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# Texas Association Against Sexual Assault

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## 81st Legislative Agenda Final Report

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**2009** | The following report summarizes the final disposition of each item on TAASA's legislative agenda for the 81st Legislative Session. It is worth noting that while 1,457 bills were passed by the Legislature this is only a fraction of the 7,419 bills that were filed this session. In light of these statistics and the fact that the legislative process is designed to make it difficult for new legislation to pass, we are very pleased with the fact that three of TAASA's seven legislative priority items did pass AND that funding for sexual assault services has been maintained. No matter what the results of any legislative session, the process requires considerable efforts by many people. TAASA is very, very grateful to the efforts of its Board of Directors, its Public Policy Committee and to the many rape crisis center advocates and survivors who took time out of their lives to participate in the legislative process. We could not do our work without you. **Thank you!**

## Adult Entertainment Fee

**HB 2070 by Rep. Cohen and SB 1289 by Sen. West**

Current law requires strip clubs that allow for the consumption of alcohol to pay \$5 per person who walks into the club. The Texas Entertainment Association sued the state over the fee and prevailed in District Court and at the 3rd Court of Appeals (2-1). It is expected that the case will go to the Supreme Court of Texas.

**HB 2070** would have eliminated funding to the health opportunity pool to comport with the District Court's ruling and would have reduced the fee to \$3 per person

**HB 2070 died on a point of order.**

The strip clubs pushed a bill, **HB 982**, to repeal current law and replace it with a new voluntary tax. **TAASA was successful in stopping HB 982.**

## Lease Termination

**SB 83 by Sen. Nelson and HB 2577 by Rep. Guillen**

Amends Sec. 92.016, Property Code and adds Sec. 92.0161, Property Code to allow sexual assault survivors who were assaulted in their home (or whose child was sexually abused in the home) to terminate their lease without penalty. This law also eliminates the restrictive co-tenant/co-occupant language for victims of family violence.

**SB 83 is effective Jan. 1, 2010.**

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## Can't win them all...

## Extend the Civil Statute of Limitations

**Extend the length of time for which claims relating to sexual abuse can be filed in civil court.**

Currently, the statute of limitations in civil court for sexual assault or abuse is five years. This is out of line with criminal statutes of limitations which are unlimited for child victims of sexual assault and 10 years for adult victims.

**HB 1984 by Rep. Martinez Fischer was voted out of committee but didn't make it out of Calendars.**

**SB 1931 by Sen. Watson did not get a committee hearing.**

## HIV/AIDS Testing

### HB 1985 by Rep. Martinez Fischer and SB 712 by Sen. Hegar

Amends Art. 21.31, Code of Criminal Procedure to tighten current law and fulfill a federal mandate by **requiring** courts, upon request of the victim, to order HIV/AIDS testing of individuals indicted of a sex offense. In addition, the testing must be completed within 48 hours of the court order. Follow-up tests, if necessary, should be conducted in a “reasonable” standard of time.

**HB 1985 is effective Sept. 1, 2009.**

## No Report Forensic Exams

### HB 2626 by Rep. Naishtat and SB 2239 by Sen. Zaffirini

Amends Art. 56.02(a), Code of Criminal Procedure and adds Art. 56.065, Code of Criminal Procedure. Also amends Sec. 323.004(b) and Sec. 323.005(a), Health and Safety Code to allow adult sexual assault victims to obtain a medical forensic exam without making a police report. Evidence collected without an accompanying police report will be packaged and sent to the Department of Public Safety (DPS) and stored for a minimum of two years. DPS will pay for the exam and seek reimbursement through the OAG’s Crime Victims’ Compensation program. Passage of this item ensures the flow of approximately \$15 million in federal grant funds to Texas.

**HB 2626 is effective June 19, 2009.**

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## Oral Victim Impact Statement

**Allow crime victims with the right to provide an oral victim impact statement prior to sentencing.** This right is already available in Texas juvenile courts as well as 48 other states.

**SB 57 by Sen. Zaffirini did not get a committee hearing.**

**HB 167 by Rep. Naishtat passed through the House, but did not get a committee hearing in the Senate.**

## Sexual Motivation Finding

**Create a “sexual motivation” finding to be used as a tracking mechanism.** Some sexual predators go unidentified because they plea down to lesser offenses that do not indicate the sexual nature of the crime. Tagging all convictions that are sexually motivated will allow for early identification of sexual predators.

**HB 3701 by Rep. Jackson was heard in committee, but not brought up for a vote.**

# Thank You!

TAASA thanks all members of the TAASA public policy committee and everyone who attended the TAASA/TCFV Capitol Day in February. Finally, there are many of you, far too many to name, who made phone calls, wrote letters and otherwise assisted in TAASA's legislative efforts. It is an honor to represent sexual assault advocates and survivors at the Capitol and our efforts are only successful because of your commitment and support!

## TAASA Thanks Our State Leaders

Governor Rick Perry  
Speaker Joe Straus III  
Sen. John Carona  
Sen. Glenn Hegar, Jr.  
Sen. Jane Nelson  
Sen. Florence Shapiro  
Sen. Carlos Uresti  
Sen. Kirk Watson

Sen. Royce West  
Sen. Judith Zaffirini  
Rep. Rafael Anchia  
Rep. Dwayne Bohac  
Rep. Valinda Bolton  
Rep. Warren Chisum  
Rep. Wayne Christian  
Rep. Ellen Cohen

Rep. Dawnna Dukes  
Rep. Ryan Guillen  
Rep. Will Hartnett  
Rep. Jim Jackson  
Rep. Carol Kent  
Rep. David Leibowitz  
Rep. Eddie Lucio, III  
Rep. Trey Martinez Fischer

Rep. Joseph Moody  
Rep. Elliott Naishtat  
Rep. Solomon Ortiz, Jr.  
Rep. Jim Pitts  
Rep. Senfronia Thompson  
Rep. Allen Vaught  
Rep. Tara Rios Ybarra

## TAASA Thanks Staffers and Advocates

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