



Non-Reported Sexual Assault

Subject: Collection of Non Reporting Sexual Assault Evidence

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Purpose

The purpose of HB 2626 (81R) is to allow survivors of sexual assault to obtain a forensic medical exam and have evidence collected, without cost to the victim, even if they have no wish to involve law enforcement personnel. This will secure the evidence while giving the survivor time to consider if they want to report the assault.

Keypoints

Article 56.02(a) CCP was amended to differentiate between a sexual assault reported to law enforcement, addressed under 56.06 CCP, and an assault which is not reported to law enforcement, addressed under 56.065 CCP.

The statute creates Article 56.065 CCP to enumerate the rules and responsibilities for providing forensic medical exams to sexual assault victims that do not want to report the assault to law enforcement. It defines the applicable health care facilities that are affected, directs a health care facility to perform the appropriate exam, directs the Department of Public Safety to pay the health care facility for appropriate fees for the forensic portion of the exam and directs the attorney general's office to reimburse the Department. It also requires the Department to transfer and preserve the evidence for either two years or until the victim releases the evidence, whichever comes first. The Act was signed into law by the Governor on 06/19/09 and took effect immediately.

Additional information and forms can be found on the Crime Laboratory Web pages.

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The most current copy of the NRSA documents is available at:
<http://www.txdps.state.tx.us>