effective date of
3-11 this Act. Payments made for medical care provided before the
3-12 effective date of this Act are governed by the law in effect on the
3-13 date the care was provided, and the former law is continued in
3-14 effect for that purpose.

3-15 (b) The change in law made by this Act relating to
3-16 compensation for relocation and housing rental expenses applies
3-17 only to a victim of a criminal offense committed or a violation that
3-18 occurs on or after the effective date of this Act. The victim of a
3-19 criminal offense committed or a violation that occurs before the
3-20 effective date of this Act is governed by the law in effect on the
3-21 date the offense was committed or the violation occurred, and the
3-22 former law is continued in effect for that purpose. For purposes of
3-23 this subsection, a criminal offense was committed or a violation
3-24 occurred before the effective date of this Act if any element of the
3-25 offense or violation occurred before that date.

3-26 SECTION 8. This Act takes effect September 1, 2015.

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