

1-1 By: Blanco S.B. No. 623
1-2 (In the Senate - Filed February 8, 2021; March 11, 2021,
1-3 read first time and referred to Committee on Veteran Affairs &
1-4 Border Security; April 7, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 April 7, 2021, sent to printer.)

1-7	COMMITTEE VOTE			
1-8		Yea	Nay	Absent
1-9	Campbell	X		PNV
1-10	Hall	X		
1-11	Blanco	X		
1-12	Eckhardt	X		
1-13	Gutierrez	X		
1-14	Seliger	X		
1-15	Taylor	X		

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 623 By: Blanco

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

1-19 relating to the investigation and punishment of certain sexual
1-20 offenses, to protective orders issued on the basis of certain
1-21 sexual offenses, to crime victims' compensation, and to the
1-22 establishment of a state sexual offense prevention and response
1-23 program for the Texas Military Department.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-25 SECTION 1. Chapter 432, Government Code, is amended by
1-26 adding Subchapter J-1 to read as follows:

1-27 SUBCHAPTER J-1. SEXUAL OFFENSE PREVENTION AND RESPONSE
1-28 Sec. 432.171. DEFINITIONS. In this subchapter:

1-29 (1) "Coordinator" means the state sexual offense
1-30 response coordinator employed as provided by this subchapter.

1-31 (2) "Department" means the Texas Military Department.

1-32 (3) "Program" means the state sexual offense
1-33 prevention and response program established as provided by this
1-34 subchapter.

1-35 (4) "Restricted report" means a reporting option that
1-36 allows a person who is a victim of an offense to confidentially
1-37 disclose the offense to the coordinator and obtain medical
1-38 treatment, including emergency care and counseling, without
1-39 initiating an investigation. The report may not be referred to law
1-40 enforcement officers or to command officials of the Texas military
1-41 forces to initiate an official investigation unless the person who
1-42 reported the offense consents.

1-43 (5) "Texas military forces" means the Texas Army
1-44 National Guard, the Texas Air National Guard, and the Texas State
1-45 Guard.

1-46 (6) "Unrestricted report" means a reporting option
1-47 that allows a person who is a victim of an offense to report the
1-48 offense to the coordinator if the person does not request
1-49 confidentiality in reporting the offense or request a restricted
1-50 report.

1-51 Sec. 432.172. SEXUAL ASSAULT AND INDECENT ASSAULT. A
1-52 person subject to this chapter who commits an offense under Section
1-53 22.011, 22.012, or 22.021, Penal Code, is subject to investigation
1-54 under this subchapter and punishment under this chapter.

1-55 Sec. 432.173. STATE SEXUAL OFFENSE PREVENTION AND RESPONSE
1-56 PROGRAM; COORDINATOR. (a) To the extent state funds are available
1-57 for this purpose, the department shall establish a state sexual
1-58 offense prevention and response program and employ or designate a
1-59 state sexual offense response coordinator to perform victim
1-60 advocacy services, including ensuring that persons who are victims

of sexual assault or indecent assault receive appropriate responsive care and understand the options available for reporting the assault.

(b) The coordinator shall accept reports for alleged offenses under Sections [22.011](#), [22.012](#), and [22.021](#), Penal Code, made by a person who is a member of the Texas military forces against an accused person who is a member of the Texas military forces.

(c) The coordinator shall notify each person who is a victim of a sexual assault reported under Subsection (b) of their eligibility for crime victims' compensation under Chapter [56B](#), Code of Criminal Procedure.

(d) The program and coordinator are within the department but shall exercise the authority granted under this subchapter independently from the chain of command within the department.

(e) The coordinator must allow a member of the Texas military forces who is the victim of an alleged offense under Section [22.011](#), [22.012](#), or [22.021](#), Penal Code, to:

(1) file with the coordinator a restricted or unrestricted report or file a restricted report and later convert that report to an unrestricted report;

(2) participate in the United States Department of Defense Catch a Serial Offender program; and

(3) receive notice when the coordinator is made aware that the accused person has been subsequently accused of an offense under Section [22.011](#), [22.012](#), or [22.021](#), Penal Code, by a service member or any other person.

Sec. 432.174. INVESTIGATION. (a) On the filing of an unrestricted report alleging an offense under Section [22.011](#) or [22.021](#), Penal Code, the coordinator:

(1) shall refer the unrestricted report to the Texas Rangers division of the Department of Public Safety for investigation; and

(2) may refer the unrestricted report to the appropriate local law enforcement agency for the initial collection of evidence.

(b) A local law enforcement agency that initially collects evidence for an unrestricted report under Subsection (a) shall transfer all relevant evidence and information to the Texas Rangers division of the Department of Public Safety on request of the division.

(c) On the filing of an unrestricted report alleging an offense under Section [22.012](#), Penal Code, the coordinator shall refer the unrestricted report to the appropriate local law enforcement agency for investigation.

(d) The Texas Rangers division of the Department of Public Safety shall assign an officer of the Texas Rangers to investigate reports referred to the division under this section. If the investigation demonstrates probable cause that an offense under Section [22.011](#) or [22.021](#), Penal Code, was committed by a person subject to this chapter, the investigator shall refer the matter to the appropriate local district attorney, criminal district attorney, or county attorney with criminal jurisdiction.

Sec. 432.175. PROTECTIVE ORDER. In accordance with Article [7B.001](#)(a-1), Code of Criminal Procedure, and with the consent of the person who is the victim of an offense under Section [22.011](#), [22.012](#), or [22.021](#), Penal Code, alleged to have been committed by a person subject to this chapter, the coordinator may file an application for a protective order under Subchapter A, Chapter [7B](#), Code of Criminal Procedure, on behalf of the victim.

Sec. 432.176. REPORT TO LEGISLATURE; LEGISLATIVE OVERSIGHT. (a) The adjutant general or coordinator shall annually submit a report on the activities under the program and the activities of the department relating to sexual offense prevention and response to:

(1) the governor;

(2) the lieutenant governor;

(3) the speaker of the house of representatives; and

(4) the chairs of the standing committees of the

senate and house of representatives with primary jurisdiction over the department.

(b) Using state data collected by the coordinator, the report must include for the preceding state fiscal year:

(1) the policies and procedures implemented by the coordinator and adjutant general in response to incidents of sexual assault and indecent assault;

(2) an assessment of the implementation and effectiveness of the program and the policies and procedures on the prevention and oversight of and the state's response to reports of sexual assault and indecent assault within the department;

(3) an analysis of the number of incidents of sexual assault and indecent assault involving members of the Texas military forces; and

(4) deficiencies in the department's training of the coordinator.

(c) Information provided in the report required under Subsection (b)(3) for restricted cases is limited to aggregated statistical data to protect victim privacy and for unrestricted cases is limited to aggregated statistical data that at a minimum includes:

(1) statistics relating to the types of offenses investigated under this subchapter;

(2) statistics relating to victims and accused persons;

(3) the status of investigations under this subchapter and prosecutions under this chapter; and

(4) the status of administrative actions taken by the department against members of the Texas military forces who are on state active duty.

SECTION 2. Article 7B.001, Code of Criminal Procedure, is amended by adding Subsection (a-1) to read as follows:

(a-1) In addition to the persons having standing to file the application under Subsection (a), the state sexual offense response coordinator described by Subchapter J-1, Chapter 432, Government Code, with the consent of a person who is the victim of an offense under Section 22.011, 22.012, or 22.021, Penal Code, alleged to have been committed by a person subject to Chapter 432, Government Code, may file an application for a protective order under this subchapter on behalf of the victim.

SECTION 3. Article 7B.002, Code of Criminal Procedure, is amended to conform to Chapter 955 (S.B. 194), Acts of the 86th Legislature, Regular Session, 2019, and further amended to read as follows:

Art. 7B.002. TEMPORARY EX PARTE ORDER. (a) If the court finds from the information contained in an application for a protective order that there is a clear and present danger of sexual assault or abuse, indecent assault, stalking, trafficking, or other harm to the applicant, the court, without further notice to the alleged offender and without a hearing, may issue a temporary ex parte order for the protection of the applicant or any other member of the applicant's family or household.

(b) For purposes of this article, a military protective order issued to a person because the person was a reported victim of an offense under Section 22.011, 22.012, or 22.021, Penal Code, constitutes sufficient information for a court to find there is a clear and present danger of sexual assault or abuse or other harm to the applicant.

SECTION 4. The Texas Military Department is required to implement a provision of this Act only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the Texas Military Department may, but is not required to, implement a provision of this Act using other appropriations available for that purpose.

SECTION 5. To the extent of any conflict, this Act prevails over another Act of the 87th Legislature, Regular Session, 2021, relating to nonsubstantive additions to and corrections in enacted codes.

4-1 SECTION 6. This Act takes effect September 1, 2021. C.S.S.B. No. 623
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