



Texas Association Against Sexual Assault (TAASA) Legislative Priorities

Mandatory Written Notice to Victims with Referral to Rape Crisis Services SB 806, Sen. Paxton/Rep. Manuel

Peace officers who respond to or investigate an incident involving sexual assault must provide to the victim a written notice that contains information about the rights of crime victims, information about Track-Kit, and a written referral to the nearest sexual assault program.

→ How does this affect SARTs

The local rape crisis center and the SART should consult with local law enforcement to develop this required written notice. The notice must be **in English and in Spanish** and must contain current contact information for the following community services: (1) a victim assistance coordinator, (2) a crime victim liaison, (3) the nearest sexual assault program, and (4) a healthcare facility that offers sexual assault forensic medical examinations.

*See TAASA's Example Notification Document for Adult Sexual Assault Survivors on TAASA's website

Additionally, as officers must offer to request a forensic medical exam on behalf of the victim, SART members should work together to coordinate a process to provide continuing care to the victims or to further investigate the offense. These should be incorporated in SART protocols.

SARTs should also ensure that this notification requirement is included in their protocols, as part of the investigative procedures.

Survivor-Centered Communications During Prosecution SB 409, Sen. Hinojosa/ Rep. Leach

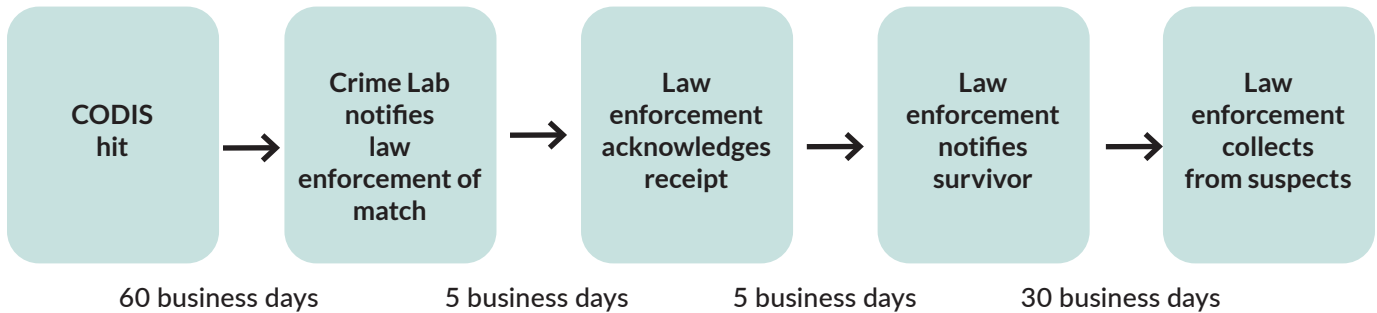
Prosecutors are required to proactively update survivors about their case. Also, a victim, guardian of a victim, or a close relative of a deceased victim has the Constitutional right to assert and enforce their crime victims rights either orally or in writing. Victims may assert their rights orally or in writing, either representing themselves or through an attorney, during the criminal justice process. Additionally, prosecutors should be aware that they now must confer with the victim, or victim's chosen representative, about their views regarding the disposition of their case such as decisions not to file charges, the dismissal of charges, the use of a pretrial intervention program, or a plea bargain agreement.

→ How does this affect SARTs

This step should be included in SART protocols as part of their prosecution procedures. If advocacy is involved in providing support or coordinating any interactions between prosecution and survivors, that should also be integrated into SART protocols.

New CODIS Hit Notifications HB 4628, Rep. Goldman/ Sen. Huffman

Crime labs and law enforcement must now share information with one another in a timely manner after a rape kit is tested and DNA matches in the CODIS database occur. Crime labs have 60 business days to inform law enforcement of any DNA matches and law enforcement must then respond and notify the survivor within 5 business days. They must also attempt to collect and return to the lab DNA samples from identified suspects within 30 days, in order to establish a chain of custody for the suspect's DNA.



➔ How does this affect SARTs

SARTs should ensure that these timelines are written into their protocols for rape kit analysis and testing, investigation procedures, and interagency information sharing.

Law enforcement should include how they will share information with survivor, if there will be an advocate involved, etc.

If an advocate will be there for support, law enforcement and the sexual assault program should include in their protocols how they obtain survivor consent and maintain confidentiality.

Sexual Assault Survivor's Task Force (SASTF) Legislative Priorities

Access to Medical Forensic Exams and Crime Victims Compensation Reforms SB 1401, Sen. Zaffirini/ Rep. Ann Johnson

Survivors have an absolute right to a forensic medical exam within 120 hours of their assault, whether or not they choose to report.

For survivors choosing to report, healthcare providers seeking reimbursement for an exam no longer need to obtain an authorization form from law enforcement. This documentation served as a barrier to survivors wishing to access healthcare after an assault and as such is no longer required by law.

Minor survivors have an absolute right to an exam after an outcry, even in non-acute cases. **The OAG** reimbursement portal will be updated to allow documentation to be uploaded as an option, but will not require it for purposes of reimbursement for exams done **on or after 9/1/2023..**

Additionally, healthcare providers may now seek reimbursement for reasonable costs of medical care offered to the survivor in the course of the exam, up to a cap of \$25,000. Updates will be made to the OAG portal to reflect this change. Further, in regards to this change, HHSC will be permitted to contract with a third-party vendor for prescription drugs for

This law also allows survivors who are seeking crime victim compensation reimbursement to be automatically eligible for reimbursement if they receive a sexual assault forensic exam. This qualifies as “cooperation” with an investigation, thus making them eligible for CVC benefits.

Finally, survivors who opt for a non-report forensic medical exam should be informed when their kit is eligible for destruction. This is after the expiration of 5 years, and at that time, the survivor will be notified of this through Track-Kit system-generated emails or text communications.

➔ How does this affect SARTs

SARTs should update their interagency communication protocols as necessary to reflect this change, deleting any reference to obtaining an authorization form from law enforcement. Multiple mandated members will need to update and critically evaluate how this will affect their interactions with their fellow members.

If the form operated functionally as a communication tool between healthcare and law enforcement, SARTs should develop a new mode of communication making law enforcement aware that a kit is ready to be picked up.

SARTs should connect with the hospital or the facility providing exams and address billing processes for medical expenses offered during the exam.

SARTs should also consider adding in their protocols the requirement that law enforcement regularly check Track-Kit for alerts, as this system will automatically alert them when a kit has been entered and is ready for pick-up.

Increased Training Requirements SB 1402, Sen. Zaffirini/ Rep. Howard

All peace officers, both new and current, are now required to receive an 8 hour training on trauma informed investigations of adult sexual assault and child sexual abuse. The Texas Commission on Law Enforcement is mandated to create the course by January 1, 2024, in collaboration with the SASTF.

All health care facilities with an emergency department must provide all employees who offer patient admission or administration or direct patient care with a one-time 1 hour training on trauma informed care for sexual assault survivors as well as crime victim’s rights related to forensic exams and medical accompaniment advocacy. Also, emergency room nurses are required to have a 2 hour forensic training on applicable Texas law pertaining to the custody, transfer and tracking of forensic evidence that conforms to the evidence collection protocol developed by the Office of the Attorney General.

➔ How does this affect SARTs

The implementation of this legislation can be supported by SARTs by incorporating some of these topics in their mandatory annual cross-agency training.

Consider including SART membership to the relevant part of law enforcement and ER staff/nurse training.

Evaluate SART protocols after training and update as needed.