

By: Rodríguez

S.B. No. 145

A BILL TO BE ENTITLED

AN ACT

relating to reimbursement of certain medical costs for victims of certain sex offenses and compensation to victims of stalking for relocation and housing rental expenses.

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.

1 (b) If a sexual assault is not reported within the period
2 described by Subsection (a), on receiving the consent described by
3 that subsection the law enforcement agency may request a forensic
4 medical examination of a victim of an alleged sexual assault as
5 considered appropriate by the agency.

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

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

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

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

26 (k) The attorney general may make a payment to or on behalf
27 of an individual for the reasonable costs incurred for medical care

provided in accordance with Section 323.004, Health and Safety Code.

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

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

(A) medical, hospital, nursing, or psychiatric care or counseling, or physical therapy;

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

(i) a disability resulting from the personal injury;

(ii) the receipt of medically indicated services related to the disability resulting from the personal injury; or

(iii) participation in or attendance at investigative, prosecutorial, or judicial processes related to the criminally injurious conduct and participation in or attendance at any postconviction or postadjudication proceeding relating to criminally injurious conduct;

(C) care of a child or dependent;

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

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

1 (F) reasonable and necessary costs of cleaning
2 the crime scene;

3 (G) reasonable replacement costs for clothing,
4 bedding, or property of the victim seized as evidence or rendered
5 unusable as a result of the criminal investigation;

6 (H) reasonable and necessary costs for
7 relocation and housing rental assistance payments ~~[~~ as provided by
8 Article 56.42(d) ~~], incurred by a victim of family violence or a~~
9 ~~victim of sexual assault who is assaulted in the victim's place of~~
10 ~~residence for relocation and housing rental assistance payments]~~;

11 (I) for an immediate family member or household
12 member of a deceased victim, bereavement leave of not more than 10
13 work days; and

14 (J) reasonable and necessary costs of traveling
15 to and from a place of execution for the purpose of witnessing the
16 execution, including one night's lodging near the place at which
17 the execution is conducted.

18 SECTION 5. Article 56.42(d), Code of Criminal Procedure, is
19 amended to read as follows:

20 (d) A victim who is a victim of stalking, family violence,
21 or ~~[a victim of]~~ trafficking of persons, or a victim of sexual
22 assault who is assaulted in the victim's place of residence, may
23 receive a onetime-only assistance payment in an amount not to
24 exceed:

25 (1) \$2,000 to be used for relocation expenses,
26 including expenses for rental deposit, utility connections,
27 expenses relating to the moving of belongings, motor vehicle

1 mileage expenses, and for out-of-state moves, transportation,
2 lodging, and meals; and

3 (2) \$1,800 to be used for housing rental expenses.

4 SECTION 6. Article 56.54(k), Code of Criminal Procedure, is
5 amended to read as follows:

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

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

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

15 SECTION 7. (a) The change in law made by this Act relating
16 to reimbursement of certain medical costs applies only to payments
17 made for medical care provided on or after the effective date of
18 this Act. Payments made for medical care provided before the
19 effective date of this Act are governed by the law in effect on the
20 date the care was provided, and the former law is continued in
21 effect for that purpose.

22 (b) The change in law made by this Act relating to
23 compensation for relocation and housing rental expenses applies
24 only to a victim of a criminal offense committed or a violation that
25 occurs on or after the effective date of this Act. The victim of a
26 criminal offense committed or a violation that occurs before the
27 effective date of this Act is governed by the law in effect on the

1 date the offense was committed or the violation occurred, and the
2 former law is continued in effect for that purpose. For purposes of
3 this subsection, a criminal offense was committed or a violation
4 occurred before the effective date of this Act if any element of the
5 offense or violation occurred before that date.

6 SECTION 8. This Act takes effect September 1, 2015.