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Texas House Passes Disaster Response, Life Protection, Rape Kit Backlog, and Law Enforcement Legislative Packages
- Weekly Legislative Update 4/19/19 -

(Austin, TX) - The Texas House of Representatives passed a monumental series of bills to rebuild communities, strengthen infrastructure, mitigate flooding and ensure the State of Texas is better prepared to respond to future natural disasters.

The legislation fulfills a majority of the recommendations made by the Governor's Commission to Rebuild Texas and addresses the critical issues coastal Texans have faced in the months since Hurricane Harvey made landfall.

The Texas House passed more than a dozen bills - including House Bills 5, 6 and 13 - to better equip the state in the event of a natural disaster. Making tangible improvements to flood mitigation and disaster response, recovery and preparedness are emergency items for the Texas Legislature, as designated by Governor Greg Abbott in his biennial State of the State address.

This legislation applies the lessons learned from Hurricane Harvey to improve response and recovery statewide, while also providing support to those affected. Texans have undergone enormous challenges in the months since Hurricane Harvey devastated the Gulf Coast.

The emergency response package includes:

- **[House Bill 5 - Addressing Debris Removal and Management](#)**
One of the most difficult challenges the state and local jurisdictions faced during the recovery after Hurricane Harvey was debris removal. House Bill 5 directs the Texas Department of Emergency management (TDEM) to create a catastrophic debris management plan for local use as well as improving contracting for debris removal. Establishing a debris management plan allows local communities to deliver quicker responses. Additionally, this simplifies the Federal Emergency Management Agency (FEMA) reimbursing process.



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- **[House Bill 6](#) - Specialized Assistance for Individuals and Communities**
Recovery efforts were identified as the weakest phase of the emergency management cycle in Texas. House Bill 6 would task TDEM with developing a Disaster Recovery Task Force to provide specialized assistance to support those with financial issues as well as federal assistance programs. The Task Force would also focus on recovery and resiliency planning to streamline and expedite recovery at the local level. The Task Force would operate from the beginning of a disaster through the long-term recovery period which would provide significant support for smaller communities. The mission of the Task Force is to strengthen recovery functions while utilizing resources of institutions of higher education, state agencies and organized volunteer groups.
- **[House Bill 13](#) - Flood Infrastructure Fund**
After a major flooding event like Hurricane Harvey, federal funds are appropriated to the state for mitigation projects. However, many counties and cities are not able to provide the 35% of local matching funds, which is why House Bill 13 creates the Flood Infrastructure Fund (FIF). FIF is a statewide cooperative effort for regional flood planning, mitigation and infrastructure projects to make Texas "future-proof".
- **[House Joint Resolution 4](#)**
Proposes a constitutional amendment providing for the creation of the Flood Infrastructure Fund to assist in the financing of drainage, flood mitigation and flood control projects.

Ten additional bills were passed to directly address the recommendations made by the Commission to Rebuild Texas, including, [HB 2305](#), [HB 2310](#), [HB 2315](#), [HB 2320](#), [HB 2325](#), [HB 2330](#), [HB 2335](#), [HB 2340](#), [HB 2345](#) and [HB 2708](#). I was proud to cast my vote for these bills and am confident that they will provide some relief to our communities.

The House additionally passed House Bill 16, known as the Texas Born-Alive Infant Protection Act, which states that every child deserves a chance at life. Texas House Republicans have repeatedly stood on the side of life and increased access to women's health services. During the 85th Session, lawmakers passed legislation to ban partial birth abortions, prohibit the sale of fetal tissue and organs, provide for the disposition of fetal remains, expand reporting requirements for



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abortion complications, and prohibit insurance providers from forcing policy holders to subsidize elective abortions procedures.

HB 16 is a great step forward in preserving and strengthening the right to life of the preborn. Below is a breakdown of the components of House Bill 16:

- Creates statutory civil causes of action for the surviving child or her parent or legal guardian to pursue against a physician who fails to provide appropriate medical treatment to the child.
- Creates a similar cause of action for the Texas Attorney General to pursue against the physician on behalf of the state (at least a \$100,000 fine and to collect any necessary attorney fees).
- Outlines strong protections to ensure the woman who seeks the abortion is shielded from liability, in accordance with existing state law.
- Establishes a reporting mechanism so a person who has knowledge of a physician's failure to provide the appropriate standard of medical care can report any incident to the Office of the Attorney General.

I joined Texas House colleagues in unanimously passing House Bill 8, the "Lavinia Masters Act", to eliminate the rape kit backlog in Texas. House Bill 8 -- a priority item for the 86th Texas Legislature -- accomplishes this goal by requiring the Department of Public Safety (DPS) to conduct an audit to determine the amount, location and status of untested rape kits in Texas, creating a time requirement for testing new forensic kits, increasing the statute of limitations for certain sexual assault offenses and requiring survivors to be notified 90 days in advance if their rape kit will be destroyed. House Bill 8 works hand-in-hand with the state budget to dedicate \$38 billion to DPS for increasing crime lab capacity and eliminating the backlog.

House Bill 8 is named for Lavinia Masters, the Dallas survivor whose rape kit sat untested for more than two decades after she was raped at knifepoint at age 13. By the time the DNA evidence from Masters was tested, the 10-year statute of limitations to prosecute her rapist had expired and she was left without the ability to press charges. Though the Texas Legislature has made a number of strides to drastically minimize the backlog in recent years, thousands of rape kits still await testing, leaving survivors without justice and law enforcement with little ability to investigate and prosecute perpetrators.



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We have taken a step further in our pursuit to permanently end the rape kit backlog and empower victims of sexual assault to get the justice they deserve. Thousands of untested rape kits currently languish on laboratory shelves -- a shocking statistic that we must eliminate. We are at the forefront of addressing this broken system and have sent a message to survivors -- your story matters. I'm proud of the Texas House for speaking up for survivors and ensuring their perpetrators are brought to justice.

Two in five Texas women and one in five Texas men have been sexually assaulted. Only around 9% of rape victims report these crimes to law enforcement, and when they do report it, they must undergo a deeply personal 4-6 hour forensic medical exam to collect DNA evidence. House Bill 8 affords survivors added reassurance that their evidence will be tested in a timely manner so that justice can be served.

House Bill 8 is one of many bills the House has passed to crack down on sexual assault and improve the State of Texas' response to such crimes, including:

- **HB 1**, the state budget, allocating:
 - \$38 million to the Department of Public Safety to reduce the backlog and increase crime lab capacity, with an additional \$6 million to DPS for replacing crime lab equipment and remodeling the Garland Crime Lab.
 - \$10 million in grants to Sexual Assault Forensic Exam-Ready (SAFE-Ready) Facilities for education and training so that acute care hospitals are fully equipped and trained to care for sexual assault victims.
 - \$7.7 million to Sexual Assault Crisis Centers under the Office of the Attorney General to eliminate waitlists, expand crisis centers into 15 counties and cover project caseload.
 - \$10 million for the Supreme Court's Basic Civil Legal Services program to be devoted to victims of sexual assault.
 - \$2 million for crime analyst training and education in toxicology disciplines, with the assistance of Sam Houston State University.
- **HB 616**, which removes administration burdens and makes it faster and easier for healthcare facilities and Certified Sexual Assault Nurse Examiners (SANE nurses) who



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conduct forensic exams of sexual assault victims to receive reimbursement for their services.

- **HB 467**, requiring existing continuing education programs for licensed cosmetologists to include information on sexual assault and domestic violence awareness.
- **HB 667**, or "Melissa's Law", enhancing the penalty for crimes of sexual assault from a second degree felony to a first degree felony.
- **HB 1735**, cracking down on sexual assault and dating violence at institutions of higher education by requiring them to adopt a policy applicable to students and employees and improve reporting and response.
- **HB 1661**, or "Rachel's Law", making continuous violence against the family a third-degree felony.
- **HB 531**, prohibiting hospitals from destroying medical records from forensic medical examinations of sexual assault victims until 15 years after the records were created.

In regards to our law enforcement, the House heard and passed House Bill 14. Peace officers put their lives on the line to protect our communities, and Texas is facing a critical shortage of officers. House Bill 14 creates a student loan repayment assistance program for future peace officers, which helps address the growing shortage of officers across the state. The Texas Higher Education Coordinating Board (THECB) would be charged with operating a student loan repayment assistance program, similar to other loan repayment programs they currently operate. To apply for loan assistance, the peace officer must:

- Obtain at least 60 hours of college credit at a community college or four-year institution;
- Become a Peace Officer following their higher education;
- Serve as a full-time peace officer for at least one year; and
- Maintain full-time employment while receiving repayment assistance.

The student loan assistance provided by the THECB may not exceed five years and is limited to no more than \$4,000 per year, or \$20,000 in total.

A peace officer would be required to submit an application in each subsequent year after the initial application and approval to confirm he or she is still meeting the requirements of the program. Each year, an approved applicant would be eligible for up to \$4,000 or 20% of the total stated in the person's application.



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House Bill 1, as passed by the House, includes a contingency rider in Article XI for this bill totaling \$2,500,000 in fiscal year 2021. I am proud to stand with Texas law enforcement and their work to maintain safe communities.

I will continue to be supportive of all the legislation we passed in regards to disaster responsiveness, protecting the life of the preborn, ending the rape kit backlog, and constitutionally empowering our law enforcement. My colleagues and I will monitor these priority bills as they make their way to the Texas Senate.

Lastly, my heart goes out to our Warren community. Late into the evening on April 18th, I was informed about an unfortunate and devastating auto accident just a few miles from my home involving a Warren FBC bus. Warren FBC is a great movement of God. I am saddened by the reported death of James Craft and will continue lift up his family in prayer, along with the full recovery of the other adults and youth that suffered injuries.

Recently, we celebrated the Crucifixion and Resurrection of Christ. This is a particularly tough time for any family to experience a sudden lost of a family member and a church to face such trials. However, it is that celebration of Resurrection that gives us the certainty that our fellow Believers have everlasting life with Christ and that we can claim the full recovery from health challenges. Let's continue to lift this Family and Church in prayer.

The Capitol of Texas belongs to you and visiting the Capitol during the biennial legislative session is a great experience. To assist in arranging your visit please call Saul Mendoza, my Chief of Staff, at (512) 463-0490. Or, you can email him at saul.mendoza@house.texas.gov.

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