

86th Texas Legislative Session Update

SEXUAL ASSAULT REFORM:
UPDATES FROM THE TEXAS CAPITOL



taasa 
TEXAS ASSOCIATION AGAINST SEXUAL ASSAULT

Introduction

We at TAASA extend our most heartfelt thanks to the many survivors, advocates, and allies in the Legislature who helped make the 86th Legislative Session a resounding success for sexual assault reforms. **Because of your advocacy and expertise, more than \$75 million dollars in new appropriations were added in the Texas budget for sexual assault priorities, and all but one of TAASA's member-approved priority bills passed into law.**

We are especially thankful to the experts who served on our 2018-2019 Public Policy Advisory Committee, whose guidance during the last year was invaluable in identifying barriers to justice and developing thoughtful, evidence-based solutions.

Note: This document is intended for educational purposes only, and not as legal advice. Always consult a lawyer for guidance in any specific situation, and do not rely on the following summaries or interpretations of law.

TAASA Public Policy Advisory Committee, 86th Session

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Terry Secrest, TRLA, Austin
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Jenn Tristan, The Rape Crisis Center, San Antonio
Frances Wilson, The Purple Door, Corpus Christi



TAASA Legislative Priorities



Member Approved Priorities: TAASA's membership voted to prioritize these measures in September 2018.

System-Wide Reforms

During the interim, issues of capacity and access dominated the Advisory Committee's discussions—long waiting lists at rape crisis centers, scarce access to sexual assault nurse examiners, and insufficient capacity at our crime labs for rape kit testing. These were the issues TAASA asked the Legislature to prioritize this year, and we're happy to report that our message was heard loud and clear.

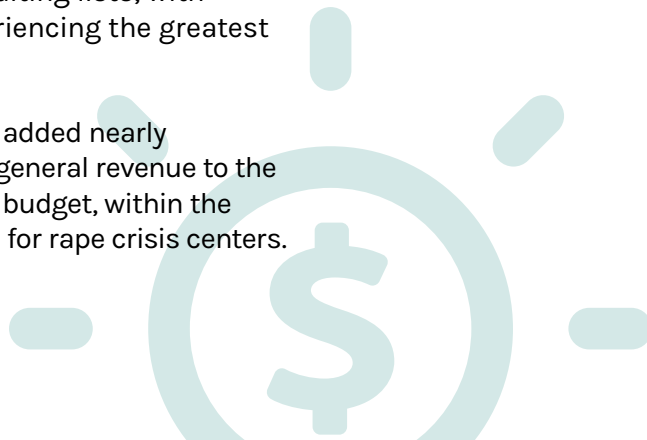
"...we're happy to report that our message was heard loud and clear."



Rape Crisis Center Funding

TAASA's 2018 Capacity Survey found that 54% of centers in Texas had a waitlist for at least one service, with 45% of those reporting waitlists 2-5 months long. Counseling services, commonly funded through the Office of the Attorney General's Sexual Assault Crisis and Prevention Services Program (SAPCS-State), were the most usual service with waiting lists, with non-English services experiencing the greatest capacity shortfall.

In response, the Legislature added nearly **\$7.7 million dollars** in new general revenue to the Attorney General's two-year budget, within the SAPCS-State grant program for rape crisis centers.





Rape Kit Testing & Tracking

The Legislature also made unprecedented investments to improve our tracking and testing of rape kits.

Over the last 10 years, the "rape kit backlog" has become a shorthand way to talk about the criminal justice system's dysfunctional response to sexual assault survivors. Since 2013, the Legislature has repeatedly appropriated funds to test more than 20,000 untested kits collected before 2011 and to analyze newly collected evidence kits, all while the demand on crime labs has steadily increased.

We learned that in order to prevent a new crisis of untested rape kits the state would need to increase crime labs' capacity dramatically.

Over the last year, TAASA consulted with the House and Senate Budget Committees, the Speaker's Office, the Office of the Governor, and other stakeholders to create new funding strategies to address this issue. As a result of those discussions, the 2020-2021 budget includes nearly **\$60 million** in new appropriations to build the capacity of public and private crime labs to test rape kits. In addition, **HB 8 by Representative Victoria Neave, the Lavinia Masters Act** (see pg. 7), made many significant reforms to the collection, preservation, and analysis of forensic evidence.



Finally, Texas Track-Kit (The Sexual Assault Evidence Tracking Program) is the result of legislation passed in the 85th legislative session (**HB 281 by Representative Donna Howard**), but it is scheduled to go live this coming fall. TAASA has worked with the Department of Public Safety over the last year to ensure that survivors, along with nurses, investigators, and prosecutors, all have real time access to the location and testing status of rape kits.

SANE Access & Evidence Collection

With intense focus on rape kit testing, it was also imperative to look upstream of the crime labs. Treatment from a certified sexual assault nurse examiner is a key predictor of better mental and physical health outcomes for survivors, but SANEs also ensure that evidence is collected and preserved in a manner that will stand up in court.

However, access to a SANE isn't possible for many Texans. In fact, 84% of Texas counties don't have access to a SANE nurse. The scarcity of SANE programs across the state has long been a problem, especially in rural areas, where low volumes of patients make it challenging for nurses to gain clinical experience and for smaller facilities to sustain a program.

Thus, TAASA argued that investments in forensics are necessary, but not sufficient without a concomitant effort to expand SANE access. We partnered with **Senate Finance Chair Jane Nelson** to pass **SB 71**, which will establish a statewide telehealth center to connect survivors with high-quality medical care from certified SANEs. The bill was accompanied by a **\$1 million** appropriation to the Office of the Attorney General to seed the center in its first biennium.



In addition, **Representative Donna Howard passed a \$6 million rider** to establish a Grant Program within the Office of the Governor to provide awards up to \$50,000 to support SAFE-ready facilities and to support facilities in becoming SAFE-ready. These awards can assist facilities in starting new SANE programs, as well as providing much-needed administrative support to SANEs at existing programs. **HB 616 by Representative Victoria Neave** (see pg. 10) will also enable SANEs and health care facilities to apply directly for exam reimbursement from the Crime Victims' Compensation Program, instead of requiring reimbursements to flow through a law enforcement agency first. This reform will improve SANE programs sustainability by helping to optimize their cash-flow, while reducing administrative burdens on law enforcement.

Promoting System-Wide Coordination & Best Practices

With unprecedented investments in sexual assault services in the coming biennium and several brand new programs on the horizon, there is a critical need for constant coordination among state agencies, criminal justice professionals, and service providers. **HB 1590 by Representative Donna Howard establishes the Sexual Assault Survivors' Task Force** within the Office of the Governor through 2023 and charges the task force with studying responses to sexual assault in Texas, identifying systemic issues, and making policy recommendations. **In a rider added to the budget by Representative Howard**, the State Auditor is also directed to develop an audit plan to examine the investigation and processing, from initial report through final disposition, of reported adult and child sexual assault cases in Texas.

Changes in Civil & Criminal Statutes

The 86th legislative session made two key changes to civil and criminal code to more accurately reflect the serious nature of sexual assault. Under previous Texas law, any non-penetrative sexual assault, or "groping," committed against a person 17 or older is classified as a class C misdemeanor, equivalent to a traffic ticket. **SB 194 creates a new class A misdemeanor offense for indecent assault** and makes victims eligible for protective orders. **HB 3809 extends the statute of limitations for civil actions** for personal injury arising from sexual assault or abuse of a child from 15 to 30 years. This is particularly important because it holds both individuals and the institutions that have historically protected abusers liable for abuse.



Higher Education

As changes to Title IX protections happen on the federal level, Texas lawmakers enacted some of the most robust state-level protections in the country for Texas students. These protections standardize and strengthen reporting protocols and support services available to students and allow the Higher Education Coordinating Board (THECB) to investigate campus compliance. See HB 1735, HB 449, and SB 212 on the following pages.

Looking Forward

Investing in and supporting sexual assault survivors was a big topic during the 86th legislative session. We look forward to the findings that will come from the resource mapping under the Statewide Task Force and the State Auditor's assessment of our criminal justice processes. Those investigations will produce findings over the next few years, which we hope will give us a better picture of how service access varies across the state. In the next few months, we are excited to be key partners in the implementation of some of the recently passed legislation, and will be posting information about upcoming webinars and opportunities for input on how state law is changing.

Finally, it is worth mentioning that, although our lawmakers focused on reforming systems for survivors, we missed key opportunities to tackle workplace sexual harassment. While many bills to strengthen sexual harassment law were filed, none of them passed.



HB 8 (Neave/Nelson)

HB 8 establishes several new timelines for the collection, preservation, and submission of forensic evidence for analysis and extends the criminal statute of limitations for sexual assault cases in which evidence has not been submitted for analysis. The bill also requires a new statewide audit of untested evidence kits and authorizes state agencies to condition grant awards to law enforcement agencies on compliance with the law. The bill's timelines and reporting protocols will promote transparency and accountability in evidence storage and testing in the following ways:

- Requires law enforcement to take possession of evidence collected during a sexual assault forensic examination within 7 days, or 14 days if located more than 100 miles away.
- Requires crime labs to complete analysis of evidence within 90 days of receipt, if sufficient personnel and resources are available.
- Requires DPS and public accredited crime labs to compare DNA profiles obtained from biological evidence with state and federal DNA databases within 30 days of completing their analysis.
- Provides that the limitation period for a sexual assault for which biological evidence has been collected does not begin to run until the evidence has been subjected to forensic DNA testing.
- Requires each law enforcement agency to submit quarterly reports to DPS detailing the number of evidence collection kits the agency has not yet submitted for analysis and the number of kits for which a lab has not yet completed analysis.
- Requires each law enforcement agency in possession of an evidence collection kit that has not been submitted for analysis as of September 1, 2019 to submit to DPS a list of the agency's active criminal cases associated with those kits no later than December 15, 2019, and, not later than January 15, 2020, to submit those kits to DPS or a public accredited crime lab for analysis.
- Provides that noncompliance by a law enforcement agency may be used by DPS, the Office of the Attorney General, the Office of the Governor, or other state agencies to determine the agency's eligibility for receiving grant funds.
- Requires DPS to submit to the Governor and relevant legislative committees, not later than September 1, 2020, a report detailing a projected timeline for completing sexual assault evidence testing and a request for any necessary funding.
- Provides that DPS shall preserve evidence collected without law enforcement involvement for up to 5 years. Prohibits DPS from destroying such evidence unless DPS provides the survivor written, trauma-informed notification of the decision to destroy the evidence; detailed instructions on how to object to the decision; and does not receive an objection within 91 days of the notification.

Summaries of Significant Legislation

HB 1590 (Howard/Watson)

Requires the governor to establish the Sexual Assault Survivors' Task Force within the Governor's Criminal Justice Division, set to expire September 1, 2023. Requires the Task Force to include a steering committee consisting of the governor or his designee, the president of TAASA, and the president of the Children's Advocacy Centers of Texas and directs the steering committee to create discrete working groups focusing on survivors who are children and survivors who are adults.

Requires the Task Force to facilitate communication and cooperation among state agencies having duties related to sexual assault.

Requires the Task Force to collect, analyze, and make publicly available information, organized by region, regarding the prevention, investigation, prosecution, and coordination of services related to sexual assault; identify systemic issues pertaining to survivors of all ages; and develop policy recommendations on all of the above.

Directs the Task Force to biennially contract for a survey of the resources provided to survivors by nonprofit organizations, health care facilities, institutions of higher education, sexual assault response teams, and other governmental entities in each region of Texas, and develop a statewide standard for best practices in the funding and provision of such services.

Requires the Task Force to analyze the data gathered from the statewide survey and submit a report on its findings, and the Task Force's recommendations, to the legislature no later than November 1 of each even-numbered year.

Higher Education

HB 449 (Turner/Watson)

For any student of a public or private postsecondary educational institution ineligible to reenroll at the institution for a reason other than financial or academic reasons, requires the institution to include a notation on the student's transcript indicating the student's ineligibility.

Requires public and private postsecondary educational institutions to complete any disciplinary proceedings that could result in a student's ineligibility to reenroll if the student withdraws while the disciplinary proceedings are pending.

Permits an institution to remove a transcript notation if a student becomes eligible to reenroll at the institution or if the institution finds good cause to remove the notation.

HB 1735 (Howard/Watson)

HB 1735 requires each public and private postsecondary educational institution to adopt a policy on sexual assault, sexual harassment, dating violence, and stalking, and sets out various minimum requirements for institutions' handling of violence and harassment on their campuses, as follows:

- Requires institutions to include in their policies definitions of prohibited behavior; sanctions for violations; the protocol for reporting and responding to reports; interim measures to protect students from further abuse, harassment, or retaliation; and accommodations available to students experiencing harassment, abuse, or retaliation.
- Requires institutions to make their policies available on a web page dedicated solely to the policy and in the institution's student handbook and personnel handbook, and requires institutions to require each entering freshman or undergraduate transfer to attend an orientation on the policy.

- Requires institutions to enter into memoranda of understanding with one or more local law enforcement agencies; sexual assault, dating violence, stalking, and sexual harassment advocacy organizations; and hospitals or other medical providers.
- Requires institutions to designate one or more employees as confidential resources for students to speak to about sexual assault, sexual harassment, dating violence, and stalking without triggering a report to the Title IX coordinator, and to inform students of such confidential resources. Permits institutions to designate one or more students as confidential resources for other students.
- Requires institutions to develop and implement prevention and outreach programs that include primary prevention, bystander intervention, risk reduction, public awareness, and victim empowerment approaches.
- Requires each peace officer employed by a postsecondary educational institution to complete training on trauma-informed investigation of sexual assault, dating violence, stalking, and sexual harassment
- Requires each institution, as part of its protocol to respond to sexual assault, sexual harassment, dating violence, and stalking reports, to ensure to the greatest extent practicable that each complainant and each respondent are offered counseling provided by a counselor who does not provide counseling to any other person involved in the incident, and permit each complainant and each respondent to drop a course in which both parties are enrolled without academic penalty.
- Provides that in any disciplinary process concerning sexual assault, sexual harassment, dating violence, or stalking an institution must provide to each complainant and each respondent a prompt and equitable opportunity to present evidence and witnesses; reasonable and equitable access to all evidence in the institution's possession, redacted as required by law; and reasonable protection from retaliation and harassment during the pendency of the disciplinary process.
- Provides that the identity of an alleged victim, alleged perpetrator, or person making a report is confidential for purposes of the Texas Public Information Act and, unless waived in writing by the person, may only be disclosed to the institution as necessary to investigate the report, to a law enforcement agency as necessary to investigate the report, or to a health care provider in case of emergency.
- Provides that, on request by another postsecondary educational institution, an institution shall provide information regarding a determination that a student enrolled at the institution violated the institution's code of conduct by committing sexual harassment, sexual assault, dating violence, or stalking.
- Requires institutions to ensure equal access for students with disabilities in implementing the requirements of Ch. 51, Education Code and make reasonable efforts to consult with the institution's disability services office and advocacy groups for people with disabilities.
- Authorizes the Texas Higher Education Coordinating Board to assess administrative penalties to institutions up to \$2 million for failure to comply with Subchapter E-3, Ch. 51, Education Code.

SB 212 (Huffman/Morrison)

Requires all employees of an institution of higher education to report incidents of sexual assault, sexual harassment, dating violence or stalking to the Title IX Coordinator or deputy Title IX Coordinator for that institution. If an employee fails to report an incident of sexual assault, sexual harassment, dating violence or stalking, the employee will be fired and can be prosecuted for a Class B misdemeanor (up to 6 months in jail). SB 212 also requires institutions of higher education to report each fall and spring on the number of incidents reported and



the disposition of those incidents (whether they were investigated and the outcome of those investigations in terms of disciplinary actions). SB 212 protects individuals who report or assist in the investigation of a report from civil or petty criminal liability that might otherwise result from those actions, as well as being subjected to most disciplinary actions arising out of those actions. SB 212 prohibits an employee from being retaliated against for making a report or cooperating with an investigation. SB 212 gives the Higher Education Coordinating Board the power to penalize institutions for failure to comply with SB 212.

SANEs/Medical

HB 531 (Miller/Buckingham)

Requires hospitals to maintain medical records from sexual assault forensic examinations for at least 20 years.

HB 616 (Neave/Nelson)

Extends survivors' right to obtain a forensic medical examination from 96 hours to 120 hours from the time of assault.

Requires law enforcement agencies to document their decisions whether to request a sexual assault forensic exam and provide such documentation to the survivor and to the health care facility or sexual assault nurse examiner. Entitles a health care facility or sexual assault nurse examiner to direct reimbursement from the attorney general for the reasonable costs of the forensic portion of a sexual assault forensic exam and the evidence collection kit, upon proper application.

HB 4531 (Neave/Zaffirini)

Enables an individual under guardianship to receive a forensic exam and make decisions about forensic evidence with or without the consent of a relative, caretaker, guardian or guardian ad litem, to ensure that disabled individuals can receive forensic exams in circumstances where a caretaker, relative or guardian is the abuser, an accomplice, or negligent.

SB 71 (Nelson/Thompson)

Creates a pilot tele-SANE program to connect survivors with high-quality medical care from certified SANEs. This legislation is supported by a \$1 million appropriation to the Office of the Attorney General to seed a tele-health center in its first biennium.

Criminal

HB 98 (Gonzalez/Huffman)

Amends both criminal statute and civil cause of action for Unlawful Disclosure or Promotion of Intimate Visual Material by requiring the defendant to have (1) intended to cause harm to the person depicted and (2) known or had reason to believe that the visual material was obtained or created with the depicted person's reasonable expectation that the material would remain private.

HB 292 (Thompson, S./Huffman)

Requires the Texas Commission on Law Enforcement to require peace officers to complete its basic education and training program on human trafficking within 2 years of licensure, unless the officer completed the program as part of basic training.

HB 653 (Neave/Zaffirini)

Enables individuals who are applying for a corrected or duplicate driver's license to make voluntary contributions to the sexual assault evidence testing grant program created by prior legislation.

HB 667 (King, K./Perry)

Enhances the offense level for sexual assault from a second degree felony to a first degree felony if the victim is of a relation to the actor described by the offense of Prohibited Sexual Conduct (i.e., incest). Narrows the affirmative defense to sexual assault to exclude assaults against victims to whom the actor is related.

HB 979 (Hernandez/Perry)

Expands mandatory collection of a DNA sample to individuals convicted of assault, including family violence assault, and unlawful restraint.

HB 1343 (Leach/Paxton)

Requires the district attorney to file an application for a protective order on behalf of the victim of continuous sexual abuse of a child, indecency with a child, sexual assault, aggravated sexual assault, stalking, trafficking of persons, continuous trafficking of persons or compelled prostitution if one has not already been filed and if the victim who is at least eighteen years of age does not object to the filing of the protective order. It also provides that an offender's conviction of or placement on deferred adjudication community supervision for one of the above-listed offenses constitutes reasonable grounds under Article 7A.03 to believe that the applicant is a victim of sexual assault or abuse, stalking or trafficking. It also provides that protective orders under this subsection shall be effective for the duration of the lives of the offender and victim if the offender is convicted of or placed on deferred adjudication community supervision for one of the above offenses and is required to register for life as a sex offender.

HB 1343 makes it a state jail felony to violate a protective order issued under this new law. Finally, it makes it an offense for a person confined in a correctional facility charged with or convicted of an offense that will require them to register as a sex offender from contacting the victim of the offense or a member of the victim's family without written consent from the victim, if the victim was 17 years of age or older at the time of the commission of the offense, or if the victim was younger than 17 years of age at the time of the commission of the offense, consent from a parent or legal guardian, or the victim, if the victim is 17 years of age or older. The offender must also provide the victim or victim's representative with a copy of the consent.

HB 1399 (Smith/Creighton)

Expands previous requirement that defendants indicted for certain felony offenses provide a DNA sample to apply to suspects arrested

for certain felony offenses. Expands the list of applicable felony arrests to include murder, capital murder, kidnapping, aggravated kidnapping, smuggling of persons, continuous smuggling of persons, trafficking of persons, assault, aggravated assault, robbery, aggravated robbery, burglary, theft, promotion of prostitution, and aggravated promotion of prostitution.

HB 1865 (Landgraf/Nelson)

Makes individuals who have been convicted of human trafficking or another sexual offense permanently ineligible for a massage therapy license. It requires applicants for a massage therapy license or individuals who own a massage therapy establishment that applies for a license, or who are on the board of a massage therapy establishment that applies for a license, to complete a fingerprint background check. It requires students enrolled in a massage therapy school to hold a student permit and requires a massage school to maintain progress records on students and report to the Texas Department of Licensing and Regulation when a student has completed the required number of hours and is eligible to take the appropriate examination.

HB 2623 (White/Whitmire)

Enables individuals with felony convictions and those required to register on the sex offender registry to make a legal name change if they are changing their names to the primary name used in their criminal history record information.

HB 2789 (Meyer/Huffman)

Makes it a Class C misdemeanor to electronically send unsolicited sexually explicit visual material. Sexually explicit visual material includes the depiction of (1) sexual conduct, (2) the exposure of a person's intimate parts, or (3) the covered genitals of a male person that are in a discernibly turgid state.

HB 3106 (Goldman/Huffman)

Requires Texas law enforcement agencies to enter information on sexual assault suspects into the national database of the Violent Criminal Apprehension Program maintained by the FBI.



SB 194 (Perry/Moody)

Creates a new class A misdemeanor offense for "indecent assault," covering touching, touching with, exposing, or attempting to expose the anus, breast, or genitals, with the intent to arouse or gratify the sexual desire of any person. The new law also makes victims eligible for protective orders.

SB 325 (Huffman/Landgraf)

Creates an online registry for subjects of protective orders that is searchable by both law enforcement and the public.

SB 586 (Watson/Neave)

Requires training for patrol officers who interact with those experiencing acute trauma after a sexual assault or other violent crime.

SB 1259 (Huffman/Klick)

Creates a state jail felony with a statute of limitations of two years for using human reproductive material in physician-assisted fertility treatment from a donor that the person has not expressly consented to the use of.

SB 1268 (Watson/Moody)

Prohibits criminal courts from imposing a limit on the number of victims, close relatives, or guardians who may appear and present victims' statements unless the court finds that the additional statements would unreasonably delay the proceeding.

SB 2136 (Powell/Collier)

Other conduct similar to the alleged criminal conduct in which a defendant has engaged in the exploitation of a child, elderly person, or disabled individual is admissible to show the defendant's knowledge or intent regarding the offense. Texas Rules of Evidence still apply.

SB 2390 (Powell/Guillen)

Protects the confidentiality of the person's mailing address or address of a designated person (if not receiving mail at their personal residence) from disclosure by the court in a magistrates order of emergency protection.

Family Violence

HB 1528 (Rose/West)

Expands the requirement that law enforcement prepare and provide to DPS a uniform fingerprint card to cover offenders charged with family violence misdemeanors punishable by fine only. Requires DPS's computerized criminal history system to include for each criminal sentence whether the judgment imposing the sentence reflects an affirmative finding of family violence. Requires defendants charged with family violence offenses to make their pleas in open court.

HB 1661 (Herrero/Hinojosa)

Provides that the offense of Continuous Violence Against the Family may be prosecuted in any county in which engaged in the assaultive conduct against a family or household member or dating partner.

HB 3091 (Deshotel/Campbell)

Makes information that relates to the location or physical layout of a family violence shelter center or victims of trafficking shelter center confidential. It also makes it a Class A misdemeanor for someone, with intent to threaten the safety of any inhabitant of a family violence shelter center or victims of trafficking shelter center, to disclose or publicize the location or physical layout of the center.

HB 3529 (Gutierrez/Menendez)

Creates a pretrial diversion pilot program for family violence cases that also involve substance use disorder or chemical dependency. It requires the Community Justice Assistance Division to review the pilot program; analyze its effectiveness at reducing recidivism among the target population; identify funding sources to extend the pilot program to other counties or for longer periods; and make legislative or other recommendations.

SB 234 (Nelson/Morrison)

Expands the types of documentation that can be used to let tenants out of their lease liability after experiencing family violence. Qualifying documents now include: a temporary ex parte order under Chapter 83 of the Family Code, a protective order issued under Chapter 85 of the Family Code, an order of emergency protection under Article 17.292, Code of Criminal Procedure, a documentation of family violence from a healthcare provider or mental healthcare provider who evaluated the victim, or an advocate, defined by Section 93.001 Family Code, who assisted the victim.

SB 971 (Huffman/Herrero)

Gives law enforcement training on how to recognize and record evidence of strangulation.

SB 2390 (Powell/Guillen)

When receiving an emergency order of protection, the court may protect the confidentiality of the person's mailing address by: disclosing the address only to the court, designating another person to receive any notice or documents, striking the mailing address of the protected person from the public record, maintaining a confidential record of the mailing address for use only by the court and law enforcement, and prohibiting the release of that information to the defendant.

Child Protection

HB 111 (Gonzalez/Fallon)

Requires each school district's and charter school's policy addressing sexual abuse, sex trafficking, and child maltreatment within its district improvement plan to include awareness and prevention techniques related to abuse and maltreatment of children with significant cognitive disabilities.

HB 403 (Thompson/Huffman)

Requires school board members to complete one hour of training every two years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children. It also requires that school superintendents receive at least 2.5 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

HB 3809 (Goldman/Watson)

Extends the statute of limitations for civil actions for personal injury arising from sexual assault or abuse of a child from 15 years from the child's 18th birthday to 30 years from the child's 18th birthday.

HB 4345 (Sanford/Huffman)

Provides immunity from liability for employees and volunteers of charitable organizations who report sexual harassment, sexual abuse, or human trafficking.

HB 4372 (Murphy/Whitmire)

Creates basic policies for reporting and disclosing incidents of sexual abuse at youth camps. It requires youth camps to have a written policy regarding sexual abuse. It enables incidents of sexual abuse to be taken into consideration in the issuance, renewal and revocation of camp licenses.

SB 1230 (Bettencourt/Meyer)

Requires court clerks to notify private schools within 5 days if an educator or employee of that school have been convicted or granted differed adjudication in a sex offense.

Requires the chief administrative officer of a private school to notify the State Board of Educator Certification if an educator has a criminal record and the school obtained that information, or was terminated and there is evidence that the educator abused or otherwise committed an unlawful act with a student or minor or was involved in a romantic relationship with a minor.

Human Trafficking

HB 2059 (Blanco/Taylor)

Requires health care practitioners other than physicians and nurses to successfully complete a training course on identifying and assisting victims of human trafficking as a condition for license renewal. It also requires physicians engaged in direct patient care practice submitting applications for renewal of their registration permit to complete as part of their hours of continuing medical education, a human trafficking prevention course approved by the Health and Human Services Commissioner. Finally, it requires nurses who provide direct patient care to complete a human trafficking prevention course approved by the executive commissioner of the Health and Human Services Commission.

HB 2747 (Ortega/Rodriguez)

Prohibits anyone from residing on the premises of a massage therapy establishment. It requires each massage school and massage establishment to post a sign concerning services and assistance available to victims of human trafficking, in English, Spanish, Korean and Mandarin, as prescribed by the Commission on Licensing and Regulation.

HB 2758 (Hernandez/Huffman)

Makes it so that persons convicted of continuous trafficking of persons or aggravated promotion of prostitution are not eligible to receive community supervision (probation) as a sentence, unless they committed the offense solely as a victim of human trafficking or prostitution. HB 2758 also prohibits juries from recommending community supervision in any convictions for indecency with a child. Finally, HB 2758 eliminates eligibility for deferred adjudication community supervision for the crimes of human trafficking or continuous human trafficking and limits eligibility for deferred adjudication community supervision

for the crimes of aggravated promotion of prostitution or compelling prostitution to those who have never previously received a sentence of community supervision for either promotion of prostitution or compelled prostitution.

HB 3800 (Thompson/Huffman)

Requires Texas law enforcement entities from counties with populations of more than 50,000 people to report human trafficking cases to the Attorney General's Office. The Attorney General's Office will then contract with a university to assist in the collection and analysis of this information.

SB 20 (Huffman/Thompson)

Omnibus human trafficking legislation: It creates a mandatory deferral program directing most people convicted of prostitution into community supervision and a commercially sexually exploited persons court program. It increases access to orders of non-disclosure for certain victims of human trafficking and compelled prostitution. It creates a special program for inpatient and outpatient care for victims of child sex trafficking at a medical school in Houston as well as a matching grant program for municipalities. It creates new crimes for enabling on-line solicitation of prostitution and enhances penalties for individuals who repeatedly solicit prostitutes. It repeals the expiration date for the Human Trafficking Prevention Task Force of September 1, 2019.

SB 72 (Nelson/Guillen)

Creates the Human Trafficking Prevention Coordinating Council to establish and implement a five-year strategic plan for preventing human trafficking in Texas.

SB 1219 (Alvarado/Thompson)

Requires transportation hubs to post signage about human trafficking. The attorney general will develop informational posters about human trafficking to be posted in buses, bus stations, trains, train stations, rest areas, and the airport. The English/Spanish bilingual signage will include information about services

and assistance to victims, including contact information for the National Human Trafficking Resource Center and signs that a person is a victim of trafficking.

SB 1593 (Rodriguez/Ortega)

Requires the Department of Transportation to create a training on how to recognize smuggling and trafficking of people. The Department will give all new employees notice of the availability of the training.

SB 1801 (Huffman/Hunter)

Allows certain victims of trafficking and compelling prostitution to file petitions for nondisclosures of their criminal records if they cooperated with law enforcement or if they were unable to do so due to age or illness.

SB 1802 (Huffman/Hunter)

Enhances each subdivision of promotion of prostitution and aggravated promotion of prostitution by one offense level and makes aggravated promotion of prostitution a reportable sex offense. Expands the definition of coercion for purposes of human trafficking and compelling prostitution to include the actor's causing the victim to become intoxicated to a degree that impairs the person's ability to appraise the nature of the prohibited conduct or resist engaging in it, or withholds a substance to a degree that impairs the trafficked person because of a chemical dependency.

Others

HB 2298 (Parker/West)

Establishes January 28 as Sexual Assault Survivors' Day and authorizes the day to be regularly observed by appropriate ceremonies and activities.

HB 2730 (Leach/Hughes)

Substantially revises the state's anti-SLAPP statute. Among other reforms, it expressly applies the state's anti-SLAPP protections to "a legal action against a victim or alleged victim of family violence or dating violence as defined in Chapter 71, Family Code, or an offense under Chapter 20, 20A, 21, or 22 Penal Code, based on or in response to a public or private communication."