

By: Nelson

S.B. No. 476

(In the Senate - Filed January 27, 2021; March 9, 2021, read first time and referred to Committee on Criminal Justice; April 6, 2021, reported adversely, with favorable Committee Substitute by the following vote: Yeas 6, Nays 0; April 6, 2021, sent to printer.)

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COMMITTEE SUBSTITUTE FOR S.B. No. 476

By: Huffman

A BILL TO BE ENTITLED  
AN ACT

relating to establishment of county adult sexual assault response teams.

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

SECTION 1. Chapter 351, Local Government Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. COUNTY ADULT SEXUAL ASSAULT RESPONSE TEAMS

Sec. 351.251. DEFINITIONS. In this subchapter:

(1) "Adult" means an individual who is not a child as defined by Section 101.003, Family Code.

(2) "Program" means a program that:

(A) operates independently from a law enforcement agency or prosecutor's office;

(B) is operated by a local public or private nonprofit corporation either independently or as part of a municipal, county, or state agency; and

(C) provides the minimum services, as defined by Section 420.003, Government Code, to adult survivors of stranger and non-stranger sexual assault.

(3) "Response team" means a multidisciplinary team established under this subchapter to strengthen the collaborative response and enhance health and judicial outcomes for sexual assault survivors who are adults.

(4) "Survivor" means an individual who is a victim of a sexual assault or other sex offense, regardless of whether a police report is filed for the incident.

Sec. 351.252. ESTABLISHMENT. (a) Except as provided by Subsection (b), the commissioners court of each county shall establish an adult sexual assault response team that includes the following members appointed by the commissioners court:

(1) the chief administrator, or the chief administrator's designee, of a program that provides services for the county;

(2) a prosecutor with jurisdiction in the county over cases involving sexual assault committed against adults;

(3) the chief, or the chief's designee, of the municipal police department with the largest population in the county, provided a municipality in the county has a municipal police department;

(4) the sheriff or the sheriff's designee;

(5) either:

(A) a sexual assault nurse examiner or forensic examiner from a facility that conducts sexual assault forensic exams for the county; or

(B) a representative from the largest health care provider operating in the county if the county does not have a professional described by Paragraph (A);

(6) a behavioral health services provider operating in the county or, if the county does not have a behavioral health services provider, a representative from the county health

department; and

(7) other persons the presiding officer of the response team considers necessary for the operation of the response team or as recommended by the response team.

(b) Two or more contiguous counties, each with a population of 50,000 or less, may partner to form a multicounty response team.

Sec. 351.253. PRESIDING OFFICER. The response team shall elect a presiding officer from among its members.

Sec. 351.254. MEETINGS. (a) A response team shall meet:

(1) at least quarterly at a time determined by the presiding officer;

(2) not later than the 90th day after the last day of a regular legislative session to review and amend as necessary any protocols, forms, or guidelines developed under this subchapter; and

(3) at any other time at the call of the presiding officer.

(b) If a response team member is unable to participate in a response team meeting, the member or entity the member is representing may designate another individual to represent the member or entity at the meeting. Each member or a designee of that member must participate in all response team meetings.

(c) A response team member must attend the quarterly meetings held as required under Subsection (a)(1) to participate in response team functions.

(d) A response team shall meet independently of a children's advocacy center multidisciplinary team described by Section 264.406, Family Code.

Sec. 351.255. VACANCIES. The commissioners court of a county shall fill a vacancy for a response team member not later than the 30th day after the date the vacancy occurs and in the same manner as the original appointment.

Sec. 351.256. ADULT SEXUAL ASSAULT RESPONSE PROTOCOL. (a) A response team shall develop a written protocol addressing the coordinated response for adult survivors in the county that includes:

(1) the procedures to be used in investigating and prosecuting cases arising from a report of sexual assault;

(2) interagency information sharing, in accordance with state and federal law, to ensure the timely exchange of relevant information and enhance the response to survivors;

(3) the location and accessibility of sexual assault forensic examinations;

(4) information on the availability of and access to medical care when the care is clinically indicated;

(5) a requirement to ensure survivors are offered access to sexual assault program advocates, as defined by Section 420.003, Government Code;

(6) information on the availability of and access to mental and behavioral health services;

(7) a requirement to ensure that relevant law enforcement agencies notify survivors in a timely manner regarding the status of any criminal case and court proceeding;

(8) an assessment of relevant community trends, including drug-facilitated sexual assault, the incidence of predatory date rape, and sex trafficking;

(9) a biennial evaluation through sexual assault case reviews of the effectiveness of individual agency and interagency protocols and systems;

(10) at least four hours of annual cross-agency training on the dynamics of sexual assault for response team members participating in the quarterly meetings as required by Section 351.254(c); and

(11) procedures for addressing conflicts within the response team and for maintaining the confidentiality of

information shared among response team members as required by law.

(b) In developing a protocol under this section, the response team:

(1) shall consider Chapter 56A, Code of Criminal Procedure;

(2) may provide different procedures for use within a particular municipality or area of the county served by the response team; and

(3) shall prioritize the health and safety of survivors.

(c) The purpose of the protocol developed under this section is to ensure coordination between all agencies involved in sexual assault cases to increase the efficacy of response and to minimize survivor traumatization. The response team shall provide the protocol to each agency in the county that responds to disclosures of sexual assault.

(d) Failure to follow a protocol developed under this section does not:

(1) constitute the basis for a claim or defense to a civil or criminal action; or

(2) preclude the admissibility of evidence.

Sec. 351.257. REPORT. Not later than December 1 of each odd-numbered year, a response team shall provide to the commissioners court of each county the response team serves a report that includes:

(1) a list of response team members able to participate in the quarterly meetings required by Section 351.254(c);

(2) a copy of the written protocol developed under Section 351.256; and

(3) either:

(A) a biennial summary detailing:

(i) the number of sexual assault reports received by local law enforcement agencies;

(ii) the number of investigations conducted as a result of those reports;

(iii) the number of indictments presented in connection with a report and the disposition of those cases; and

(iv) the number of reports of sexual assault for which no indictment was presented; or

(B) an explanation of the reason the response team failed to provide the information described by Paragraph (A).

Sec. 351.258. MEETINGS AND RECORDS; CONFIDENTIALITY. (a) A response team meeting is not subject to Chapter 551, Government Code.

(b) This section does not prohibit a response team from requesting or allowing the attendance of a person who is not a response team member at a response team meeting.

(c) Information and records acquired by a response team in the exercise of its purpose and duties under this subchapter are confidential and not subject to disclosure under Chapter 552, Government Code, and may only be disclosed as necessary to implement the response team's purpose and duties.

(d) A report or a statistical compilation of data reports created by the response team is public information subject to Chapter 552, Government Code, provided the report or compilation does not contain any personally identifiable information.

(e) Information, documents, and records of the response team that are confidential under this section are not subject to subpoena or discovery and may not be introduced into evidence in any civil, criminal, or administrative proceeding, except that information, documents, and records otherwise available from other sources are not immune from subpoena, discovery, or introduction into evidence solely because that information or those documents or records were presented during a response team meeting or maintained

by the response team.

(f) A response team may only review a sexual assault case of an adult survivor with the signed, written consent of the survivor. The consent must specify:

- (1) the information or records covered by the release;
- (2) the reason or purpose for the release; and
- (3) the person or agency to which the information is to be released.

SECTION 2. (a) Not later than December 1, 2021, the commissioners court of each county shall appoint the members to and call the first meeting of the county's adult sexual assault response team in accordance with Subchapter J, Chapter 351, Local Government Code, as added by this Act. At the first meeting of each adult sexual assault response team, the members of the team shall appoint the initial presiding officer.

(b) Not later than December 1, 2022, each adult sexual assault response team shall develop a written protocol as required by Section 351.256, Local Government Code, as added by this Act.

SECTION 3. This Act takes effect September 1, 2021.

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