

1-1 By: Howard, et al. (Senate Sponsor - Huffman) H.B. No. 281
 1-2 (In the Senate - Received from the House April 18, 2017;
 1-3 April 24, 2017, read first time and referred to Committee on
 1-4 Criminal Justice; May 19, 2017, reported favorably by the
 1-5 following vote: Yeas 8, Nays 0; May 19, 2017, 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 | X | | | |
| 1-16 | X | | | |

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

1-19 relating to establishing a statewide electronic tracking system for
 1-20 evidence of a sex offense.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. The heading to Subchapter B, Chapter 420,
 1-23 Government Code, is amended to read as follows:

1-24 SUBCHAPTER B. COLLECTION, ~~[AND]~~ PRESERVATION, AND TRACKING OF
 1-25 EVIDENCE OF SEX OFFENSE

1-26 SECTION 2. Subchapter B, Chapter 420, Government Code, is
 1-27 amended by adding Section 420.034 to read as follows:

1-28 Sec. 420.034. STATEWIDE ELECTRONIC TRACKING SYSTEM. (a)
 1-29 For purposes of this section, "evidence" means evidence collected
 1-30 during the investigation of an alleged sexual assault or other sex
 1-31 offense, including:

1-32 (1) evidence from an evidence collection kit used to
 1-33 collect and preserve evidence of a sexual assault or other sex
 1-34 offense; and

1-35 (2) other biological evidence of a sexual assault or
 1-36 other sex offense.

1-37 (b) The department shall develop and implement a statewide
 1-38 electronic tracking system for evidence collected in relation to a
 1-39 sexual assault or other sex offense.

1-40 (c) The tracking system must:

1-41 (1) track the location and status of each item of
 1-42 evidence through the criminal justice process, including the
 1-43 initial collection of the item of evidence in a forensic medical
 1-44 examination, receipt and storage of the item of evidence at a law
 1-45 enforcement agency, receipt and analysis of the item of evidence at
 1-46 an accredited crime laboratory, and storage and destruction of the
 1-47 item of evidence after the item is analyzed;

1-48 (2) allow a facility or entity performing a forensic
 1-49 medical examination of a survivor, law enforcement agency,
 1-50 accredited crime laboratory, prosecutor, or other entity providing
 1-51 a chain of custody for an item of evidence to update and track the
 1-52 status and location of the item; and

1-53 (3) allow a survivor to anonymously track or receive
 1-54 updates regarding the status and location of each item of evidence
 1-55 collected in relation to the offense.

1-56 (d) The department shall require participation in the
 1-57 tracking system by any facility or entity that collects evidence of
 1-58 a sexual assault or other sex offense or investigates or prosecutes
 1-59 a sexual assault or other sex offense for which evidence has been
 1-60 collected.

1-61 (e) Records entered into the tracking system are

2-1 confidential and are not subject to disclosure under Chapter 552.
2-2 Records relating to evidence tracked under the system may be
2-3 accessed only by:

2-4 (1) the survivor from whom the evidence was collected;
2-5 or

2-6 (2) an employee of a facility or entity described by
2-7 Subsection (d), for purposes of updating or tracking the status or
2-8 location of an item of evidence.

2-9 (f) An employee of the department or a facility or entity
2-10 described by Subsection (d) may not disclose to a parent or legal
2-11 guardian of a survivor information that would aid the parent or
2-12 legal guardian in accessing records relating to evidence tracked
2-13 under the system if the employee knows or has reason to believe that
2-14 the parent or legal guardian is a suspect or a suspected accomplice
2-15 in the commission of the offense with respect to which evidence was
2-16 collected.

2-17 (g) To assist in establishing and maintaining the statewide
2-18 electronic tracking system under this section, the department may
2-19 accept gifts, grants, or donations from any person or entity.

2-20 SECTION 3. (a) Not later than September 1, 2019, the
2-21 Department of Public Safety of the State of Texas shall require all
2-22 facilities and entities described by Section 420.034(d),
2-23 Government Code, as added by this Act, to participate in the
2-24 statewide electronic tracking system established under that
2-25 section.

2-26 (b) Section 420.034, Government Code, as added by this Act,
2-27 applies only to evidence collected on or after the date on which a
2-28 facility or entity is first required under Subsection (a) of this
2-29 section to participate in the statewide electronic tracking system.
2-30 Evidence collected before that date is not required to be tracked
2-31 under the tracking system.

2-32 SECTION 4. This Act takes effect September 1, 2017.

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