



88TH LEGISLATIVE SESSION UPDATE

Sexual Assault Reform: Closing Gaps in Services and in the Criminal Justice System

INTRODUCTION

TAASA's Policy and Legal team proudly presents this legislative summary, highlighting new laws from the 88th Legislative Session that will most directly impact the work done on behalf of sexual assault survivors in Texas. Important strides were made this session in the areas of crime victim's rights, providing more robust mandates on criminal justice professionals to notify survivors about their rights and aspects of their cases. Additionally, immense gratitude is offered to the Texas Legislature for heeding our call to increase funding for sexual assault programs to help close the gaps in services and alleviate workforce issues, decrease waitlists, and address rural and border communities that are currently underserved.

These gains could not have been made without the tireless and collective work of survivors, members, and allies who helped to develop our legislative agenda, analyzed proposed legislation, and spread awareness of survivors' needs by sharing their experiences with legislators and advocating for meaningful change. We are humbled by the chorus of champions who supported our legislative advocacy and are proud of the changes we accomplished together. Thank you.

We would also like to showcase the following Legislators who prioritized survivors of sexual assault this session and extend our deepest thanks:

Senator Joan Huffman	Representative Greg Bonnen
Senator Angela Paxton	Representative Mary Gonzalez
Senator Juan "Chuy" Hinojosa	Representative Christian Manuel
Senator Judith Zaffirini	Representative Jeff Leach
Senator Carol Alvarado	Representative Senfronia Thompson
	Representative Craig Goldman
	Representative Donna Howard
	Representative Ann Johnson

We look forward to working with these Legislators again in the future to continue our work reducing barriers and promoting justice, safety, and healing for survivors in every community across the state of Texas.

** Please note that the bill summaries included in this publication are intended for educational purposes and do not constitute legal advice. To read the full statutory text enacted by these bills, visit Texas Legislature Online at www.capitol.state.tx.us. The enrolled version of the bill is the final version that became law.*

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TAASA LEGISLATIVE PRIORITIES

TAASA's legislative approach is member-driven and survivor-informed. Our priorities are developed through consultation with advocates, law enforcement, attorneys, medical professionals, and survivor groups such as TAASA's Survivor Advisory Board and Human Trafficking Survivor Leader Council. During these conversations in the months leading up to the 88th Legislative Session, our team heard loud and clear the need to better engage survivors in the criminal justice process. We heard survivors relay their experiences of frustration with the system, and their lack of awareness about services in their communities. We heard frequently about communities for which no services exist at all, particularly in rural areas and along the border.

From these conversations, four legislative priorities emerged, with one common thread: Closing the Gaps. All survivors deserve meaningful access to sexual assault services, yet only 76 Texas counties have a funded rape crisis center (RCC) within their borders. Further, even in areas with an RCC, nearly half continue to have a waitlist for counseling services and legal advocacy. These gaps in services require additional funding to be allocated to the programs who are stretched thin doing the work to serve survivors. Additionally, TAASA's non-funding priorities this session were aimed at closing the communication gaps within the criminal justice system, and minimizing the barriers survivors face when they choose to report their assault, to help them better understand and engage in the process.

Closing the Gaps in Funding

PRIORITY

Despite the tremendous gains that have been made in previous budget appropriations, Rape Crisis Centers throughout the state continue to struggle to reach all communities and eliminate waitlists. Demand for services increased during the pandemic, outpacing the supply of counselors and advocates. The subsequent economic downturn exacerbated staffing shortages and increased costs, putting tremendous strain on RCCs and leaving survivors at risk of falling through the gaps. TAASA asked that the Texas Legislature help address a continued gap in services for sexual assault survivors in Texas. The Legislature responded with an additional \$14 million dollars for the next biennium.

HB 1, Rep. Bonnen/ Sen. Huffman

- ✓ **\$9M to address workforce issues and decrease waitlists for services**
\$9 million will be disbursed through the SAPCS program directly to RCCs for flexible spending to increase salaries so that they can keep pace with inflation and increases in housing costs, maintain staffing at appropriate levels, and serve the myriad and complex needs of survivors.
- ✓ **\$4M to create a rural pilot program for increased services in underserved areas**
\$4 million has been earmarked specifically to address the gap in rural services to create a rural access pilot program that will help expand and support services to survivors through co-location, satellite offices, transportation costs, technology packages, and staff salaries to those areas of the state in which there is no RCC within county borders.
- ✓ **\$1M for centralized training and evaluation of services**
\$1 million was appropriated to implement a centralized training and evaluation program to ensure that rural RCC employees are receiving basic trauma-informed training and technical assistance.

Also included in this General Appropriations Bill was an additional \$14.5 million for Children's Advocacy Centers and an increase in funding for SAFE ready programs to receive up to \$250,000 to provide forensic medical exams.

Additional Funding for Victims' Services

In addition to the increased funding referenced above in HB 1, these measures also were passed with the intent to bridge the gap in funding for sexual assault services provided across the state:

Mixed Beverage Sales Tax Diversion: HB 3345, Rep. Bonnen/ Sen. Huffman

H.B. 3345 diverts one percent of the revenue from the mixed beverage gross receipts tax and the mixed beverage sales tax to the sexual assault program fund and allows the Legislature to revisit the amount of the sexually oriented business fee every two years during the budgeting process. This is the current funding source for much of the sexual assault services for adults and children in Texas.

Supplementing Decreases in VOCA Funding SB 30, Sen. Huffman/ Rep. Bonnen

\$115 million from General Revenue to bridge a predicted shortfall in Federal VOCA funding for FY 24-25 for all victim-serving agencies in Texas.

Closing the Gaps in Crime Victim's Rights

PRIORITY

Texas' criminal justice system has repeatedly failed sexual assault victims during the investigation and prosecution phases of their case, leaving them to feel disempowered and traumatized. Often, they are unaware of the resources and rights afforded to them, and they are also frequently lied to, misled, and ignored during these critical stages of their case. This leads many survivors to disengage from the process entirely, resulting in dismal rates of prosecution and conviction for sexual offenses. In fact, a recent report by the Institute on Domestic Violence and Sexual Assault at UT Austin stated that a survivor's negative experience with a governmental institution had profound effects on their ability to participate in the criminal justice system, access services, and heal from sexual violence. TAASA's non-funding priorities tackle this reality head-on, imposing mandates on both law enforcement officers and prosecutors to connect victims with services, inform them about their crime victims rights and community resources, and confer with victims about the status of their case.

Mandatory Referral to Rape Crisis Services

SB 806, Sen. Paxton/ Rep. Manuel

This bill updates and strengthens existing notification requirements in the Code of Criminal Procedure about local crisis services, medical forensic exams, and crime victims' rights. 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. Additionally, officers must offer to request a forensic medical exam on behalf of the victim and coordinate with the SART to provide continuing care to the victims or to further investigate the offense. SARTs are charged with the responsibility to consult with 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.

Survivor-Centered Communications During Prosecution

SB 409, Sen. Hinojosa/ Rep. Leach

This bill reinforces survivors' state Constitutional rights and aims to improve victim-prosecutor interactions by requiring higher levels of communication and collaboration on sexual assault cases. The bill clarifies that a victim, guardian of a victim, or a close relative of a deceased victim may assert and enforce any rights (from Art. 56A CCP) either orally or in writing. It also grants a victim or their representative the right, if requested, to confer with the prosecuting attorney about their views regarding the disposition of their case before critical decisions are made disposing of the case, such as decisions not to file charges, the dismissal of charges, the use of a pretrial intervention program or a plea bargain agreement.

Closing the Gaps in Sexual Assault Investigations

PRIORITY

Championed by Tracy Matheson, mother of Molly Jane and a fierce advocate for sexual assault survivors' rights, this law will close communication gaps between crime labs and law enforcement when DNA that is entered into CODIS obtains a match.

New CODIS Hit Notifications

HB 4628, Rep. Goldman/ Sen. Huffman

This bill requires crime labs and law enforcement to share information with one another in a timely manner in order to advance sexual assault criminal investigations. It creates a specified notification timeline, where before none existed, to inform law enforcement of DNA matches in the CODIS database, and mandates law enforcement to respond and attempt to collect and return to the lab DNA samples from identified suspects within 30 days of a match. The law also requires law enforcement to notify survivors within five business days of any CODIS hits.



SASTF Legislative Recommendations

The Governor’s Sexual Assault Survivors’ Task Force (SASTF), of which TAASA is a steering committee member along with the Children’s Advocacy Centers of Texas, was enshrined into law in 2019 during the 86th Legislative Session (HB 1590), with a mission to establish a survivor-centered, trauma-informed, collaborative and coordinated response to sexual violence experienced by adults and children in Texas. Through a collaborative process informed by best practices, policies, and procedures, the Task Force made several legislative recommendations leading up to the 88th Legislative Session—the majority of which were consolidated and passed as two comprehensive bills: SB 1401 and SB 1402.

Access to Medical Forensic Exams and Crime Victims’ Compensation (CVC) Reforms

SB 1401, Sen. Zaffirini/ Rep. Ann Johnson

This bill strengthens survivors’ rights relating to forensic medical examinations and crime victims’ compensation benefits, and furthers the SASTF’s mission to establish a survivor-centered, trauma-informed, collaborative and coordinated response to sexual violence in Texas.

- ✓ Creates a combined subchapter in the Code of Criminal Procedure for both reported and nonreported exams entitled: Forensic Examination of Sexual Assault Victim
- ✓ Repeals Subchapter F, and thus removes all statutory references to the law enforcement documentation formerly required by the OAG for reimbursement.
- ✓ Ensures adult survivors and parents/guardians of child victims have ultimate discretion over the decision to receive a forensic medical exam and that law enforcement should not impede access to the exam.
- ✓ Allows health care providers to be directly reimbursed by the OAG for costs of medical care provided to survivors during the forensic medical exam, up to \$25,000. Establishes that any survivor who has undergone a sexual assault forensic exam has cooperated with law enforcement, thus making them eligible for CVC benefits.
- ✓ Clarifies that system-generated emails or text communications from Track-Kit, or information viewable to the user in Track-Kit, meets Texas Department of Public Safety (DPS) notification requirements for kit destruction in cases in which the survivor has not reported the sexual assault to law enforcement.

Crime Victims’ Compensation

In addition to SB 1401, the following new law was passed with the aim to expand access to CVC benefits:

Expanding Access to CVC Benefits SB 49, Sen. Zaffirini/ Rep. Mary González

Allows both extended family and non-family household members to apply for CVC benefits as claimants. Also reduces limits on benefits by omitting the 10-day maximum for bereavement leave reimbursement. Expands relocation reimbursement to all crime victims (including victims of stalking, family violence, sexual assault, and human trafficking harmed in their place of residence) and increases relocation and lost wages caps: beyond a one-time payment, allowing for temporary or emergency lodging.

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

This bill combined the Task Force priorities regarding enhanced training for law enforcement and emergency room personnel, as well as updates to the membership and longevity of the Task Force itself.

- ✓ **New Training for Law Enforcement:** The bill requires all peace officers, both new and current, to receive an eight-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.
- ✓ **New Training for Hospital Employees:** Additionally, the bill mandates that health care facilities with an emergency department provide all employees who offer patient admission functions, patient-related administrative support functions, or direct patient care with a one-time one-hour training on trauma-informed care for sexual assault survivors and on crime victims' rights related to forensic exams and medical accompaniment advocacy. It also mandates that the forensic training required for emergency room nurses include education that conforms to the evidence collection protocol developed by the Office of the Attorney General. Non-SAFE ready healthcare facilities must ensure that any person who performs a forensic medical exam has this requisite basic training.
- ✓ **SASTF Reauthorization:** When the SASTF was created in 2019, it was set to expire in 4 years. SB 1402 reauthorized the SASTF with no expiration date. SASTF statutory membership was updated to include a representative from the Texas Department of Family and Protective Services, an adult survivor of child sexual abuse or a parent or guardian of a survivor of child sexual abuse, and a survivor of adult sexual assault. It also allows the Task Force to provide a per diem and travel reimbursement for SASTF members not employed by a state agency and individuals invited by the governor to participate in Task Force meetings.



Significant Legislation Impacting Sexual Assault Survivors

SUMMARIES

CRIMINAL JUSTICE *Victim Notification Laws*

Bond Conditions for Stalking Entered into TCIC

HB 767, Rep. Harless

Requires entry into the Texas Crime Information Center (TCIC) of information regarding conditions of bond on a defendant in cases involving stalking, the effect of which will alert stalking victims when a defendant is released on bond. Previously this requirement only applied to violent offenses.

New Violent Offender Database

HB 5202, Rep. Neave Criado

Requires DPS to maintain a publicly available computerized central database containing information regarding persons who on two or more occasions have been convicted of assault, sexual assault, aggravated assault, aggravated sexual assault, stalking and/or continuous acts of family violence.

Natalia Cox Act

SB 1325, Sen. Alvarado

Directs HHSC to create a standardized victim information card by December 1, 2023, in both English and Spanish, to include contact information for the National Domestic Violence Hotline, TX DPS victims' support services, Health and Human Services Commission's (HHSC) family violence program, as well as a recitation of a victim's right to obtain a protective order and terminate a lease. Requires peace officers, campus police, and medical professionals to give the card to possible and actual victims of family violence, stalking, harassment or terroristic threat.

New Grant Program for Crime Victim Notification System

SB 2085, Sen. Whitmire

Mandates the criminal justice division of the Office of the Governor (OOG) to establish and administer a grant program to provide financial assistance to a law enforcement agency for the purpose of purchasing or developing a crime victim notification system.

Electronic Notifications to Crime Victims

SB 2101, Sen. Miles

This legislation creates a new definition for an authorized form of electronic notification for crime victims allowing for the delivery of information to a crime victim by email, text, phone call, or personal contact and may be requested through an anonymous online portal as applicable.



CRIMINAL JUSTICE *Investigations and Prosecutions*

Penalty Enhancement – Indecent Assault

HB 55, Rep. Julie Johnson

This bill increases the penalty for indecent assault from a Class A misdemeanor to a state jail felony if the defendant has been previously convicted of indecent assault or is a health care services or mental health services provider and the act is committed during the course of providing a treatment or service. The penalty would be increased to a third degree felony if the defendant has been previously convicted of such indecent assault conduct as a health care services or mental health services provider.

Increased Statute of Limitations on Certain Assaultive Offenses

HB 467, Rep. Craddick

Extends the statute of limitations period from 2 years to 3 years for misdemeanor assault, and from 3 years to 5 years for felony assault, committed against family members or against victims who may have various types of relationships, such as a dating relationship or a member of the same household, with the defendant.

Expanded Definition of Harassment

HB 1427, Rep. Campos

Adds an act of harassment to include obscene, threatening, or intimidating phone calls or other electronic communications from a burner phone number.

Penalty Enhancement – Family Violence

HB 1589, Rep. Cook

Enhances the penalty for certain family violence assaults from a Class A misdemeanor to felony of third degree or felony of second degree, if the defendant has a prior conviction of violating bond conditions or a protective order.

Penalty Enhancement – Indecent Exposure

HB 1730, Rep. Schaefer

Enhances the penalty for indecent exposure from a Class B misdemeanor to a Class A misdemeanor if the person has once previously been convicted of such an offense. It is further enhanced to a state jail felony if the person has been convicted for indecent exposure two or more times.

Burglary of Habitation Limitations Removed

HB 2019, Rep. Neave Criado

Removes the statute of limitations for the offense of Burglary of a Habitation with the Intent to Commit Sexual Assault to account for cases where DNA was collected but not tested within the current 5-year limitations period.

Protections for Elderly and Disabled Individuals

HB 2187, Rep. Davis

Extends existing protections within Texas Penal Code Section 22.041 related to Abandoning or Endangering a Child to elderly and disabled individuals.

Expanded Definition of Voyeurism

HB 2306, Rep. Hefner

This bill adds use of electronic surveillance to the definition of voyeurism.

Mandated DNA Collection on all Felony Arrests

HB 3956, Rep. Smith

Current law required a defendant arrested for certain felony offenses to provide one or more specimens for the purpose of creating a DNA record with DPS. HB 3956 expands DNA collection practices to include all felony arrests.

CRIMINAL JUSTICE *Investigations and Prosecutions Continued*

Creation of New Offense: Unlawful Production or Distribution of Sexually Explicit Videos

SB 1361, Sen. Huffman

Creates the new Penal Code offense of “Unlawful Production or Distribution of Certain Sexually Explicit Videos” - punishable as a Class A misdemeanor. Codifies knowing production and/or distribution of videos that appear to depict a real person performing a sexual act that did not occur in reality (“deep fake videos”).

Stalking Law Reforms

SB 1717, Sen. Zaffirini

Revises the stalking statute to honor the survivor’s experience and reactions when determining if actions committed by the offender constitute stalking. Key changes include:

- ✓ **Standard for evaluating the offender’s conduct:** The former standard was ambiguous and left prosecutors and law enforcement questioning what behaviors did and did not constitute stalking. Now, a defendant’s behavior will be evaluated by the standard of a reasonable person in circumstances similar to the circumstances of the alleged victim.
- ✓ **Threats against family members:** This version of the statute no longer requires that the family member or household member be threatened with serious injury or death. The definition of “family members” is also expanded to include those with whom the victim has a dating relationship.
- ✓ **Expansion of qualifying emotional response of the victim:** Expands the definition of stalking to include a victim’s perceptions and feelings of terror and/or intimidation, to better reflect the experience of survivors, and their language in describing that experience.

These changes will allow law enforcement and prosecutors to more easily charge and prosecute the offense of stalking; leading to enhanced survivor safety and offender accountability.



PROTECTIVE ORDERS (PO)

Mandate to Enter PO Information in TCIC **HB 660, Rep. Cook**

Requires a law enforcement agency to enter protective order information into the agency's computer records and into the statewide law enforcement information system. It also provides for the enforcement of temporary ex parte orders and for the notification to applicable recipients of a change of address or telephone number of a person protected by a protective order.

Mandate to Enter PO Expiration and Extension Terms in TCIC **HB 1423, Rep. Campos**

The bill sets requirements for providing information regarding the expiration and any possible extensions for a protective order and for DPS to update their law enforcement information system of the expiration following the release of a person subject to the order. Requires protective orders to specify when the order expires and provide notice of any extensions that may apply when the subject of the protective order is confined or imprisoned.

Removal of Future Harm Finding for Family Violence POs **HB 1432, Rep. Meza**

Removes the condition that the court find family violence is "likely to occur again" before issuance of a family violence protective order, aligning the Family Code protective order statute with the required findings for a protective order under the Code of Criminal Procedure.

PO Applicant Confidentiality **SB 578, Sen. Zaffirini**

Allows applicants and protected persons to request that their county of residence be kept confidential during the protective order process as well as the address and telephone number of their place of employment or business.

Prohibition Against Tracking and/or Following **HB 2715, Rep. Hull**

Allows a court, when issuing a protective order, temporary restraining order, or conditions for bond release, to prohibit an alleged offender from tracking and monitoring the personal property and motor vehicle in the possession of the applicant or member of the applicant's family without the applicant's consent, through use of an app on a personal electronic device or tracking device, or by physically following the applicant and/or their family members. Makes it an offense under the Penal Code to do the same when done with the intent to harass, annoy, abuse, and/or alarm another person. It is assumed the person has not consented if a protective order has been filed or a petition for dissolution of marriage has been filed.

Reforms to PO registry **HB 3698, Rep. Landgraf**

Requires the protective order registry to be searchable by common name misspellings and known aliases, and provides for magistrates to have access to certain restricted registry information.

Standardized PO forms **SB 48, Sen. Zaffirini**

Requires persons applying for protective orders and courts and magistrates issuing protective orders to use standardized forms, allowing DPS to discern immediately if a protective order prohibits a person from possessing a firearm. Failure, however, to use the required form would not affect the order's validity. This bill will allow DPS to transfer the information regarding these orders quickly and efficiently to the FBI's database and help better protect the lives of crime victims.

HUMAN TRAFFICKING

Clarifying Definitions

HB 844, Rep. Patterson

This bill defines all “Johns” as traffickers and all prostitutes as trafficking victims.

Mandated Training for Rideshare Drivers

HB 2313, Rep. S. Thompson

HB 2313, Rep. S. Thompson

Requires rideshare companies to annually provide their drivers with digital human trafficking awareness and prevention training materials.

Penalty Enhancement, Trafficking Near Schools

HB 3553, Rep. Thierry

This bill enhances the penalty for the offense involving trafficking of a person on the premises of or within 1,000 feet of a public, private, or independent institution of higher education.

Penalty Enhancement, Trafficking Near Certain Facilities

HB 3554, Rep. Thierry

This bill enhances the penalty for an offense involving trafficking of a person on the premises of or within 1,000 feet of certain shelters or facilities, a community center offering youth services, or a child-care facility.

Emergency Orders on Massage Establishments

HB 3579, Rep. Bumgarner

Subject to certain limitations or requirements, would allow for an emergency order to halt the operation of a massage establishment if law enforcement is investigating the establishment for human trafficking offenses or the department has reason to believe human trafficking offenses are being committed at the establishment.

Modifications to Physician Training Requirements

SB 415, Sen. Paxton

In 2019, the legislature required health care practitioners to complete continuing education on human trafficking prevention and tasked HHSC with identifying and approving eligible courses. SB 415 replaces HHSC with the Texas Medical Board (TMB) to approve the training courses that satisfy human trafficking education training requirements in an effort to simplify the process for tracking completion and align it with other mandated training requirements for maintaining licensure. This bill also specifies the TMB seek input from affected parties for content establishment and approval.

Promotion of Prostitution Offense Amendment

SB 1653, Sen. Huffman

This bill amends the promotion of prostitution statute by removing “engaging in prostitution” to ensure that the statute protects all minors, including those who have not yet been trafficked.

Removal of Private Schools from Posting Requirements

SB 2069, Sen. Bettencourt

The 87th Legislature passed a bill recommended by the Texas Human Trafficking Prevention Task Force that required primary and secondary schools to post certain warning signs relating to human trafficking. SB 2069 removes that requirement from applying to private schools.

Human Trafficking Prevention Task Force Omnibus Bill SB 1527, Sen. Huffman

This omnibus bill is the result of policy recommendations put forth by the Texas Human Trafficking Prevention Task Force. This group is mandated by statute to develop recommendations that will strengthen state and local efforts to: (1) prevent human trafficking, (2) protect and assist human trafficking victims, (3) curb economic markets that facilitate human trafficking, and (4) investigate and prosecute human trafficking offenders. Specifically, the bill includes the following:

- ✓ Adds TEA and TxDOT to the Human Trafficking Prevention Coordinating Council;
- ✓ Requires the Task Force to examine the link between trafficking and massage businesses;
- ✓ Moves the “no trafficking zones” provision to the correct statutory section;
- ✓ Modifies language to include “offers and agrees” language;
- ✓ Expands extraneous offense admissibility to include continuous and labor trafficking;
- ✓ Increases effectiveness of data collection efforts;
- ✓ Adds child grooming protections and increases penalties for traffickers that use excessive force;
- ✓ Flags drivers’ licenses of those convicted of human trafficking;
- ✓ Allows extraneous conduct and relationship circumstances for human trafficking prosecutions;
- ✓ Allows outcry witnesses in all human trafficking prosecutions involving children; expands the offenses for when witness outcry statements can be offered;
- ✓ Adds protections for victims of trafficking with significant disabilities;

Additionally, the bill also enhances child pornography sentences when multiple images are possessed or promoted. The stair step language provides that possession of child pornography is a 3rd degree felony, but is enhanced to a 2nd degree felony for defendants found in possession of 10-49 images. If over 50 images/depictions, or videotape(s) are possessed, the offense is enhanced to a 1st degree felony, with a minimum prison time of 15 years. Note that this portion of the bill conflicts in part with SB 129, discussed in more detail on page 16.

CHILD WELFARE

Elimination of Anonymous Reporting of Child Abuse

HB 63, Rep. Swanson

Removes the ability to make anonymous reports of abuse or neglect through the state. Individuals reporting abuse or neglect are now required to provide their name, contact information and source of information that led to the report. It also requires professional reporters to provide their profession and business address. Callers that refuse to provide the information requested will be advised of the criminal consequences for making a false report and will be directed to make their “anonymous report” to local law enforcement. Provides further direction to DFPS to ensure the integrity and confidentiality surrounding reports of abuse & neglect.

Increased Limitations Period: Abandoning/Endangering a Child

HB 1506, Rep. Meyer

Increases the statute of limitations period to 10 years from the victim’s 18th birthday for the offenses of Abandoning and/or Endangering a Child.

Increased Limitations Period: Trafficking, Sexual Performance, Possession/Promotion of Child Pornography

HB 1769, Rep. Meyer

This bill extends the statute of limitations to 7 years for Possession or Promotion of Child Pornography and to 20 years from the 18th birthday of the victim for Trafficking or Sexual Performance By a Child.

New Offenses as Grounds for Termination of Parental Rights

HB 2658, Rep. Leach

Adds criminal solicitation of a minor and online solicitation of a minor to the list of convictions for which parental rights may be involuntarily terminated.

Expansion of Definition of Visual Material to Include AI-Created Imagery

HB 2700, Rep. Guillen

This bill clarifies that sexually explicit visual material involving children includes a depiction of a child who is recognizable by certain features as an actual person and whose image as a child younger than 18 years of age was used in creating, adapting, or modifying the visual material (AI-created child pornography), assisting prosecutors to take action against cases where deepfake and artificial intelligence technology is utilized.

Increased Limitations Period: Possession/Promotion of Child Pornography

SB 129, Sen. Springer

Aligns with HB 1769 with regard to extending the statute of limitations for the offense of Possession/Promotion of Child Pornography to 7 years. Also, provides enhanced penalties for this offense, similar to SB 1527, depending on the volume of imagery possessed. However, the bill deviates from SB 1527 in the amount of imagery required for each punishment level. This bill provides that the offense is a 3rd degree felony for up to 99 images, a 2nd degree felony for possession of 100-499 images/depictions, and a 1st degree felony if more than 500 images are possessed by the defendant. Additionally, if it is shown that the child victim was younger than 10 when the image was made, or for repeat offenders, then the penalty increases to the next highest category. Finally, this bill mandates punishment by imprisonment for life or 25-99 years if the defendant worked in a child care facility, residential child care facility, residential treatment center, shelter or facility that serves youth and receives state funds, or receives state funds for the care of a child who was victimized by this offense. Although there are deviations between this bill and SB 1527, this bill contains language that to the extent of any conflict, it prevails over any other laws passed during this session relating to nonsubstantive additions to and corrections in enacted codes.

OTHER SIGNIFICANT LEGISLATION

New Regulations on School Libraries **HB 900, Rep. Patterson**

This bill sets new standards for school libraries to keep “sexually explicit” content off bookshelves by requiring book vendors to assign ratings to books based on the presence of depictions or references to sex.

Workplace Violence Reporting **HB 915, Rep. Craddick**

Requires employers to post a notice to employees of the contact information for reporting instances of workplace violence or suspicious activity to DPS. The notice must include employees’ right to make reports anonymously. It must be posted in English and Spanish, in a conspicuous place, and in sufficient locations to be convenient to all employees.

Survivor Confidentiality **HB 3130, Rep. Guerra**

Prohibits the release of personally identifying information of any professional/business license holder/applicant if that individual has notified the governmental body (by filling out a form) that they have at any point been a client of a Family Violence or Human Trafficking shelter center or a Sexual Assault Program, or that they are a survivor of any of these crimes.

Mandated Judicial Training, Family Violence **SB 855, Sen. Alvarado**

This bill requires judges to complete an additional hour of training dedicated to the dynamics of and effects on victims of family violence during each additional term in office. It also requires judges who primarily handle family law and family violence cases to complete an additional two hours of training every two years.

Newly Created 15th Court of Appeals to Handle Protective Order Appeals **SB 1045, Sen. Huffman**

Creates a statewide elected 15th District Court of Appeals to have exclusive jurisdiction over civil cases to which the state, a state agency, or a state official is a party. This includes appeals of Protective Orders, brought under both the Family Code and the Code of Criminal Procedure.

Updates to Family Violence Center Minimum Services **SB 1841, Sen. Hinojosa**

Amends current law relating to family violence center services for victims of family violence. It provides for the inclusion of advocacy services focused on children, economics and housing, criminal and civil legal systems, and physical and mental health. Additionally, the bill proposes four required services to represent survivors’ needs more accurately: safety planning, counseling services to support survivors and their families as they heal from violence, peer support services, and prevention efforts to raise awareness about family violence and promote healthy relationships aimed at ending family violence in communities.

LOOKING AHEAD TO THE 89TH LEGISLATIVE SESSION: *CHALLENGES STILL REMAINING*



The 88th Legislative Session produced a number of important measures to improve Texas' response to sexual violence, but there are still systemic problems to solve. Here are the most pressing issues facing survivors that we urge lawmakers to consider during the interim:

Revamp Definition of Consent

Current Texas law does not provide a clear definition of consent with respect to sexual violence. It does not specify how consent is to be communicated or understood. Instead, the statutory definition contains a list of what is NOT consent with regard to sexual violence. This has led to a very low rate of prosecution for sexual assault cases. Texas needs to shore up its consent laws regarding sexual violence, or, at the very least, create standards of consent for access to a person's body that have the same legal weight as the standards of consent for access to a person's property. The legislature should consider reviewing the consent laws and definitions with regard to sexual violence that are used by the US military and other states.

Enforce Constitutional Rights of Crime Victims

Texas has done a great job establishing a litany of constitutional and statutory rights for crime victims within the criminal justice system. Unfortunately, no mechanism exists to enforce these rights--often leading survivors to be revictimized by the very institutions created to protect them. Texas needs to create clear legal enforcement mechanisms for victims' rights within the criminal justice system, as many other states have done, as well as the military justice system.

Protect Privacy Rights of Crime Victims

Certain counties in Texas are allowing sexual assault trials to be live-streamed on YouTube, despite privacy and safety concerns raised by district attorneys and advocates. Texas needs to consider establishing state-wide best practices regarding the live streaming of trials. The legislature should determine ways to increase public access to trials through remote viewing while also balancing the need to protect the safety and dignity of the victims involved.

Collect Rape Kits for Processing

Texas has established strict laws and timelines for the processing of sexual assault forensic evidence. One of those requirements is that a law enforcement agency must take possession of sexual assault forensic evidence within seven days of notice from the entity that collected the evidence unless the entity is located more than 100 miles from the law enforcement agency. Despite this statutory obligation, many completed rape kits are being left in storage at hospitals despite the hospital's request for a law enforcement agency to collect them. Some kits have been left at hospitals for years. Texas needs to investigate why some rape kits are not being collected by law enforcement and determine how to assure every victim of sexual assault that their forensic evidence is, in fact, being processed as current statute intended.