

By: Dale, Márquez, Herrero

H.B. No. 1446

Substitute the following for H.B. No. 1446:

By: Herrero

C.S.H.B. No. 1446

A BILL TO BE ENTITLED

AN ACT

relating to reimbursement of certain medical costs for victims of certain sex offenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

Art. 56.06. FORENSIC MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM WHO HAS REPORTED ASSAULT; COSTS.

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

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

(b) If a sexual assault is not reported within the period

described by Subsection (a), on receiving the consent described by that subsection the law enforcement agency may request a forensic medical examination of a victim of an alleged sexual assault as considered appropriate by the agency.

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

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

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

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

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

1 Code.

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

4 (k) The attorney general may use the compensation to victims
5 of crime fund to:

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

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

13 SECTION 5. The change in law made by this Act applies only
14 to payments made for medical care provided on or after the effective
15 date of this Act. Payments made for medical care provided before
16 the effective date of this Act are governed by the law in effect on
17 the date the care was provided, and the former law is continued in
18 effect for that purpose.

19 SECTION 6. This Act takes effect September 1, 2015.