

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Code of Criminal Procedure
Chapter 56A
9/17/18

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10 CHAPTER 56A. RIGHTS OF CRIME VICTIMS
11 SUBCHAPTER A. GENERAL PROVISIONS

12 Revised Law

13 Art. 56A.001. DEFINITIONS. Except as otherwise provided by
14 this chapter, in this chapter:

- 15 (1) "Board" means the Board of Pardons and Paroles.
- 16 (2) "Clearinghouse" means the Texas Crime Victim
17 Clearinghouse.
- 18 (3) "Close relative of a deceased victim" means a
19 person who:
 - 20 (A) was the spouse of a deceased victim at the
21 time of the victim's death; or
 - 22 (B) is a parent or adult brother, sister, or
23 child of a deceased victim.
- 24 (4) "Department" means the Texas Department of
25 Criminal Justice.
- 26 (5) "Guardian of a victim" means a person who is the
27 legal guardian of the victim, regardless of whether the legal
28 relationship between the guardian and victim exists because of the
29 age of the victim or the physical or mental incompetency of the
30 victim.
- 31 (6) "Sexual assault" means an offense under the
32 following provisions of the Penal Code:
 - 33 (A) Section 21.02;
 - 34 (B) Section 21.11(a)(1);

- 1 (C) Section 22.011; or
2 (D) Section 22.021.
3 (7) "Victim" means a person who:
4 (A) is the victim of the offense of:
5 (i) sexual assault;
6 (ii) kidnapping;
7 (iii) aggravated robbery;
8 (iv) trafficking of persons; or
9 (v) injury to a child, elderly individual,
10 or disabled individual; or
11 (B) has suffered personal injury or death as a
12 result of the criminal conduct of another. (Code Crim. Proc., Art.
13 56.01; New.)

14 Source Law

15 Art. 56.01. DEFINITIONS. In this chapter:

16 (1) "Close relative of a deceased victim"
17 means a person who was the spouse of a deceased victim
18 at the time of the victim's death or who is a parent or
19 adult brother, sister, or child of the deceased
20 victim.

21 (2) "Guardian of a victim" means a person
22 who is the legal guardian of the victim, whether or not
23 the legal relationship between the guardian and victim
24 exists because of the age of the victim or the physical
25 or mental incompetency of the victim.

26 (2-a) "Sexual assault" means an offense
27 under Section 21.02, 21.11(a)(1), 22.011, or 22.021,
28 Penal Code.

29 (3) "Victim" means a person who is the
30 victim of the offense of sexual assault, kidnapping,
31 aggravated robbery, trafficking of persons, or injury
32 to a child, elderly individual, or disabled individual
33 or who has suffered personal injury or death as a
34 result of the criminal conduct of another.

35 Revisor's Note

36 The revised law adds the definitions of "board,"
37 "clearinghouse," and "department" for the convenience
38 of the reader and to avoid the frequent, unnecessary
39 repetition of the substance of the definitions. The
40 revised law also adds "[e]xcept as otherwise provided
41 by this chapter" because Article 56.065(a), Code of
42 Criminal Procedure, revised as Article 56A.301,
43 provides a definition of "department" for purposes of

1 Subchapter G of this chapter that differs from the
2 chapter-wide definition added to the revised law in
3 this article.

4 SUBCHAPTER B. CRIME VICTIMS' RIGHTS

5 Revised Law

6 Art. 56A.051. GENERAL RIGHTS. (a) A victim, guardian of a
7 victim, or close relative of a deceased victim is entitled to the
8 following rights within the criminal justice system:

9 (1) the right to receive from a law enforcement agency
10 adequate protection from harm and threats of harm arising from
11 cooperation with prosecution efforts;

12 (2) the right to have the magistrate consider the
13 safety of the victim or the victim's family in setting the amount of
14 bail for the defendant;

15 (3) if requested, the right to be informed:

16 (A) by the attorney representing the state of
17 relevant court proceedings, including appellate proceedings, and
18 to be informed if those proceedings have been canceled or
19 rescheduled before the event; and

20 (B) by an appellate court of the court's
21 decisions, after the decisions are entered but before the decisions
22 are made public;

23 (4) when requested, the right to be informed:

24 (A) by a peace officer concerning the defendant's
25 right to bail and the procedures in criminal investigations; and

26 (B) by the office of the attorney representing
27 the state concerning the general procedures in the criminal justice
28 system, including general procedures in guilty plea negotiations
29 and arrangements, restitution, and the appeals and parole process;

30 (5) the right to provide pertinent information to a
31 community supervision and corrections department conducting a
32 presentencing investigation concerning the impact of the offense on
33 the victim and the victim's family by testimony, written statement,
34 or any other manner before any sentencing of the defendant;

1 (6) the right to receive information regarding
2 compensation to victims of crime as provided by Chapter 56B,
3 including information related to the costs that may be compensated
4 under that chapter and the amount of compensation, eligibility for
5 compensation, and procedures for application for compensation
6 under that chapter, the payment for a forensic medical examination
7 under Article 56A.252 for a victim of an alleged sexual assault, and
8 when requested, to referral to available social service agencies
9 that may offer additional assistance;

10 (7) the right to:

11 (A) be informed, on request, of parole
12 procedures;

13 (B) participate in the parole process;

14 (C) provide to the board for inclusion in the
15 defendant's file information to be considered by the board before
16 the parole of any defendant convicted of any offense subject to this
17 chapter; and

18 (D) be notified, if requested, of parole
19 proceedings concerning a defendant in the victim's case and of the
20 defendant's release;

21 (8) the right to be provided with a waiting area,
22 separate or secure from other witnesses, including the defendant
23 and relatives of the defendant, before testifying in any proceeding
24 concerning the defendant; if a separate waiting area is not
25 available, other safeguards should be taken to minimize the
26 victim's contact with the defendant and the defendant's relatives
27 and witnesses, before and during court proceedings;

28 (9) the right to the prompt return of any of the
29 victim's property that is held by a law enforcement agency or the
30 attorney representing the state as evidence when the property is no
31 longer required for that purpose;

32 (10) the right to have the attorney representing the
33 state notify the victim's employer, if requested, that the victim's
34 cooperation and testimony is necessary in a proceeding that may

1 require the victim to be absent from work for good cause;

2 (11) the right to request victim-offender mediation
3 coordinated by the victim services division of the department;

4 (12) the right to be informed of the uses of a victim
5 impact statement and the statement's purpose in the criminal
6 justice system as described by Subchapter D, to complete the victim
7 impact statement, and to have the victim impact statement
8 considered:

9 (A) by the attorney representing the state and
10 the judge before sentencing or before a plea bargain agreement is
11 accepted; and

12 (B) by the board before a defendant is released
13 on parole;

14 (13) for a victim of an assault or sexual assault who
15 is younger than 17 years of age or whose case involves family
16 violence, as defined by Section 71.004, Family Code, the right to
17 have the court consider the impact on the victim of a continuance
18 requested by the defendant; if requested by the attorney
19 representing the state or by the defendant's attorney, the court
20 shall state on the record the reason for granting or denying the
21 continuance; and

22 (14) if the offense is a capital felony, the right to:

23 (A) receive by mail from the court a written
24 explanation of defense-initiated victim outreach if the court has
25 authorized expenditures for a defense-initiated victim outreach
26 specialist;

27 (B) not be contacted by the victim outreach
28 specialist unless the victim, guardian, or relative has consented
29 to the contact by providing a written notice to the court; and

30 (C) designate a victim service provider to
31 receive all communications from a victim outreach specialist acting
32 on behalf of any person.

33 (b) A victim, guardian of a victim, or close relative of a
34 deceased victim is entitled to the right to be present at all public

1 court proceedings related to the offense, subject to the approval
2 of the judge in the case.

3 (c) The office of the attorney representing the state and
4 the sheriff, police, and other law enforcement agencies shall
5 ensure to the extent practicable that a victim, guardian of a
6 victim, or close relative of a deceased victim is provided the
7 rights granted by this subchapter and, on request, an explanation
8 of those rights. (Code Crim. Proc., Arts. 56.02(a), (b), (c).)

9 Source Law

10 Art. 56.02. CRIME VICTIMS' RIGHTS. (a) A
11 victim, guardian of a victim, or close relative of a
12 deceased victim is entitled to the following rights
13 within the criminal justice system:

14 (1) the right to receive from law
15 enforcement agencies adequate protection from harm and
16 threats of harm arising from cooperation with
17 prosecution efforts;

18 (2) the right to have the magistrate take
19 the safety of the victim or his family into
20 consideration as an element in fixing the amount of
21 bail for the accused;

22 (3) the right, if requested, to be
23 informed:

24 (A) by the attorney representing the
25 state of relevant court proceedings, including
26 appellate proceedings, and to be informed if those
27 proceedings have been canceled or rescheduled prior to
28 the event; and

29 (B) by an appellate court of
30 decisions of the court, after the decisions are
31 entered but before the decisions are made public;

32 (4) the right to be informed, when
33 requested, by a peace officer concerning the
34 defendant's right to bail and the procedures in
35 criminal investigations and by the district attorney's
36 office concerning the general procedures in the
37 criminal justice system, including general procedures
38 in guilty plea negotiations and arrangements,
39 restitution, and the appeals and parole process;

40 (5) the right to provide pertinent
41 information to a probation department conducting a
42 presentencing investigation concerning the impact of
43 the offense on the victim and his family by testimony,
44 written statement, or any other manner prior to any
45 sentencing of the offender;

46 (6) the right to receive information
47 regarding compensation to victims of crime as provided
48 by Subchapter B, including information related to the
49 costs that may be compensated under that subchapter
50 and the amount of compensation, eligibility for
51 compensation, and procedures for application for
52 compensation under that subchapter, the payment for a
53 medical examination under Article 56.06 for a victim
54 of a sexual assault, and when requested, to referral to
55 available social service agencies that may offer
56 additional assistance;

57 (7) the right to be informed, upon
58 request, of parole procedures, to participate in the

1 parole process, to be notified, if requested, of
2 parole proceedings concerning a defendant in the
3 victim's case, to provide to the Board of Pardons and
4 Paroles for inclusion in the defendant's file
5 information to be considered by the board prior to the
6 parole of any defendant convicted of any crime subject
7 to this subchapter, and to be notified, if requested,
8 of the defendant's release;

9 (8) the right to be provided with a waiting
10 area, separate or secure from other witnesses,
11 including the offender and relatives of the offender,
12 before testifying in any proceeding concerning the
13 offender; if a separate waiting area is not available,
14 other safeguards should be taken to minimize the
15 victim's contact with the offender and the offender's
16 relatives and witnesses, before and during court
17 proceedings;

18 (9) the right to prompt return of any
19 property of the victim that is held by a law
20 enforcement agency or the attorney for the state as
21 evidence when the property is no longer required for
22 that purpose;

23 (10) the right to have the attorney for the
24 state notify the employer of the victim, if requested,
25 of the necessity of the victim's cooperation and
26 testimony in a proceeding that may necessitate the
27 absence of the victim from work for good cause;

28 (11) the right to request victim-offender
29 mediation coordinated by the victim services division
30 of the Texas Department of Criminal Justice;

31 (12) the right to be informed of the uses
32 of a victim impact statement and the statement's
33 purpose in the criminal justice system, to complete
34 the victim impact statement, and to have the victim
35 impact statement considered:

36 (A) by the attorney representing the
37 state and the judge before sentencing or before a plea
38 bargain agreement is accepted; and

39 (B) by the Board of Pardons and
40 Paroles before an inmate is released on parole;

41 (13) for a victim of an assault or sexual
42 assault who is younger than 17 years of age or whose
43 case involves family violence, as defined by Section
44 71.004, Family Code, the right to have the court
45 consider the impact on the victim of a continuance
46 requested by the defendant; if requested by the
47 attorney representing the state or by counsel for the
48 defendant, the court shall state on the record the
49 reason for granting or denying the continuance; and

50 (14) if the offense is a capital felony,
51 the right to:

52 (A) receive by mail from the court a
53 written explanation of defense-initiated victim
54 outreach if the court has authorized expenditures for
55 a defense-initiated victim outreach specialist;

56 (B) not be contacted by the victim
57 outreach specialist unless the victim, guardian, or
58 relative has consented to the contact by providing a
59 written notice to the court; and

60 (C) designate a victim service
61 provider to receive all communications from a victim
62 outreach specialist acting on behalf of any person.

63 (b) A victim, guardian of a victim, or close
64 relative of a deceased victim is entitled to the right
65 to be present at all public court proceedings related
66 to the offense, subject to the approval of the judge in
67 the case.

68 (c) The office of the attorney representing the

1 state, and the sheriff, police, and other law
2 enforcement agencies shall ensure to the extent
3 practicable that a victim, guardian of a victim, or
4 close relative of a deceased victim is afforded the
5 rights granted by this article and Article 56.021 and,
6 on request, an explanation of those rights.

7 Revisor's Note

8 (1) Article 56.02(a)(2), Code of Criminal
9 Procedure, refers to a magistrate considering the
10 safety of the victim or the victim's family "as an
11 element in fixing the amount of bail." The revised law
12 omits "as an element" as unnecessary because the
13 phrase does not add to the clear meaning of the law.
14 The revised law substitutes "setting" for "fixing"
15 because in this context the terms are synonymous and
16 "setting" is more consistent with modern usage.

17 (2) Article 56.02(a)(2), Code of Criminal
18 Procedure, refers to the "accused," Articles
19 56.02(a)(5) and (8), Code of Criminal Procedure, refer
20 to the "offender," and Article 56.02(a)(12)(B), Code
21 of Criminal Procedure, refers to an "inmate."
22 Throughout this chapter, the revised law substitutes
23 "defendant" for these terms in the context of a right
24 of a victim or witness because the terms are synonymous
25 and "defendant" is more commonly used in Subchapter A,
26 Chapter 56, Code of Criminal Procedure, revised as
27 this chapter.

28 (3) Article 56.02(a)(4), Code of Criminal
29 Procedure, refers to the "district attorney's office."
30 The revised law substitutes "office of the attorney
31 representing the state" for the quoted language
32 because the terms are synonymous and "office of the
33 attorney representing the state" is more commonly used
34 in the Code of Criminal Procedure.

35 (4) Article 56.02(a)(5), Code of Criminal
36 Procedure, refers to a "probation department"
37 conducting a presentencing investigation. Section

1 1.20(h), Chapter 785 (H.B. 2335), Acts of the 71st
2 Legislature, Regular Session, 1989, provides that a
3 reference in law to a "probation department" means a
4 community supervision and corrections department
5 established under Article 42.131, Code of Criminal
6 Procedure. Section 7.11, Chapter 76 (S.B. 959), Acts
7 of the 74th Legislature, Regular Session, 1995,
8 transferred the substance of Article 42.131, Code of
9 Criminal Procedure, to Chapter 76, Government Code.
10 Because Chapter 76, Government Code, is the only law
11 under which a community supervision and corrections
12 department is established, it is unnecessary to
13 include a reference to that law. The revised law is
14 drafted accordingly.

15 (5) Article 56.02(a)(6), Code of Criminal
16 Procedure, refers to "the payment for a medical
17 examination under Article 56.06 for a victim of a
18 sexual assault." The provision of Article 56.06, Code
19 of Criminal Procedure, that relates to the payment of
20 costs for a medical examination is revised in this
21 chapter as Article 56A.252, and the revised law
22 throughout this chapter is drafted accordingly.

23 Throughout this chapter, in the context of an
24 examination under Article 56.06, Code of Criminal
25 Procedure, the revised law substitutes "forensic
26 medical examination" for "medical examination" and
27 substitutes "alleged sexual assault" for "sexual
28 assault" for clarity and consistency with the
29 terminology used in Article 56.06, revised as
30 Subchapter F of this chapter.

31 (6) Articles 56.02(a)(9) and (10), Code of
32 Criminal Procedure, refer to an "attorney for the
33 state." Throughout this chapter, the revised law
34 substitutes "attorney representing the state" for

1 "attorney for the state" because the terms are
2 synonymous and "attorney representing the state" is
3 more commonly used in the Code of Criminal Procedure.

4 (7) Article 56.02(a)(12), Code of Criminal
5 Procedure, refers to the "uses of a victim impact
6 statement and the statement's purpose in the criminal
7 justice system." The provisions that describe the
8 uses and purposes of a victim impact statement are in
9 Article 56.03, Code of Criminal Procedure, revised in
10 Subchapter D of this chapter, and the revised law adds
11 a cross-reference to that subchapter for the
12 convenience of the reader.

13 Revised Law

14 Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL
15 ASSAULT, STALKING, OR TRAFFICKING. (a) If the offense is a sexual
16 assault, a victim, guardian of a victim, or close relative of a
17 deceased victim is entitled to the following rights within the
18 criminal justice system:

19 (1) if requested, the right to a disclosure of
20 information regarding:

21 (A) any evidence that was collected during the
22 investigation of the offense, unless disclosing the information
23 would interfere with the investigation or prosecution of the
24 offense, in which event the victim, guardian, or relative shall be
25 informed of the estimated date on which that information is
26 expected to be disclosed; and

27 (B) the status of any analysis being performed of
28 any evidence described by Paragraph (A);

29 (2) if requested, the right to be notified:

30 (A) at the time a request is submitted to a crime
31 laboratory to process and analyze any evidence that was collected
32 during the investigation of the offense;

33 (B) at the time of the submission of a request to
34 compare any biological evidence collected during the investigation

1 of the offense with DNA profiles maintained in a state or federal
2 DNA database; and

3 (C) of the results of the comparison described by
4 Paragraph (B), unless disclosing the results would interfere with
5 the investigation or prosecution of the offense, in which event the
6 victim, guardian, or relative shall be informed of the estimated
7 date on which those results are expected to be disclosed;

8 (3) if requested, the right to counseling regarding
9 acquired immune deficiency syndrome (AIDS) and human
10 immunodeficiency virus (HIV) infection; and

11 (4) for the victim, the right to:

12 (A) testing for acquired immune deficiency
13 syndrome (AIDS), human immunodeficiency virus (HIV) infection,
14 antibodies to HIV, or infection with any other probable causative
15 agent of AIDS; and

16 (B) a forensic medical examination to the extent
17 provided by Subchapters F and G if, within 96 hours of the offense:

18 (i) the offense is reported to a law
19 enforcement agency; or

20 (ii) a forensic medical examination is
21 otherwise conducted at a health care facility.

22 (b) A victim, guardian of a victim, or close relative of a
23 deceased victim who requests to be notified under Subsection (a)(2)
24 must provide a current address and phone number to the attorney
25 representing the state and the law enforcement agency that is
26 investigating the offense. The victim, guardian, or relative must
27 inform the attorney representing the state and the law enforcement
28 agency of any change in the address or phone number.

29 (c) A victim, guardian of a victim, or close relative of a
30 deceased victim may designate a person, including an entity that
31 provides services to victims of sexual assault, to receive any
32 notice requested under Subsection (a)(2).

33 (d) This subsection applies only to a victim of an offense
34 under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072,

1 or 43.05, Penal Code. A victim described by this subsection or a
2 parent or guardian of the victim is entitled to the following rights
3 within the criminal justice system:

4 (1) the right to be informed:

5 (A) that the victim or the victim's parent or
6 guardian, as applicable, may file an application for a protective
7 order under Article 7B.001;

8 (B) of the court in which the application for a
9 protective order may be filed; and

10 (C) that, on request of the victim or of the
11 victim's parent or guardian, as applicable, and subject to the
12 Texas Disciplinary Rules of Professional Conduct, the attorney
13 representing the state may file the application for a protective
14 order on behalf of the victim;

15 (2) the right to request that the attorney
16 representing the state, subject to the Texas Disciplinary Rules of
17 Professional Conduct, file an application for a protective order
18 described by Subdivision (1);

19 (3) if the victim or the victim's parent or guardian,
20 as applicable, is present when the defendant is convicted or placed
21 on deferred adjudication community supervision, the right to:

22 (A) be given by the court the information
23 described by Subdivision (1); and

24 (B) file an application for a protective order
25 under Article 7B.001 immediately following the defendant's
26 conviction or placement on deferred adjudication community
27 supervision if the court has jurisdiction over the application; and

28 (4) if the victim or the victim's parent or guardian,
29 as applicable, is not present when the defendant is convicted or
30 placed on deferred adjudication community supervision, the right to
31 be given by the attorney representing the state the information
32 described by Subdivision (1). (Code Crim. Proc., Art. 56.021.)

33 Source Law

34 Art. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT

1 OR ABUSE, STALKING, OR TRAFFICKING. (a) In addition
2 to the rights enumerated in Article 56.02, if the
3 offense is a sexual assault, the victim, guardian of a
4 victim, or close relative of a deceased victim is
5 entitled to the following rights within the criminal
6 justice system:

7 (1) if requested, the right to a
8 disclosure of information regarding any evidence that
9 was collected during the investigation of the offense,
10 unless disclosing the information would interfere with
11 the investigation or prosecution of the offense, in
12 which event the victim, guardian, or relative shall be
13 informed of the estimated date on which that
14 information is expected to be disclosed;

15 (2) if requested, the right to a
16 disclosure of information regarding the status of any
17 analysis being performed of any evidence that was
18 collected during the investigation of the offense;

19 (3) if requested, the right to be
20 notified:

21 (A) at the time a request is
22 submitted to a crime laboratory to process and analyze
23 any evidence that was collected during the
24 investigation of the offense;

25 (B) at the time of the submission of a
26 request to compare any biological evidence collected
27 during the investigation of the offense with DNA
28 profiles maintained in a state or federal DNA
29 database; and

30 (C) of the results of the comparison
31 described by Paragraph (B), unless disclosing the
32 results would interfere with the investigation or
33 prosecution of the offense, in which event the victim,
34 guardian, or relative shall be informed of the
35 estimated date on which those results are expected to
36 be disclosed;

37 (4) if requested, the right to counseling
38 regarding acquired immune deficiency syndrome (AIDS)
39 and human immunodeficiency virus (HIV) infection;

40 (5) for the victim of the offense, testing
41 for acquired immune deficiency syndrome (AIDS), human
42 immunodeficiency virus (HIV) infection, antibodies to
43 HIV, or infection with any other probable causative
44 agent of AIDS; and

45 (6) to the extent provided by Articles
46 56.06 and 56.065, for the victim of the offense, the
47 right to a forensic medical examination if, within 96
48 hours of the offense, the offense is reported to a law
49 enforcement agency or a forensic medical examination
50 is otherwise conducted at a health care facility.

51 (b) A victim, guardian, or relative who requests
52 to be notified under Subsection (a)(3) must provide a
53 current address and phone number to the attorney
54 representing the state and the law enforcement agency
55 that is investigating the offense. The victim,
56 guardian, or relative must inform the attorney
57 representing the state and the law enforcement agency
58 of any change in the address or phone number.

59 (c) A victim, guardian, or relative may
60 designate a person, including an entity that provides
61 services to victims of sexual assault, to receive any
62 notice requested under Subsection (a)(3).

63 (d) This subsection applies only to a victim of
64 an offense under Section 20A.02, 20A.03, 21.02, 21.11,
65 22.011, 22.021, 42.072, or 43.05, Penal Code. In
66 addition to the rights enumerated in Article 56.02
67 and, if applicable, Subsection (a) of this article, a
68 victim described by this subsection or a parent or

1 guardian of the victim is entitled to the following
2 rights within the criminal justice system:

3 (1) the right to request that the attorney
4 representing the state, subject to the Texas
5 Disciplinary Rules of Professional Conduct, file an
6 application for a protective order under Article 7A.01
7 on behalf of the victim;

8 (2) the right to be informed:

9 (A) that the victim or the victim's
10 parent or guardian, as applicable, may file an
11 application for a protective order under Article
12 7A.01;

13 (B) of the court in which the
14 application for a protective order may be filed; and

15 (C) that, on request of the victim or
16 of the victim's parent or guardian, as applicable, and
17 subject to the Texas Disciplinary Rules of
18 Professional Conduct, the attorney representing the
19 state may file the application for a protective order;

20 (3) if the victim or the victim's parent or
21 guardian, as applicable, is present when the defendant
22 is convicted or placed on deferred adjudication
23 community supervision, the right to be given by the
24 court the information described by Subdivision (2)
25 and, if the court has jurisdiction over applications
26 for protective orders that are filed under Article
27 7A.01, the right to file an application for a
28 protective order immediately following the defendant's
29 conviction or placement on deferred adjudication
30 community supervision; and

31 (4) if the victim or the victim's parent or
32 guardian, as applicable, is not present when the
33 defendant is convicted or placed on deferred
34 adjudication community supervision, the right to be
35 given by the attorney representing the state the
36 information described by Subdivision (2).

37 Revisor's Note

38 (1) Article 56.021(a), Code of Criminal
39 Procedure, provides rights that are "[i]n addition to
40 the rights enumerated in Article 56.02." Article
41 56.021(d), Code of Criminal Procedure, provides rights
42 that are "[i]n addition to the rights enumerated in
43 Article 56.02 and, if applicable, Subsection (a) of
44 this article." The revised law omits the quoted
45 provisions because an accepted general principle of
46 statutory construction requires that a statute be
47 given cumulative effect with other statutes unless the
48 statute provides otherwise or unless the statute
49 conflicts with another statute. That general principle
50 applies to the revised law.

51 (2) Article 56.021(a)(5), Code of Criminal
52 Procedure, provides that a victim of a sexual assault

1 is entitled to certain rights, including "testing for
2 acquired immune deficiency syndrome (AIDS), human
3 immunodeficiency virus (HIV) infection, antibodies to
4 HIV, or infection with any other probable causative
5 agent of AIDS." The revised law adds to the quoted
6 language the phrase "the right to" for consistency
7 with the preceding language in the subsection clearly
8 granting this right to a victim of a sexual assault.

9 (3) Article 56.021(b), Code of Criminal
10 Procedure, refers to requests for notifications under
11 Subsection (a)(3) of that article by "[a] victim,
12 guardian, or relative," and Article 56.021(c), Code of
13 Criminal Procedure, provides that "[a] victim,
14 guardian, or relative" may designate a person to
15 receive those notifications. The revised law
16 substitutes "a victim, guardian of a victim, or close
17 relative of a deceased victim" for the quoted language
18 for clarity and consistency in the terminology used
19 within the article because it is clear that the victim,
20 guardian, or relative referred to in Articles
21 56.021(b) and (c), Code of Criminal Procedure, is the
22 victim, guardian of a victim, or close relative of a
23 deceased victim who has the right to the notifications
24 under Subsection (a)(3).

25 Revised Law

26 Art. 56A.053. FAILURE TO PROVIDE RIGHT OR SERVICE. (a) A
27 judge, attorney representing the state, peace officer, or law
28 enforcement agency is not liable for a failure or inability to
29 provide a right granted by this subchapter.

30 (b) The failure or inability of any person to provide a
31 right or service granted by this subchapter may not be used by a
32 defendant in a criminal case as a ground for appeal, a ground to set
33 aside the conviction or sentence, or a ground in a habeas corpus
34 petition. (Code Crim. Proc., Art. 56.02(d) (part).)

1 (1) inform a victim, guardian of a victim, or close
2 relative of a deceased victim with a clear statement of rights
3 granted by Subchapter B; and

4 (2) collect the following information:

5 (A) the name of the victim of the offense or, if
6 the victim has a legal guardian or is deceased, the name of a
7 guardian or close relative of the victim;

8 (B) the address and telephone number of the
9 victim, guardian, or relative through which the victim, guardian,
10 or relative may be contacted;

11 (C) a statement of economic loss suffered by the
12 victim, guardian, or relative as a result of the offense;

13 (D) a statement of any physical or psychological
14 injury suffered by the victim, guardian, or relative as a result of
15 the offense, as described by the victim, guardian, or relative or by
16 a physician or counselor;

17 (E) a statement of any psychological services
18 requested as a result of the offense;

19 (F) a statement of any change in the victim's,
20 guardian's, or relative's personal welfare or familial relationship
21 as a result of the offense;

22 (G) a statement regarding whether the victim,
23 guardian, or relative wants to be notified of any parole hearing for
24 the defendant;

25 (H) if the victim is a child, whether there is an
26 existing court order granting to the defendant possession of or
27 access to the victim; and

28 (I) any other information related to the impact
29 of the offense on the victim, guardian, or relative, other than
30 facts related to the commission of the offense.

31 (c) The victim impact statement must include an explanation
32 regarding the procedures by which a victim, guardian of a victim, or
33 close relative of a deceased victim may obtain information
34 concerning the release of the defendant from the department.

1 (d) Not later than December 1 of each odd-numbered year, the
2 clearinghouse, with the participation of the board and the
3 community justice assistance division of the department, shall
4 update the victim impact statement form and any other information
5 provided by the community justice assistance division to victims,
6 guardians of victims, and relatives of deceased victims, if
7 necessary, to reflect changes in law relating to criminal justice
8 and the rights of victims and guardians and relatives of victims.
9 (Code Crim. Proc., Arts. 56.03(a), (b), (h), (i) (part).)

10 Source Law

11 Art. 56.03. VICTIM IMPACT STATEMENT. (a) The
12 Texas Crime Victim Clearinghouse, with the
13 participation of the community justice assistance
14 division of the Texas Department of Criminal Justice
15 and the Board of Pardons and Paroles, shall develop a
16 form to be used by law enforcement agencies,
17 prosecutors, and other participants in the criminal
18 justice system to record the impact of an offense on a
19 victim of the offense, guardian of a victim, or a close
20 relative of a deceased victim and to provide the
21 agencies, prosecutors, and participants with
22 information needed to contact the victim, guardian, or
23 relative if needed at any stage of a prosecution of a
24 person charged with the offense. The Texas Crime
25 Victim Clearinghouse, with the participation of the
26 community justice assistance division of the Texas
27 Department of Criminal Justice and the Board of
28 Pardons and Paroles, shall also develop a victims'
29 information booklet that provides a general
30 explanation of the criminal justice system to victims
31 of an offense, guardians of victims, and relatives of
32 deceased victims.

33 (b) The victim impact statement must be in a
34 form designed to inform a victim, guardian of a victim,
35 or a close relative of a deceased victim with a clear
36 statement of rights provided by Articles 56.02 and
37 56.021 and to collect the following information:

38 (1) the name of the victim of the offense
39 or, if the victim has a legal guardian or is deceased,
40 the name of a guardian or close relative of the victim;

41 (2) the address and telephone number of
42 the victim, guardian, or relative through which the
43 victim, guardian of a victim, or a close relative of a
44 deceased victim, may be contacted;

45 (3) a statement of economic loss suffered
46 by the victim, guardian, or relative as a result of the
47 offense;

48 (4) a statement of any physical or
49 psychological injury suffered by the victim, guardian,
50 or relative as a result of the offense, as described by
51 the victim, guardian, relative, or by a physician or
52 counselor;

53 (5) a statement of any psychological
54 services requested as a result of the offense;

55 (6) a statement of any change in the
56 victim's, guardian's, or relative's personal welfare
57 or familial relationship as a result of the offense;

1 (7) a statement as to whether or not the
2 victim, guardian, or relative wishes to be notified in
3 the future of any parole hearing for the defendant and
4 an explanation as to the procedures by which the
5 victim, guardian, or relative may obtain information
6 concerning the release of the defendant from the Texas
7 Department of Criminal Justice; and

8 (8) any other information, other than
9 facts related to the commission of the offense,
10 related to the impact of the offense on the victim,
11 guardian, or relative.

12 (h) Not later than December 1 of each
13 odd-numbered year, the Texas Crime Victim
14 Clearinghouse, with the participation of the community
15 justice assistance division of the Texas Department of
16 Criminal Justice and the Board of Pardons and Paroles,
17 shall update the victim impact statement form and any
18 other information provided by the commission to
19 victims, guardians of victims, and relatives of
20 deceased victims, if necessary, to reflect changes in
21 law relating to criminal justice and the rights of
22 victims and guardians and relatives of victims.

23 (i) In addition to the information described by
24 Subsections (b)(1)-(8), the victim impact statement
25 must be in a form designed to collect information on
26 whether, if the victim is a child, there is an existing
27 court order granting to the defendant possession of or
28 access to the victim. . . .

29 Revisor's Note

30 (1) Article 56.03(a), Code of Criminal
31 Procedure, refers to "prosecutors." Throughout this
32 chapter, the revised law substitutes "attorney
33 representing the state" for "prosecutor" or
34 "prosecuting attorney" because the terms are
35 synonymous and "attorney representing the state" is
36 more commonly used in the Code of Criminal Procedure.

37 (2) Article 56.03(b)(7), Code of Criminal
38 Procedure, refers to the notification "in the future"
39 of any parole hearing for a defendant. The revised law
40 omits "in the future" as unnecessary because the
41 quoted language does not add to the clear meaning of
42 the law.

43 (3) Article 56.03(b)(7), Code of Criminal
44 Procedure, requires a victim impact statement to be in
45 a form designed to provide certain information to a
46 victim, guardian of a victim, or close relative of a
47 deceased victim and to be in a form designed to collect

1 certain information from those persons, including an
2 explanation of the procedures by which they may obtain
3 information concerning a defendant's release from the
4 Texas Department of Criminal Justice. It is clear from
5 the context that the victim impact statement must
6 include an explanation of the applicable procedures in
7 the information provided to a victim, guardian, or
8 relative as opposed to collecting that explanation
9 from the victim, guardian, or relative. The revised
10 law is drafted accordingly.

11 (4) Article 56.03(h), Code of Criminal
12 Procedure, requires the Texas Crime Victim
13 Clearinghouse, with the participation of the community
14 justice assistance division of the Texas Department of
15 Criminal Justice and the Board of Pardons and Paroles,
16 to update certain information provided by "the
17 commission." As originally enacted, Article 56.03(h)
18 required the Texas Crime Victim Clearinghouse, with
19 the participation of the "Texas Adult Probation
20 Commission" and the Board of Pardons and Paroles, to
21 update certain information provided by "the
22 commission." See Section 3, Chapter 929 (H.B. 1552),
23 Acts of the 70th Legislature, Regular Session, 1987.
24 Section 1.20(f)(1), Chapter 785 (H.B. 2335), Acts of
25 the 71st Legislature, Regular Session, 1989, provides
26 that a reference in law to the "Texas Adult Probation
27 Commission" means the community justice assistance
28 division of the Texas Department of Criminal Justice.
29 Section 25.038, Chapter 87 (S.B. 1969), Acts of the
30 81st Legislature, Regular Session, 2009, amended
31 Article 56.03(h) by striking the reference to the
32 "Texas Adult Probation Commission" and substituting
33 "community justice assistance division of the Texas
34 Department of Criminal Justice" but did not revise the

1 subsequent reference to "the commission" in that
2 subsection to conform with Chapter 785. The revised
3 law substitutes "community justice assistance
4 division" for "commission" to correct the error.

5 (5) Article 56.03(i), Code of Criminal
6 Procedure, requires a victim impact statement to be in
7 a form designed to collect certain information
8 concerning a child victim that is "[i]n addition to the
9 information described by Subsections (b)(1)-(8)." The
10 revised law omits the quoted language for the reason
11 stated in Revisor's Note (1) to Article 56A.052.

12 Revised Law

13 Art. 56A.152. RECOMMENDATIONS TO ENSURE SUBMISSION OF
14 STATEMENT. The victim services division of the department, in
15 consultation with the board, law enforcement agencies, offices of
16 attorneys representing the state, and other participants in the
17 criminal justice system, shall develop recommendations to ensure
18 that completed victim impact statements are submitted to the
19 department as provided by Article 56A.159(b). (Code Crim. Proc.,
20 Art. 56.04(d-1).)

21 Source Law

22 (d-1) The victim services division of the Texas
23 Department of Criminal Justice, in consultation with
24 the Board of Pardons and Paroles, law enforcement
25 agencies, prosecutors' offices, and other participants
26 in the criminal justice system, shall develop
27 recommendations to ensure that completed victim impact
28 statements are submitted to the Texas Department of
29 Criminal Justice as provided by this chapter.

30 Revisor's Note

31 Article 56.04(d-1), Code of Criminal Procedure,
32 requires the victim services division of the Texas
33 Department of Criminal Justice to develop
34 recommendations to ensure victim impact statements are
35 submitted to the department as provided by "this
36 chapter." The provision of Chapter 56 relating to the
37 submission of victim impact statements to the Texas

1 Department of Criminal Justice is Article 56.04(e),
2 revised in relevant part as Article 56A.159(b) of this
3 chapter, and the revised law is drafted accordingly.

4 Revised Law

5 Art. 56A.153. NOTIFICATION TO COURT REGARDING RELEASE OF
6 DEFENDANT WITH ACCESS TO CHILD VICTIM. If information collected
7 under Article 56A.151(b)(2)(H) indicates the defendant is granted
8 possession of or access to a child victim under court order and the
9 department subsequently imprisons the defendant as a result of the
10 defendant's commission of the offense, the victim services division
11 of the department shall contact the court that issued the order
12 before the department releases the defendant on parole or to
13 mandatory supervision. (Code Crim. Proc., Art. 56.03(i) (part).)

14 Source Law

15 (i) . . . [the victim impact statement must be
16 in a form designed to collect information on whether,
17 if the victim is a child, there is an existing court
18 order granting to the defendant possession of or
19 access to the victim.] If information collected under
20 this subsection indicates the defendant is granted
21 access or possession under court order and the
22 defendant is subsequently confined by the Texas
23 Department of Criminal Justice as a result of the
24 commission of the offense, the victim services office
25 of the department shall contact the court issuing the
26 order before the defendant is released from the
27 department on parole or mandatory supervision.

28 Revisor's Note

29 (1) Article 56.03(i), Code of Criminal
30 Procedure, requires the court to be notified if
31 information is collected "under this subsection"
32 indicating that a defendant has possession of or
33 access to a child victim under an order issued by that
34 court. The provision of Subsection (i) relating to the
35 collection of that information is revised as Article
36 56A.151(b)(2)(H) of this chapter, and the revised law
37 is drafted accordingly.

38 (2) Article 56.03(i), Code of Criminal
39 Procedure, refers to a defendant being "confined by"
40 the Texas Department of Criminal Justice. The revised

1 law substitutes "imprisons" for "confined" because, in
2 the context of the Texas Department of Criminal
3 Justice, the terms are synonymous and "imprisons" is
4 more commonly used.

5 (3) Article 56.03(i), Code of Criminal
6 Procedure, requires the "victim services office" of
7 the Texas Department of Criminal Justice to contact
8 the court in certain situations before the department
9 releases a defendant on parole or to mandatory
10 supervision. The revised law substitutes "victim
11 services division" for the quoted language for clarity
12 and consistency with the other references in this
13 chapter.

14 Revised Law

15 Art. 56A.154. CHANGE OF ADDRESS. If a victim, guardian of a
16 victim, or close relative of a deceased victim states on a victim
17 impact statement that the victim, guardian, or relative wants to be
18 notified of parole proceedings, the victim, guardian, or relative
19 must notify the board of any change of address. (Code Crim. Proc.,
20 Art. 56.03(d).)

21 Source Law

22 (d) If a victim, guardian of a victim, or close
23 relative of a deceased victim states on the victim
24 impact statement that he wishes to be notified of
25 parole proceedings, the victim, guardian, or relative
26 is responsible for notifying the Board of Pardons and
27 Paroles of any change of address.

28 Revised Law

29 Art. 56A.155. DISCOVERY OF STATEMENT. A victim impact
30 statement is subject to discovery under Article 39.14 before the
31 testimony of the victim is taken only if the court determines that
32 the statement contains exculpatory material. (Code Crim. Proc.,
33 Art. 56.03(g).)

34 Source Law

35 (g) A victim impact statement is subject to
36 discovery under Article 39.14 of this code before the
37 testimony of the victim is taken only if the court
38 determines that the statement contains exculpatory

1 material.

2 Revised Law

3 Art. 56A.156. INSPECTION OF STATEMENT BY COURT; DISCLOSURE
4 OF CONTENTS. The court may not inspect a victim impact statement
5 until after a finding of guilt or until deferred adjudication
6 community supervision is ordered and the contents of the statement
7 may not be disclosed to any person unless:

8 (1) the defendant pleads guilty or nolo contendere or
9 is convicted of the offense; or

10 (2) the defendant authorizes the court in writing to
11 inspect the statement. (Code Crim. Proc., Art. 56.03(f).)

12 Source Law

13 (f) The court may not inspect a victim impact
14 statement until after a finding of guilt or until
15 deferred adjudication is ordered and the contents of
16 the statement may not be disclosed to any person
17 unless:

18 (1) the defendant pleads guilty or nolo
19 contendere or is convicted of the offense; or

20 (2) the defendant in writing authorizes
21 the court to inspect the statement.

22 Revisor's Note

23 Article 56.03(f), Code of Criminal Procedure,
24 provides that a court may not inspect a victim impact
25 statement until after a finding of guilt or until
26 "deferred adjudication is ordered." The revised law
27 substitutes "deferred adjudication community
28 supervision" for "deferred adjudication" because in
29 this context the terms are synonymous and "deferred
30 adjudication community supervision" is the term used
31 in Subchapter C, Chapter 42A, Code of Criminal
32 Procedure.

33 Revised Law

34 Art. 56A.157. CONSIDERATION OF STATEMENT BY COURT. (a)
35 Before imposing a sentence, a court shall, as applicable, inquire
36 as to whether a victim impact statement has been returned to the
37 attorney representing the state and, if a statement has been
38 returned to the attorney, consider the information provided in the

1 statement.

2 (b) On inquiry by the sentencing court, the attorney
3 representing the state shall make a copy of the statement available
4 for consideration by the court. (Code Crim. Proc., Arts. 56.03(e)
5 (part), 56.04(e) (part).)

6 Source Law

7 [Art. 56.03]

8 (e) Prior to the imposition of a sentence by the
9 court in a criminal case, the court shall, as
10 applicable in the case, inquire as to whether a victim
11 impact statement has been returned to the attorney
12 representing the state and, if a victim impact
13 statement has been returned to the attorney
14 representing the state, consider the information
15 provided in the statement. . . .

16 [Art. 56.04]

17 (e) On inquiry by the court, the attorney
18 representing the state shall make available a copy of a
19 victim impact statement for consideration by the court
20 sentencing the defendant. . . .

21 Revisor's Note

22 Article 56.03(e), Code of Criminal Procedure,
23 refers to the imposition of a sentence by the court "in
24 a criminal case" and requires the court, as applicable
25 "in the case," to inquire as to whether a victim impact
26 statement has been returned to the attorney
27 representing the state and to consider the information
28 in the statement. Article 56.04(e), Code of Criminal
29 Procedure, requires the attorney representing the
30 state to make a copy of the statement available to the
31 court sentencing "the defendant." The revised law
32 omits the quoted phrases as unnecessary because the
33 imposition of a sentence occurs only with regard to a
34 criminal case or proceeding and only with regard to a
35 defendant.

36 Revised Law

37 Art. 56A.158. DEFENDANT RESPONSE TO STATEMENT. Before
38 sentencing a defendant, a court shall permit the defendant or the
39 defendant's attorney a reasonable period to:

40 (1) read the victim impact statement, excluding the

1 victim's name, address, and telephone number;

2 (2) comment on the statement; and

3 (3) with the approval of the court, introduce
4 testimony or other information alleging a factual inaccuracy in the
5 statement. (Code Crim. Proc., Art. 56.03(e) (part).)

6 Source Law

7 (e) . . . Before sentencing the defendant, the
8 court shall permit the defendant or the defendant's
9 counsel a reasonable time to read the statement,
10 excluding the victim's name, address, and telephone
11 number, comment on the statement, and, with the
12 approval of the court, introduce testimony or other
13 information alleging a factual inaccuracy in the
14 statement. . . .

15 Revised Law

16 Art. 56A.159. TRANSFER OF STATEMENT AFTER SENTENCING. (a)
17 If a court sentences a defendant to a period of community
18 supervision, the attorney representing the state shall forward any
19 victim impact statement received in the case to the community
20 supervision and corrections department supervising the defendant.

21 (b) If a court sentences a defendant to imprisonment in the
22 department, the court shall attach to the commitment papers the
23 copy of the victim impact statement provided to the court under
24 Article 56A.157(b). (Code Crim. Proc., Arts. 56.03(e) (part),
25 56.04(e) (part).)

26 Source Law

27 [Art. 56.03]
28 (e) . . . If the court sentences the defendant
29 to a term of community supervision, the attorney
30 representing the state shall forward any victim's
31 impact statement received in the case to the community
32 supervision and corrections department supervising
33 the defendant.

34 [Art. 56.04]
35 (e) . . . If the court sentences the defendant
36 to imprisonment in the Texas Department of Criminal
37 Justice, the court shall attach the copy of the victim
38 impact statement to the commitment papers.

39 Revisor's Note

40 (1) Article 56.03(e), Code of Criminal
41 Procedure, refers to a "term" of community
42 supervision, meaning the time period during which a

1 defendant is under supervision. The revised law
2 substitutes "period" for "term" because in this
3 context the terms are synonymous and "period" is more
4 commonly used in Chapter 42A, Code of Criminal
5 Procedure.

6 (2) Article 56.04(e), Code of Criminal
7 Procedure, refers to "the copy of the victim impact
8 statement." The quoted language refers to the copy of
9 the victim impact statement made available to the
10 court sentencing the defendant as described by the
11 preceding sentence of Subsection (e), revised in this
12 subchapter as Article 56A.157(b). The revised law
13 substitutes "the copy of the victim impact statement
14 provided to the court under Article 56A.157(b)" for
15 the quoted language for the convenience of the reader.

16 Revised Law

17 Art. 56A.160. SURVEY PLAN REGARDING STATEMENTS. (a) In
18 this article, "planning body" means the board, the clearinghouse,
19 and the community justice assistance division of the department.

20 (b) The planning body shall develop a survey plan to
21 maintain statistics on the numbers and types of persons to whom
22 state and local agencies provide victim impact statements during
23 each year.

24 (c) At intervals specified in the survey plan, the planning
25 body may require any state or local agency to submit the following,
26 in a form prescribed for the reporting of the information:

27 (1) statistical data on the numbers and types of
28 persons to whom the agency provides victim impact statements; and

29 (2) any other information required by the planning
30 body.

31 (d) The form described by Subsection (c) must be designed
32 to:

33 (1) protect the privacy of persons provided rights
34 under Subchapter B; and

1 (2) determine whether the selected agency is making a
2 good faith effort to protect the rights of the persons served.
3 (Code Crim. Proc., Arts. 56.05(a), (b).)

4 Source Law

5 Art. 56.05. REPORTS REQUIRED. (a) The Board of
6 Pardons and Paroles, the community justice assistance
7 division of the Texas Department of Criminal Justice,
8 and the Texas Crime Victim Clearinghouse, designated
9 as the planning body for the purposes of this article,
10 shall develop a survey plan to maintain statistics on
11 the numbers and types of persons to whom state and
12 local agencies provide victim impact statements during
13 each year.

14 (b) At intervals specified in the plan, the
15 planning body may require any state or local agency to
16 submit, in a form prescribed for the reporting of the
17 information, statistical data on the numbers and types
18 of persons to whom the agency provides victim impact
19 statements and any other information required by the
20 planning body. The form must be designed to protect
21 the privacy of persons afforded rights under this
22 chapter and to determine whether the selected agency
23 or office is making a good faith effort to protect the
24 rights of the persons served.

25 Revisor's Note

26 (1) Article 56.05(b), Code of Criminal
27 Procedure, provides that certain agencies may be
28 required to report data concerning persons to whom the
29 agencies provided victim impact statements and that
30 the information must be reported on a form designed to
31 protect the privacy of a person afforded rights under
32 "this chapter." Under Article 56.03(b), Code of
33 Criminal Procedure, revised in this chapter in Article
34 56A.151, a victim impact statement is only required to
35 provide information regarding the rights provided by
36 Articles 56.02 and 56.021, Code of Criminal Procedure.
37 Articles 56.02 and 56.021 are revised as Subchapter B
38 of this chapter, and the revised law is drafted
39 accordingly.

40 (2) Article 56.05(b), Code of Criminal
41 Procedure, refers to an "agency or office." The
42 revised law omits "office" because in this context
43 "office" is included within the meaning of "agency."

1 SUBCHAPTER E. VICTIM ASSISTANCE COORDINATOR; CRIME VICTIM LIAISON

2 Revised Law

3 Art. 56A.201. DESIGNATION OF VICTIM ASSISTANCE
4 COORDINATOR. The district attorney, criminal district attorney, or
5 county attorney who prosecutes criminal cases shall designate a
6 person to serve as victim assistance coordinator in that
7 jurisdiction. (Code Crim. Proc., Art. 56.04(a).)

8 Source Law

9 Art. 56.04. VICTIM ASSISTANCE COORDINATOR;
10 CRIME VICTIM LIAISON. (a) The district attorney,
11 criminal district attorney, or county attorney who
12 prosecutes criminal cases shall designate a person to
13 serve as victim assistance coordinator in that
14 jurisdiction.

15 Revised Law

16 Art. 56A.202. DUTIES OF VICTIM ASSISTANCE COORDINATOR. (a)
17 The victim assistance coordinator designated under Article 56A.201
18 shall:

19 (1) ensure that a victim, guardian of a victim, or
20 close relative of a deceased victim is provided the rights granted
21 to victims, guardians, or relatives by Subchapter B; and

22 (2) work closely with appropriate law enforcement
23 agencies, attorneys representing the state, the board, and the
24 judiciary in carrying out the duty described by Subdivision (1).

25 (b) The victim assistance coordinator shall send to a
26 victim, guardian of a victim, or close relative of a deceased victim
27 a victim impact statement and victims' information booklet
28 described by Article 56A.151 and an application for compensation
29 under Chapter 56B. The victim assistance coordinator shall include
30 an offer to assist in completing the statement and application on
31 request.

32 (c) The victim assistance coordinator, on request, shall
33 explain the possible use and consideration of the victim impact
34 statement at any sentencing or parole hearing of the defendant.

35 (Code Crim. Proc., Arts. 56.03(c), 56.04(b).)

1 Source Law

2 [Art. 56.03]

3 (c) The victim assistance coordinator,
4 designated in Article 56.04(a) of this code, shall
5 send to a victim, guardian of a victim, or close
6 relative of a deceased victim a victim impact
7 statement, a victims' information booklet, and an
8 application for compensation under Subchapter B,
9 Chapter 56, along with an offer to assist in completing
10 those forms on request. The victim assistance
11 coordinator, on request, shall explain the possible
12 use and consideration of the victim impact statement
13 at sentencing and future parole hearing of the
14 offender.

15 [Art. 56.04]

16 (b) The duty of the victim assistance
17 coordinator is to ensure that a victim, guardian of a
18 victim, or close relative of a deceased victim is
19 afforded the rights granted victims, guardians, and
20 relatives by Articles 56.02 and 56.021. The victim
21 assistance coordinator shall work closely with
22 appropriate law enforcement agencies, prosecuting
23 attorneys, the Board of Pardons and Paroles, and the
24 judiciary in carrying out that duty.

25 Revisor's Note

26 (1) Article 56.03(c), Code of Criminal
27 Procedure, requires a victim assistance coordinator to
28 send a "victim impact statement" and a "victims'
29 information booklet" to certain persons. For the
30 convenience of the reader, the revised law adds a
31 cross-reference to Article 56A.151, which contains the
32 provisions relating to the victim impact statement and
33 victims' information booklet.

34 (2) Article 56.03(c), Code of Criminal
35 Procedure, refers to the possible use and
36 consideration of a victim impact statement at
37 sentencing and "future" parole hearings of the
38 offender. The revised law omits "future" as
39 unnecessary because the quoted language does not add
40 to the clear meaning of the law.

41 Revised Law

42 Art. 56A.203. DESIGNATION OF CRIME VICTIM LIAISON. Each
43 local law enforcement agency shall designate one person to serve as
44 the agency's crime victim liaison. (Code Crim. Proc., Art.

1 56.04(c) (part).)

2 Source Law

3 (c) Each local law enforcement agency shall
4 designate one person to serve as the agency's crime
5 victim liaison. . . .

6 Revised Law

7 Art. 56A.204. DUTIES OF CRIME VICTIM LIAISON. (a) The
8 crime victim liaison designated under Article 56A.203 shall ensure
9 that a victim, guardian of a victim, or close relative of a deceased
10 victim is provided the rights granted to victims, guardians, or
11 relatives by Articles 56A.051(a)(4), (6), and (9).

12 (b) Each local law enforcement agency shall consult with the
13 victim assistance coordinator in the office of the attorney
14 representing the state to determine the most effective manner in
15 which the crime victim liaison can perform the duties imposed on the
16 crime victim liaison under this article and, if applicable, Article
17 56A.205. (Code Crim. Proc., Arts. 56.04(c) (part), (d).)

18 Source Law

19 (c) . . . Each agency shall consult with the
20 victim assistance coordinator in the office of the
21 attorney representing the state to determine the most
22 effective manner in which the crime victim liaison can
23 perform the duties imposed on the crime victim liaison
24 under this article.

25 (d) The duty of the crime victim liaison is to
26 ensure that a victim, guardian of a victim, or close
27 relative of a deceased victim is afforded the rights
28 granted victims, guardians, or close relatives of
29 deceased victims by Subdivisions (4), (6), and (9) of
30 Article 56.02(a) of this code.

31 Revisor's Note

32 (1) Article 56.04(c), Code of Criminal
33 Procedure, refers to an "agency." The quoted language
34 refers to a "local law enforcement agency" as
35 described by the preceding sentence of Subsection (c),
36 revised in this subchapter as Article 56A.203. The
37 revised law substitutes "local law enforcement agency"
38 for "agency" for the convenience of the reader.

39 (2) Article 56.04(c), Code of Criminal
40 Procedure, refers to the duties imposed on a crime

1 victim liaison "under this article." Article 56.04 is
2 revised in this chapter as various articles of this
3 subchapter and Subchapter D. Because Article 56.04(d),
4 revised in this article as Subsection (a), and Article
5 56.04(f), revised in this subchapter as Article
6 56A.205, are the only provisions of Article 56.04
7 imposing duties on a crime victim liaison, it is
8 unnecessary in this context to include a
9 cross-reference to any other article of this chapter.
10 The revised law is drafted accordingly.

11 (3) Article 56.04(d), Code of Criminal
12 Procedure, establishes a duty of "the crime victim
13 liaison." The quoted language refers to the crime
14 victim liaison designated under Article 56.04(c), Code
15 of Criminal Procedure, revised in relevant part as
16 Article 56A.203 of this chapter. The revised law adds
17 a cross-reference to Article 56A.203 for the
18 convenience of the reader.

19 Revised Law

20 Art. 56A.205. PSYCHOLOGICAL COUNSELING FOR CERTAIN JURORS.

21 (a) A commissioners court may approve a program in which a crime
22 victim liaison or victim assistance coordinator may offer not more
23 than 10 hours of post-investigation or posttrial psychological
24 counseling for a person who:

25 (1) serves as a grand juror, alternate grand juror,
26 juror, or alternate juror in a grand jury investigation or criminal
27 trial involving graphic evidence or testimony; and

28 (2) requests the counseling not later than the 180th
29 day after the date on which the grand jury or jury is dismissed.

30 (b) The crime victim liaison or victim assistance
31 coordinator may provide the counseling using a provider that
32 assists local criminal justice agencies in providing similar
33 services to victims. (Code Crim. Proc., Art. 56.04(f).)

1 Source Law

2 (f) The commissioners court may approve a
3 program in which the crime victim liaison or victim
4 assistance coordinator may offer not more than 10
5 hours of post-investigation or posttrial
6 psychological counseling for a person who serves as a
7 grand juror, alternate grand juror, juror, or
8 alternate juror in a grand jury investigation or
9 criminal trial involving graphic evidence or testimony
10 and who requests the post-investigation or posttrial
11 psychological counseling not later than the 180th day
12 after the date on which the grand jury or jury is
13 dismissed. The crime victim liaison or victim
14 assistance coordinator may provide the counseling
15 using a provider that assists local criminal justice
16 agencies in providing similar services to victims.

17 SUBCHAPTER F. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT

18 VICTIM REPORTING ASSAULT

19 Revised Law

20 Art. 56A.251. REQUEST FOR FORENSIC MEDICAL EXAMINATION.

21 (a) Except as provided by Subsection (b), if a sexual assault is
22 reported to a law enforcement agency within 96 hours after the
23 assault, the law enforcement agency, with the consent of the victim
24 of the alleged assault, a person authorized to act on behalf of the
25 victim, or an employee of the Department of Family and Protective
26 Services, shall request a forensic medical examination of the
27 victim for use in the investigation or prosecution of the offense.

28 (b) A law enforcement agency may decline to request a
29 forensic medical examination under Subsection (a) only if:

30 (1) the person reporting the sexual assault has made
31 one or more false reports of sexual assault to any law enforcement
32 agency; and

33 (2) there is no other evidence to corroborate the
34 current allegations of sexual assault.

35 (c) If a sexual assault is not reported within the period
36 described by Subsection (a), on receiving the consent described by
37 that subsection a law enforcement agency may request a forensic
38 medical examination of a victim of an alleged sexual assault as
39 considered appropriate by the agency. (Code Crim. Proc., Arts.
40 56.06(a), (b).)

1 Source Law

2 Art. 56.06. FORENSIC MEDICAL EXAMINATION FOR
3 SEXUAL ASSAULT VICTIM WHO HAS REPORTED ASSAULT; COSTS.

4 (a) If a sexual assault is reported to a law
5 enforcement agency within 96 hours of the assault, the
6 law enforcement agency, with the consent of the
7 victim, a person authorized to act on behalf of the
8 victim, or an employee of the Department of Family and
9 Protective Services, shall request a forensic medical
10 examination of the victim of the alleged assault for
11 use in the investigation or prosecution of the
12 offense. A law enforcement agency may decline to
13 request a forensic medical examination under this
14 subsection only if the person reporting the sexual
15 assault has made one or more false reports of sexual
16 assault to any law enforcement agency and if there is
17 no other evidence to corroborate the current
18 allegations of sexual assault.

19 (b) If a sexual assault is not reported within
20 the period described by Subsection (a), on receiving
21 the consent described by that subsection the law
22 enforcement agency may request a forensic medical
23 examination of a victim of an alleged sexual assault as
24 considered appropriate by the agency.

25 Revisor's Note

26 Article 56.06(a), Code of Criminal Procedure,
27 requires a law enforcement agency to request a
28 forensic medical examination for a victim of an
29 alleged sexual assault who reports the assault within
30 96 hours after the assault. For the convenience of the
31 reader, the revised law adds "[e]xcept as provided by
32 Subsection (b)" to indicate to the reader that an
33 exception to that requirement is contained in
34 Subsection (b) of this article.

35 Revised Law

36 Art. 56A.252. PAYMENT OF COSTS OF EXAMINATION. A law
37 enforcement agency that requests a forensic medical examination
38 under Article 56A.251 shall pay all costs of the examination. On
39 application to the attorney general, the law enforcement agency is
40 entitled to be reimbursed for the reasonable costs of the
41 examination if the examination was performed by a physician or by a
42 sexual assault examiner or sexual assault nurse examiner, as
43 defined by Section 420.003, Government Code. (Code Crim. Proc.,
44 Art. 56.06(c).)

1 Revisor's Note

2 Article 56.06(d), Code of Criminal Procedure,
3 refers to testimony regarding the results of "the
4 forensic medical examination." The quoted language
5 refers to a forensic medical examination described by
6 Article 56.06(a), Code of Criminal Procedure, revised
7 in Article 56A.251 of this chapter. The revised law
8 adds a cross-reference to Article 56A.251 for the
9 convenience of the reader.

10 Revised Law

11 Art. 56A.254. PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE.
12 The attorney general may make a payment to or on behalf of an
13 individual for the reasonable costs incurred for medical care
14 provided in accordance with Section 323.004, Health and Safety
15 Code. (Code Crim. Proc., Art. 56.06(f).)

16 Source Law

17 (f) The attorney general may make a payment to
18 or on behalf of an individual for the reasonable costs
19 incurred for medical care provided in accordance with
20 Section 323.004, Health and Safety Code.

21 Revised Law

22 Art. 56A.255. PAYMENT OF COSTS OF TREATMENT NOT REQUIRED.
23 This subchapter does not require a law enforcement agency to pay any
24 costs of treatment for injuries. (Code Crim. Proc., Art. 56.06(e).)

25 Source Law

26 (e) This article does not require a law
27 enforcement agency to pay any costs of treatment for
28 injuries.

29 SUBCHAPTER G. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT
30 VICTIM NOT REPORTING ASSAULT

31 Revised Law

32 Art. 56A.301. DEFINITIONS. In this subchapter:

33 (1) "Crime laboratory" has the meaning assigned by
34 Article 38.35.

35 (2) "Department" means the Department of Public Safety
36 of the State of Texas.

1 (3) "Sexual assault examiner" and "sexual assault
2 nurse examiner" have the meanings assigned by Section 420.003,
3 Government Code. (Code Crim. Proc., Art. 56.065(a).)

4 Source Law

5 Art. 56.065. MEDICAL EXAMINATION FOR SEXUAL
6 ASSAULT VICTIM WHO HAS NOT REPORTED ASSAULT; COSTS.

7 (a) In this article:

8 (1) "Crime laboratory" has the meaning
9 assigned by Article 38.35.

10 (2) "Department" means the Department of
11 Public Safety.

12 (3) "Sexual assault examiner" and "sexual
13 assault nurse examiner" have the meanings assigned by
14 Section 420.003, Government Code.

15 Revisor's Note

16 Article 56.065(a), Code of Criminal Procedure,
17 defines "[d]epartment" as the "Department of Public
18 Safety." The revised law substitutes "Department of
19 Public Safety of the State of Texas" for "Department of
20 Public Safety" because under Chapter 411, Government
21 Code, that is the official name of the agency.

22 Revised Law

23 Art. 56A.302. APPLICABILITY. This subchapter applies to
24 the following health care facilities that provide diagnosis or
25 treatment services to victims of sexual assault:

26 (1) a general or special hospital licensed under
27 Chapter 241, Health and Safety Code;

28 (2) a general or special hospital owned by this state;

29 (3) an outpatient clinic; and

30 (4) a private physician's office. (Code Crim. Proc.,
31 Art. 56.065(b).)

32 Source Law

33 (b) This article applies to the following health
34 care facilities that provide diagnosis or treatment
35 services to victims of sexual assault:

36 (1) a general or special hospital licensed
37 under Chapter 241, Health and Safety Code;

38 (2) a general or special hospital owned by
39 this state;

40 (3) an outpatient clinic; and

41 (4) a private physician's office.

1 Revised Law

2 Art. 56A.303. FORENSIC MEDICAL EXAMINATION. (a) In
3 accordance with Subchapter B, Chapter 420, Government Code, and
4 except as provided by Subsection (b), a health care facility shall
5 conduct a forensic medical examination of a victim of an alleged
6 sexual assault if:

7 (1) the victim arrives at the facility within 96 hours
8 after the assault occurred;

9 (2) the victim consents to the examination; and

10 (3) at the time of the examination the victim has not
11 reported the assault to a law enforcement agency.

12 (b) If a health care facility does not provide diagnosis or
13 treatment services to victims of sexual assault, the facility shall
14 refer a victim of an alleged sexual assault who seeks a forensic
15 medical examination under Subsection (a) to a health care facility
16 that provides services to those victims.

17 (c) A victim of an alleged sexual assault may not be
18 required to participate in the investigation or prosecution of an
19 offense as a condition of receiving a forensic medical examination
20 under this article. (Code Crim. Proc., Arts. 56.065(c), (e), (h)
21 (part).)

22 Source Law

23 (c) In accordance with Subchapter B, Chapter
24 420, Government Code, and except as provided by
25 Subsection (e), a health care facility shall conduct a
26 forensic medical examination of the victim of an
27 alleged sexual assault if:

28 (1) the victim arrives at the facility
29 within 96 hours after the assault occurred;

30 (2) the victim consents to the
31 examination; and

32 (3) at the time of the examination the
33 victim has not reported the assault to a law
34 enforcement agency.

35 (e) If a health care facility does not provide
36 diagnosis or treatment services to victims of sexual
37 assault, the facility shall refer a victim seeking a
38 forensic medical examination under Subsection (c) to a
39 health care facility that provides services to those
40 victims.

41 (h) The victim may not be required to:

42 (1) participate in the investigation or
43 prosecution of an offense as a condition of receiving a

1 forensic medical examination under this article; or
2 . . .

3 Revisor's Note

4 (1) Article 56.065(e), Code of Criminal
5 Procedure, requires a referral in certain situations
6 for a "victim" seeking a forensic medical examination
7 under Article 56.065(c), Code of Criminal Procedure,
8 revised in this article as Subsection (a). Article
9 56.065(h)(1), Code of Criminal Procedure, prohibits
10 imposing certain requirements on a "victim" as a
11 condition of receiving a forensic medical examination.
12 The revised law substitutes "victim of an alleged
13 sexual assault" for "victim" for clarity and to
14 provide context for the convenience of the reader
15 because the victims referenced by Articles 56.065(e)
16 and (h)(1) are the victims of an alleged sexual assault
17 described by Subsection (c).

18 (2) Article 56.065(h), Code of Criminal
19 Procedure, prohibits imposing certain requirements on
20 a victim as a condition of receiving a forensic medical
21 examination "under this article." Article 56.065 is
22 revised in this chapter as this subchapter. Because
23 the portions of Article 56.065 that are revised as this
24 article are the only provisions of Article 56.065 that
25 address the duty of a health care facility to conduct a
26 forensic medical examination, it is unnecessary in
27 this context to include a cross-reference to any other
28 article in this subchapter.

29 Revised Law

30 Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION. (a)
31 The department shall pay the appropriate fees, as set by attorney
32 general rule, for the forensic portion of a forensic medical
33 examination conducted under Article 56A.303(a) and for the evidence
34 collection kit if a physician, sexual assault examiner, or sexual
35 assault nurse examiner conducts the forensic portion of the

1 examination within 96 hours after the alleged sexual assault
2 occurred.

3 (b) The attorney general shall reimburse the department for
4 fees paid under Subsection (a).

5 (c) A victim of an alleged sexual assault may not be
6 required to pay for:

7 (1) the forensic portion of the forensic medical
8 examination; or

9 (2) the evidence collection kit. (Code Crim. Proc.,
10 Arts. 56.065(d), (h) (part).)

11 Source Law

12 (d) The department shall pay the appropriate
13 fees, as set by attorney general rule, for the forensic
14 portion of the medical examination and for the
15 evidence collection kit if a physician, sexual assault
16 examiner, or sexual assault nurse examiner conducts
17 the forensic portion of the examination within 96
18 hours after the alleged sexual assault occurred. The
19 attorney general shall reimburse the department for
20 fees paid under this subsection.

21 (h) The victim may not be required to:

22 . . .
23 (2) pay for the forensic portion of the
24 medical examination or for the evidence collection
25 kit.

26 Revisor's Note

27 (1) Articles 56.065(d) and (h), Code of Criminal
28 Procedure, refer to the forensic portion of the
29 "medical examination." The quoted language refers to
30 the "forensic medical examination" conducted under
31 Article 56.065(c), Code of Criminal Procedure, revised
32 in this subchapter as Article 56A.303(a). The revised
33 law adds a cross-reference to Article 56A.303(a) for
34 the convenience of the reader. Throughout this
35 subchapter, in the context of an examination under
36 Article 56.065, Code of Criminal Procedure, the
37 revised law substitutes "forensic medical
38 examination" for "medical examination" or
39 "examination" for clarity and consistency with the
40 terminology used in Article 56.065(c).

1 evidence was collected; or
2 (2) the date on which written consent to
3 release the evidence is obtained as provided by
4 Section 420.0735, Government Code.

5 Revised Law

6 Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION OF
7 ADDITIONAL EVIDENCE. The department, consistent with Chapter 420,
8 Government Code, may develop procedures regarding the submission or
9 collection of additional evidence of an alleged sexual assault
10 other than through a forensic medical examination as described by
11 Article 56A.303(a). (Code Crim. Proc., Art. 56.065(f).)

12 Source Law

13 (f) The department, consistent with Chapter
14 420, Government Code, may develop procedures regarding
15 the submission or collection of additional evidence of
16 the alleged sexual assault other than through an
17 examination as described by this article.

18 Revisor's Note

19 Article 56.065(f), Code of Criminal Procedure,
20 refers to an examination as described by "this
21 article." Article 56.065 is revised in this chapter as
22 this subchapter. Because the portions of Article
23 56.065 that are revised as Article 56A.303(a) are the
24 only provisions of Article 56.065 that describe the
25 circumstances of an examination, it is unnecessary in
26 this context to include a cross-reference to any other
27 provision of this subchapter. The revised law is
28 drafted accordingly.

29 Revised Law

30 Art. 56A.308. CONFIDENTIALITY OF CERTAIN RECORDS. (a) In
31 this article, "identifying information" includes information that:

32 (1) reveals the identity, personal history, or
33 background of a person; or

34 (2) concerns the victimization of a person.

35 (b) A communication or record is confidential for purposes
36 of Section 552.101, Government Code, if the communication or
37 record:

38 (1) contains identifying information regarding a

1 victim who receives a forensic medical examination under Article
2 56A.303(a); and

3 (2) is created by, provided to, or in the control or
4 possession of the department. (Code Crim. Proc., Art. 56.065(j).)

5 Source Law

6 (j) A communication or record that contains
7 identifying information regarding a person who
8 receives a forensic medical examination under this
9 article and that is created by, provided to, or in the
10 control or possession of the department is
11 confidential for purposes of Section 552.101,
12 Government Code. In this subsection, "identifying
13 information" includes:

14 (1) information revealing the identity,
15 personal history, or background of the person; or
16 (2) information concerning the
17 victimization of the person.

18 Revisor's Note

19 (1) Article 56.065(j), Code of Criminal
20 Procedure, makes confidential any communication or
21 record containing identifying information regarding a
22 "person" who receives a forensic medical examination
23 under Article 56.065, revised in this chapter as this
24 subchapter. The revised law substitutes "victim" for
25 "person" for consistency of terminology within the
26 subchapter because it is clear from the context that
27 the person who receives the examination is a victim of
28 an alleged sexual assault as described by Article
29 56.065(c), revised in this subchapter as Article
30 56A.303(a).

31 (2) Article 56.065(j), Code of Criminal
32 Procedure, refers to a forensic medical examination
33 "under this article." The revised law substitutes
34 "under Article 56A.303(a)" for the quoted language for
35 the reason stated in the revisor's note to Article
36 56A.307.

37 Revised Law

38 Art. 56A.309. RULES. The attorney general and the
39 department shall each adopt rules as necessary to implement this

1 subchapter. (Code Crim. Proc., Art. 56.065(i).)

2 Source Law

3 (i) The attorney general and the department each
4 shall adopt rules as necessary to implement this
5 article.

6 SUBCHAPTER H. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING
7 FORENSIC MEDICAL EXAMINATION

8 Revised Law

9 Art. 56A.351. PRESENCE OF SEXUAL ASSAULT PROGRAM ADVOCATE.

10 (a) Before conducting a forensic medical examination of a victim
11 who consents to the examination for the collection of evidence for
12 an alleged sexual assault, the physician or other medical services
13 personnel conducting the examination shall offer the victim the
14 opportunity to have an advocate from a sexual assault program as
15 defined by Section 420.003, Government Code, be present with the
16 victim during the examination, if the advocate is available at the
17 time of the examination. The advocate must have completed a sexual
18 assault training program described by Section 420.011(b),
19 Government Code.

20 (b) An advocate may only provide the victim with:

21 (1) counseling and other support services; and

22 (2) information regarding the rights of crime victims
23 under Subchapter B.

24 (c) Notwithstanding Subsection (a), an advocate and a
25 sexual assault program providing the advocate may not delay or
26 otherwise impede the screening or stabilization of an emergency
27 medical condition.

28 (d) A sexual assault program providing an advocate shall pay
29 all costs associated with providing the advocate.

30 (e) Any individual or entity, including a health care
31 facility, that provides an advocate with access under Subsection
32 (a) to a victim consenting to a forensic medical examination is not
33 subject to civil or criminal liability for providing that access.
34 In this article, "health care facility" includes a hospital
35 licensed under Chapter 241, Health and Safety Code. (Code Crim.

1 Proc., Arts. 56.045(a), (b), (c), (d), (e).)

2 Source Law

3 Art. 56.045. PRESENCE OF ADVOCATE OR
4 REPRESENTATIVE DURING FORENSIC MEDICAL EXAMINATION.

5 (a) Before conducting a forensic medical examination
6 of a person who consents to such an examination for the
7 collection of evidence for an alleged sexual assault,
8 the physician or other medical services personnel
9 conducting the examination shall offer the person the
10 opportunity to have an advocate from a sexual assault
11 program as defined by Section 420.003, Government
12 Code, who has completed a sexual assault training
13 program described by Section 420.011(b), Government
14 Code, present with the person during the examination,
15 if the advocate is available at the time of the
16 examination.

17 (b) The advocate may only provide the injured
18 person with:

19 (1) counseling and other support services;
20 and

21 (2) information regarding the rights of
22 crime victims under Articles 56.02 and 56.021.

23 (c) Notwithstanding Subsection (a), the
24 advocate and the sexual assault program providing the
25 advocate may not delay or otherwise impede the
26 screening or stabilization of an emergency medical
27 condition.

28 (d) The sexual assault program providing the
29 advocate shall pay all costs associated with providing
30 the advocate.

31 (e) Any individual or entity, including a health
32 care facility, that provides an advocate with access
33 to a person consenting to an examination under
34 Subsection (a) is not subject to civil or criminal
35 liability for providing that access. In this
36 subsection, "health care facility" includes a hospital
37 licensed under Chapter 241, Health and Safety Code.

38 Revisor's Note

39 Article 56.045(a), Code of Criminal Procedure,
40 refers to a "person" who consents to a forensic medical
41 examination with respect to an alleged sexual assault.

42 Article 56.045(b), Code of Criminal Procedure, refers
43 to an advocate providing that "injured person" with

44 counseling and information regarding the rights of
45 crime victims. Article 56.045(e), Code of Criminal

46 Procedure, refers to a "person" who has consented to
47 "an examination under Subsection (a)." The

48 circumstances in which forensic medical examinations
49 are conducted based on an alleged sexual assault are

50 described by Articles 56.06 and 56.065, Code of
51 Criminal Procedure, revised in this chapter as

1 Subchapters F and G, respectively. For consistency
2 with the terminology used in those subchapters, the
3 revised law substitutes "victim" for "person" or
4 "injured person." The revised law substitutes "a
5 forensic medical examination" for "an examination" for
6 clarity and consistency with the terminology used in
7 Article 56.045(a), revised as Subsection (a) of this
8 article.

9 Revised Law

10 Art. 56A.352. REPRESENTATIVE PROVIDED BY PENAL
11 INSTITUTION. (a) In this article, "penal institution" has the
12 meaning assigned by Section 1.07, Penal Code.

13 (b) If a victim alleging to have sustained injuries as the
14 victim of a sexual assault was confined in a penal institution at
15 the time of the alleged assault, the penal institution shall
16 provide, at the victim's request, a representative to be present
17 with the victim at any forensic medical examination conducted for
18 the purpose of collecting and preserving evidence related to the
19 investigation or prosecution of the alleged assault. The
20 representative must:

21 (1) be approved by the penal institution; and

22 (2) be a:

23 (A) psychologist;

24 (B) sociologist;

25 (C) chaplain;

26 (D) social worker;

27 (E) case manager; or

28 (F) volunteer who has completed a sexual assault
29 training program described by Section 420.011(b), Government Code.

30 (c) A representative may only provide the victim with:

31 (1) counseling and other support services; and

32 (2) information regarding the rights of crime victims
33 under Subchapter B.

34 (d) A representative may not delay or otherwise impede the

1 screening or stabilization of an emergency medical condition.
2 (Code Crim. Proc., Art. 56.045(f).)

3 Source Law

4 (f) If a person alleging to have sustained
5 injuries as the victim of a sexual assault was confined
6 in a penal institution, as defined by Section 1.07,
7 Penal Code, at the time of the alleged assault, the
8 penal institution shall provide, at the person's
9 request, a representative to be present with the
10 person at any forensic medical examination conducted
11 for the purpose of collecting and preserving evidence
12 related to the investigation or prosecution of the
13 alleged assault. The representative may only provide
14 the injured person with counseling and other support
15 services and with information regarding the rights of
16 crime victims under Articles 56.02 and 56.021 and may
17 not delay or otherwise impede the screening or
18 stabilization of an emergency medical condition. The
19 representative must be approved by the penal
20 institution and must be a:

- 21 (1) psychologist;
- 22 (2) sociologist;
- 23 (3) chaplain;
- 24 (4) social worker;
- 25 (5) case manager; or
- 26 (6) volunteer who has completed a sexual
27 assault training program described by Section
28 420.011(b), Government Code.

29 Revisor's Note

30 Article 56.045(f), Code of Criminal Procedure,
31 refers to a "person" alleging to have been a victim of
32 a sexual assault while confined in a penal institution
33 and to a representative providing that "injured
34 person" with counseling and information regarding the
35 rights of crime victims. The revised law substitutes
36 "victim" for the quoted language because it is clear
37 from the context that the person referred to is "the
38 victim of a sexual assault" otherwise described in
39 that article.

40 SUBCHAPTER I. REQUIRED NOTIFICATIONS BY LAW ENFORCEMENT AGENCY

41 Revised Law

42 Art. 56A.401. NOTIFICATION OF RIGHTS. At the initial
43 contact or at the earliest possible time after the initial contact
44 between a victim of a reported offense and the law enforcement
45 agency having the responsibility for investigating the offense, the
46 agency shall provide the victim a written notice containing:

1 (1) information about the availability of emergency
2 and medical services, if applicable;

3 (2) information about the rights of crime victims
4 under Subchapter B;

5 (3) notice that the victim has the right to receive
6 information regarding compensation to victims of crime as provided
7 by Chapter 56B, including information about:

8 (A) the costs that may be compensated under that
9 chapter and the amount of compensation, eligibility for
10 compensation, and procedures for application for compensation
11 under that chapter;

12 (B) the payment for a forensic medical
13 examination under Article 56A.252 for a victim of an alleged sexual
14 assault; and

15 (C) referral to available social service
16 agencies that may offer additional assistance;

17 (4) the name, address, and phone number of the law
18 enforcement agency's crime victim liaison;

19 (5) the name, address, and phone number of the victim
20 assistance coordinator of the office of the attorney representing
21 the state; and

22 (6) the following statement:

23 "You may call the law enforcement agency's telephone number
24 for the status of the case and information about victims' rights."
25 (Code Crim. Proc., Art. 56.07(a).)

26 Source Law

27 Art. 56.07. NOTIFICATION. (a) At the initial
28 contact or at the earliest possible time after the
29 initial contact between the victim of a reported crime
30 and the law enforcement agency having the
31 responsibility for investigating that crime, that
32 agency shall provide the victim a written notice
33 containing:

34 (1) information about the availability of
35 emergency and medical services, if applicable;

36 (2) notice that the victim has the right to
37 receive information regarding compensation to victims
38 of crime as provided by Subchapter B, Chapter 56,
39 including information about:

40 (A) the costs that may be compensated
41 under that Act and the amount of compensation,

1 eligibility for compensation, and procedures for
2 application for compensation under that Act;

3 (B) the payment for a medical
4 examination for a victim of a sexual assault under
5 Article 56.06 of this code; and

6 (C) referral to available social
7 service agencies that may offer additional assistance;

8 (3) the name, address, and phone number of
9 the law enforcement agency's victim assistance
10 liaison;

11 (4) the address, phone number, and name of
12 the crime victim assistance coordinator of the office
13 of the attorney representing the state;

14 (5) the following statement:

15 "You may call the law enforcement agency's
16 telephone number for the status of the case and
17 information about victims' rights"; and

18 (6) the rights of crime victims under
19 Articles 56.02 and 56.021.

20 Revisor's Note

21 (1) Article 56.07(a)(2), Code of Criminal
22 Procedure, requires a law enforcement agency to
23 provide a victim a written notice that the victim has
24 the right to receive information regarding
25 compensation to victims of crime as provided by
26 "Subchapter B, Chapter 56," including information
27 about the costs that may be compensated "under that
28 Act" and procedures for applying for compensation
29 "under that Act." As originally enacted, that
30 subdivision referred to information regarding
31 compensation as provided by "the Crime Victims
32 Compensation Act (Article 8309-1, Vernon's Texas Civil
33 Statutes)" and the subsequent use of the phrase "that
34 Act" was a reference to the Crime Victims Compensation
35 Act. See Section 5, Chapter 202 (S.B. 1407), Acts of
36 the 72nd Legislature, Regular Session, 1991. Section
37 5.95(108), Chapter 76 (S.B. 959), Acts of the 74th
38 Legislature, Regular Session, 1995, amended Article
39 56.07(a) to strike "the Crime Victims Compensation Act
40 (Article 8309-1, Vernon's Texas Civil Statutes)" and
41 substitute "Subchapter B, Chapter 56" but did not
42 revise the subsequent references to "that Act."
43 Subchapter B, Chapter 56, Code of Criminal Procedure,

1 is revised as Chapter 56B, Code of Criminal Procedure.
2 The revised law substitutes "chapter" for "Act" to
3 correct the error.

4 (2) Article 56.07(a)(3), Code of Criminal
5 Procedure, refers to a law enforcement agency's
6 "victim assistance liaison." Article 56.07(a)(4),
7 Code of Criminal Procedure, refers to the "crime
8 victim assistance coordinator" of the office of an
9 attorney representing the state. The revised law
10 substitutes "crime victim liaison" for "victim
11 assistance liaison" and substitutes "victim
12 assistance coordinator" for "crime victim assistance
13 coordinator" to conform to the terminology used in
14 Article 56.04, Code of Criminal Procedure, revised in
15 relevant part in Subchapter E of this chapter.

16 (3) Article 56.07(a)(6), Code of Criminal
17 Procedure, requires a law enforcement agency to
18 provide to a victim a written notice containing "the
19 rights of crime victims under Articles 56.02 and
20 56.021." The revised law adds to the quoted language
21 "information about" because it is clear that the
22 written notice only provides information about the
23 rights of crime victims.

24 Revised Law

25 Art. 56A.402. REFERRAL TO SEXUAL ASSAULT PROGRAM. (a) At
26 the time a law enforcement agency provides notice under Article
27 56A.401, the agency shall provide, if the agency possesses the
28 relevant information:

29 (1) a referral to a sexual assault program as defined
30 by Section 420.003, Government Code; and

31 (2) a written description of the services provided by
32 the program.

33 (b) A sexual assault program may provide a written
34 description of the program's services to a law enforcement agency.

1 (Code Crim. Proc., Art. 56.07(b).)

2 Source Law

3 (b) At the same time a law enforcement agency
4 provides notice under Subsection (a), the agency shall
5 provide, if the agency possesses the relevant
6 information, a referral to a sexual assault program as
7 defined by Section 420.003, Government Code, and a
8 written description of the services provided by that
9 program. A sexual assault program may provide a
10 written description of its services to a law
11 enforcement agency.

12 SUBCHAPTER J. REQUIRED NOTIFICATIONS BY ATTORNEY REPRESENTING THE
13 STATE

14 Revised Law

15 Art. 56A.451. NOTIFICATION OF RIGHTS. (a) Not later than
16 the 10th day after the date that an indictment or information is
17 returned against a defendant for an offense, the attorney
18 representing the state shall give to each victim of the offense a
19 written notice containing:

20 (1) the case number and assigned court for the case;

21 (2) a brief general statement of each procedural stage
22 in the processing of a criminal case, including bail, plea
23 bargaining, parole restitution, and appeal;

24 (3) suggested steps the victim may take if the victim
25 is subjected to threats or intimidation;

26 (4) the name, address, and phone number of the local
27 victim assistance coordinator; and

28 (5) notification of:

29 (A) the rights and procedures under this chapter,
30 Chapter 56B, and Subchapter B, Chapter 58;

31 (B) the right to file a victim impact statement
32 with the office of the attorney representing the state and the
33 department;

34 (C) the right to receive information regarding
35 compensation to victims of crime as provided by Chapter 56B,
36 including information about:

37 (i) the costs that may be compensated under
38 that chapter, eligibility for compensation, and procedures for

1 application for compensation under that chapter;

2 (ii) the payment for a forensic medical
3 examination under Article 56A.252 for a victim of an alleged sexual
4 assault; and

5 (iii) referral to available social service
6 agencies that may offer additional assistance; and

7 (D) the right of a victim, guardian of a victim,
8 or close relative of a deceased victim, as defined by Section
9 508.117, Government Code, to appear in person before a member of the
10 board as provided by Section 508.153, Government Code.

11 (b) The brief general statement required by Subsection
12 (a)(2) that describes the plea bargaining stage in a criminal trial
13 must include a statement that:

14 (1) a victim impact statement provided by a victim,
15 guardian of a victim, or close relative of a deceased victim will be
16 considered by the attorney representing the state in entering into
17 a plea bargain agreement; and

18 (2) the judge before accepting a plea bargain
19 agreement is required under Article 26.13(e) to ask:

20 (A) whether a victim impact statement has been
21 returned to the attorney representing the state;

22 (B) if a victim impact statement has been
23 returned, for a copy of the statement; and

24 (C) whether the attorney representing the state
25 has given the victim, guardian of a victim, or close relative of a
26 deceased victim notice of the existence and terms of the plea
27 bargain agreement. (Code Crim. Proc., Arts. 56.08(a), (e).)

28 Source Law

29 Art. 56.08. NOTIFICATION OF RIGHTS BY ATTORNEY
30 REPRESENTING THE STATE. (a) Not later than the 10th
31 day after the date that an indictment or information is
32 returned against a defendant for an offense, the
33 attorney representing the state shall give to each
34 victim of the offense a written notice containing:

35 (1) a brief general statement of each
36 procedural stage in the processing of a criminal case,
37 including bail, plea bargaining, parole restitution,
38 and appeal;

39 (2) notification of the rights and

1 procedures under this chapter;

2 (3) suggested steps the victim may take if
3 the victim is subjected to threats or intimidation;

4 (4) notification of the right to receive
5 information regarding compensation to victims of crime
6 as provided by Subchapter B, including information
7 about:

8 (A) the costs that may be compensated
9 under Subchapter B, eligibility for compensation, and
10 procedures for application for compensation under
11 Subchapter B of this chapter;

12 (B) the payment for a medical
13 examination for a victim of a sexual assault under
14 Article 56.06; and

15 (C) referral to available social
16 service agencies that may offer additional assistance;

17 (5) the name, address, and phone number of
18 the local victim assistance coordinator;

19 (6) the case number and assigned court for
20 the case;

21 (7) the right to file a victim impact
22 statement with the office of the attorney representing
23 the state and the Texas Department of Criminal
24 Justice; and

25 (8) notification of the right of a victim,
26 guardian of a victim, or close relative of a deceased
27 victim, as defined by Section 508.117, Government
28 Code, to appear in person before a member of the Board
29 of Pardons and Paroles as provided by Section 508.153,
30 Government Code.

31 (e) The brief general statement describing the
32 plea bargaining stage in a criminal trial required by
33 Subsection (a)(1) shall include a statement that:

34 (1) the victim impact statement provided
35 by the victim, guardian of a victim, or close relative
36 of a deceased victim will be considered by the attorney
37 representing the state in entering into the plea
38 bargain agreement; and

39 (2) the judge before accepting the plea
40 bargain agreement is required under Article 26.13(e)
41 to ask:

42 (A) whether a victim impact statement
43 has been returned to the attorney;

44 (B) if a victim impact statement has
45 been returned, for a copy of the statement; and

46 (C) whether the attorney
47 representing the state has given the victim, guardian
48 of a victim, or close relative of a deceased victim
49 notice of the existence and terms of the plea bargain
50 agreement.

51 Revisor's Note

52 Article 56.08(a)(7), Code of Criminal Procedure,
53 requires the attorney representing the state to
54 provide to certain victims a written notice containing
55 "the right to file a victim impact statement." The
56 revised law adds to the quoted language "notification
57 of" for consistency with the other subdivisions of
58 Subsection (a) because it is clear that the written

1 notice only provides notice of the right to file a
2 victim impact statement.

3 Revised Law

4 Art. 56A.452. NOTIFICATION OF SCHEDULED COURT PROCEEDINGS.

5 If requested by the victim, the attorney representing the state, as
6 far as reasonably practical, shall give the victim notice of:

7 (1) any scheduled court proceedings and changes in
8 that schedule; and

9 (2) the filing of a request for continuance of a trial
10 setting. (Code Crim. Proc., Art. 56.08(b).)

11 Source Law

12 (b) If requested by the victim, the attorney
13 representing the state, as far as reasonably
14 practical, shall give to the victim notice of any
15 scheduled court proceedings, changes in that schedule,
16 and the filing of a request for continuance of a trial
17 setting.

18 Revised Law

19 Art. 56A.453. NOTIFICATION OF PLEA BARGAIN AGREEMENT. The

20 attorney representing the state, as far as reasonably practical,
21 shall give a victim, guardian of a victim, or close relative of a
22 deceased victim notice of the existence and terms of any plea
23 bargain agreement to be presented to the court. (Code Crim. Proc.,
24 Art. 56.08(b-1).)

25 Source Law

26 (b-1) The attorney representing the state, as
27 far as reasonably practical, shall give to the victim,
28 guardian of a victim, or close relative of a deceased
29 victim notice of the existence and terms of any plea
30 bargain agreement to be presented to the court.

31 Revised Law

32 Art. 56A.454. VICTIM CONTACT INFORMATION. (a) A victim who

33 receives a notice under Article 56A.451(a) and who chooses to
34 receive other notice under law about the same case must keep the
35 following persons informed of the victim's current address and
36 phone number:

37 (1) the attorney representing the state; and

38 (2) the department if the defendant is imprisoned in

1 the department after sentencing.

2 (b) An attorney representing the state who receives
3 information concerning a victim's current address and phone number
4 shall immediately provide that information to the community
5 supervision and corrections department supervising the defendant,
6 if the defendant is placed on community supervision. (Code Crim.
7 Proc., Arts. 56.08(c), (d).)

8 Source Law

9 (c) A victim who receives a notice under
10 Subsection (a) and who chooses to receive other notice
11 under law about the same case must keep the following
12 persons informed of the victim's current address and
13 phone number:

- 14 (1) the attorney representing the state;
15 and
16 (2) the Texas Department of Criminal
17 Justice if after sentencing the defendant is confined
18 in the department.

19 (d) An attorney representing the state who
20 receives information concerning a victim's current
21 address and phone number shall immediately provide
22 that information to the community supervision and
23 corrections department supervising the defendant, if
24 the defendant is placed on community supervision.

25 Revisor's Note

26 Article 56.08(c)(2), Code of Criminal Procedure,
27 refers to a defendant being "confined" in the Texas
28 Department of Criminal Justice. The revised law
29 substitutes "imprisoned" for "confined" for the reason
30 stated in Revisor's Note (2) to Article 56A.153.

31 SUBCHAPTER K. NOTIFICATION BY CERTAIN ENTITIES OF RELEASE OR
32 ESCAPE

33 Revised Law

34 Art. 56A.501. DEFINITIONS. In this subchapter:

35 (1) "Correctional facility" has the meaning assigned
36 by Section 1.07, Penal Code.

37 (2) "Family violence" has the meaning assigned by
38 Section 71.004, Family Code. (Code Crim. Proc., Art. 56.11(h).)

39 Source Law

40 (h) In this article:

- 41 (1) "Correctional facility" has the
42 meaning assigned by Section 1.07, Penal Code.
43 (2) "Family violence" has the meaning

1 assigned by Section 71.004, Family Code.

2 Revised Law

3 Art. 56A.502. APPLICABILITY. This subchapter applies to a
4 defendant convicted of:

5 (1) an offense under Title 5, Penal Code, that is
6 punishable as a felony;

7 (2) an offense described by Section 508.187(a),
8 Government Code, other than an offense described by Subdivision
9 (1); or

10 (3) an offense involving family violence, stalking, or
11 violation of a protective order or magistrate's order. (Code Crim.
12 Proc., Art. 56.11(c).)

13 Source Law

14 (c) This article applies to a defendant
15 convicted of:

16 (1) an offense under Title 5, Penal Code,
17 that is punishable as a felony;

18 (2) an offense described by Section
19 508.187(a), Government Code, other than an offense
20 described by Subdivision (1); or

21 (3) an offense involving family violence,
22 stalking, or violation of a protective order or
23 magistrate's order.

24 Revised Law

25 Art. 56A.503. NOTIFICATION OF RELEASE OR ESCAPE. (a) The
26 department or sheriff, whichever has custody of a defendant in the
27 case of a felony, or the sheriff in the case of a misdemeanor, shall
28 notify a victim of the offense or a witness who testified against
29 the defendant at the trial for the offense, other than a witness who
30 testified in the course and scope of the witness's official or
31 professional duties, when a defendant convicted of an offense
32 described by Article 56A.502:

33 (1) completes the defendant's sentence and is
34 released; or

35 (2) escapes from a correctional facility.

36 (b) If the department is required by Subsection (a) to give
37 notice to a victim or witness, the department shall also give notice
38 to local law enforcement officials in the county in which the victim
39 or witness resides. (Code Crim. Proc., Arts. 56.11(a), (b).)

1 Source Law

2 Art. 56.11. NOTIFICATION TO VICTIM OR WITNESS
3 OF RELEASE OR ESCAPE OF DEFENDANT. (a) The Texas
4 Department of Criminal Justice or the sheriff,
5 whichever has custody of the defendant in the case of a
6 felony, or the sheriff in the case of a misdemeanor,
7 shall notify the victim of the offense or a witness who
8 testified against the defendant at the trial for the
9 offense, other than a witness who testified in the
10 course and scope of the witness's official or
11 professional duties, whenever a defendant convicted of
12 an offense described by Subsection (c):

13 (1) completes the defendant's sentence and
14 is released; or

15 (2) escapes from a correctional facility.

16 (b) If the Texas Department of Criminal Justice
17 is required by Subsection (a) to give notice to a
18 victim or witness, the department shall also give
19 notice to local law enforcement officials in the
20 county in which the victim or witness resides.

21 Revised Law

22 Art. 56A.504. NOTIFICATION REGARDING DEFENDANT SUBJECT TO
23 ELECTRONIC MONITORING. The department, in the case of a defendant
24 released on parole or to mandatory supervision following a term of
25 imprisonment for an offense described by Article 56A.502, or a
26 community supervision and corrections department supervising a
27 defendant convicted of an offense described by Article 56A.502 and
28 subsequently released on community supervision, shall notify a
29 victim or witness described by Article 56A.503(a) when the
30 defendant, if subject to electronic monitoring as a condition of
31 release, ceases to be electronically monitored. (Code Crim. Proc.,
32 Art. 56.11(a-1).)

33 Source Law

34 (a-1) The Texas Department of Criminal Justice,
35 in the case of an inmate released on parole or to
36 mandatory supervision following a term of imprisonment
37 for an offense described by Subsection (c), or a
38 community supervision and corrections department
39 supervising a defendant, in the case of a defendant
40 convicted of an offense described by Subsection (c)
41 and subsequently released on community supervision,
42 shall notify a victim or witness described by
43 Subsection (a) whenever the inmate or defendant, if
44 subject to electronic monitoring as a condition of
45 release, ceases to be electronically monitored.
46

47 Revised Law

48 Art. 56A.505. NOTIFICATION OF RIGHT TO NOTICE. Not later

1 than immediately following the conviction of a defendant for an
2 offense described by Article 56A.502, the attorney who represented
3 the state in the prosecution of the case shall notify in writing a
4 victim or witness described by Article 56A.503(a) of the victim's
5 or witness's right to receive notice under this subchapter. (Code
6 Crim. Proc., Art. 56.11(g).)

7 Source Law

8 (g) Not later than immediately following the
9 conviction of a defendant described by Subsection (c),
10 the attorney who represented the state in the
11 prosecution of the case shall notify in writing a
12 victim or witness described by Subsection (a) of the
13 victim's or witness's right to receive notice under
14 this article.

15 Revisor's Note

16 Article 56.11(g), Code of Criminal Procedure,
17 refers to the conviction of a defendant "described by
18 Subsection (c)," meaning Article 56.11(c), Code of
19 Criminal Procedure. The revised law substitutes "for
20 an offense described by Article 56A.502" for the
21 quoted language to conform with the terminology used
22 in other references in Article 56.11, revised in this
23 chapter as this subchapter, to describe a defendant
24 who is the subject of notifications under that
25 article.

26 Revised Law

27 Art. 56A.506. VICTIM OR WITNESS CONTACT INFORMATION;
28 CONFIDENTIALITY. (a) A victim or witness who wants notification
29 under this subchapter must:

30 (1) provide the department, the sheriff, or the
31 community supervision and corrections department supervising the
32 defendant, as appropriate, with the e-mail address, mailing
33 address, and telephone number of the victim, witness, or other
34 person through whom the victim or witness may be contacted; and

35 (2) notify the appropriate department or the sheriff
36 of any change of address or telephone number of the victim, witness,
37 or other person.

1 (b) Information obtained and maintained by the department,
2 a sheriff, or a community supervision and corrections department
3 under this article is privileged and confidential. (Code Crim.
4 Proc., Art. 56.11(d).)

5 Source Law

6 (d) It is the responsibility of a victim or
7 witness desiring notification of the defendant's
8 release to provide the Texas Department of Criminal
9 Justice, the sheriff, or the community supervision and
10 corrections department supervising the defendant, as
11 appropriate, with the e-mail address, mailing address,
12 and telephone number of the victim, witness, or other
13 person through whom the victim or witness may be
14 contacted and to notify the appropriate department or
15 the sheriff of any change of address or telephone
16 number of the victim, witness, or other person.
17 Information obtained and maintained by the Texas
18 Department of Criminal Justice, a sheriff, or a
19 community supervision and corrections department
20 under this subsection is privileged and confidential.

21 Revisor's Note

22 Article 56.11(d), Code of Criminal Procedure,
23 provides that a victim or witness who wants
24 "notification of the defendant's release" must provide
25 the victim's or witness's contact information to the
26 Texas Department of Criminal Justice, the sheriff, or
27 the community supervision and corrections department
28 supervising the defendant, as appropriate. The revised
29 law substitutes "notification under this subchapter"
30 for the quoted language because a victim or witness is
31 entitled to notification in situations other than the
32 defendant's release. See, e.g., Article 56.11(a-1),
33 Code of Criminal Procedure, revised in this chapter as
34 Article 56A.504.

35 Revised Law

36 Art. 56A.507. TIME FOR NOTICE. (a) The department, the
37 sheriff, or the community supervision and corrections department
38 supervising the defendant, as appropriate:

39 (1) shall make a reasonable attempt to give any notice
40 required by Article 56A.503(a) or 56A.504:

41 (A) not later than the 30th day before the date

1 the defendant:

2 (i) completes the sentence and is released;

3 or

4 (ii) ceases to be electronically monitored
5 as a condition of release; or

6 (B) immediately if the defendant escapes from the
7 correctional facility; and

8 (2) may give the notice by e-mail, if possible.

9 (b) An attempt by the department, the sheriff, or the
10 community supervision and corrections department supervising the
11 defendant to give notice to a victim or witness at the victim's or
12 witness's last known mailing address or, if notice by e-mail is
13 possible, last known e-mail address, as shown on the records of the
14 appropriate department or agency, constitutes a reasonable attempt
15 to give notice under this subchapter. (Code Crim. Proc., Arts.
16 56.11(e), (f).)

17 Source Law

18 (e) The Texas Department of Criminal Justice,
19 the sheriff, or the community supervision and
20 corrections department supervising the defendant, as
21 appropriate:

22 (1) shall make a reasonable attempt to
23 give any notice required by Subsection (a) or (a-1):

24 (A) not later than the 30th day
25 before the date the defendant completes the sentence
26 and is released or ceases to be electronically
27 monitored as a condition of release; or

28 (B) immediately if the defendant
29 escapes from the correctional facility; and

30 (2) may give any notice required by
31 Subsection (a) or (a-1) by e-mail, if possible.

32 (f) An attempt by the Texas Department of
33 Criminal Justice, the sheriff, or the community
34 supervision and corrections department supervising
35 the defendant to give notice to a victim or witness at
36 the victim's or witness's last known mailing address
37 or, if notice via e-mail is possible, last known e-mail
38 address, as shown on the records of the appropriate
39 department or agency, constitutes a reasonable attempt
40 to give notice under this article.

41 SUBCHAPTER L. NOTIFICATION BY DEPARTMENT OF ESCAPE OR TRANSFER

42 Revised Law

43 Art. 56A.551. DEFINITION. In this subchapter, "witness's
44 close relative" means a person who:

45 (1) was the spouse of a deceased witness at the time of

1 the witness's death; or

2 (2) is a parent or adult brother, sister, or child of a
3 deceased witness. (Code Crim. Proc., Art. 56.12(d).)

4 Source Law

5 (d) In this article, "witness's close relative"
6 means a person who was the spouse of the deceased
7 witness at the time of the witness's death or who is a
8 parent or adult brother, sister, or child of the
9 deceased witness.

10 Revised Law

11 Art. 56A.552. NOTIFICATION OF VICTIM. The department shall
12 immediately notify the victim of an offense, the victim's guardian,
13 or the victim's close relative if the victim is deceased, if the
14 victim, victim's guardian, or victim's close relative has notified
15 the department as provided by Article 56A.554, when the defendant:

16 (1) escapes from a facility operated by the department
17 for the imprisonment of individuals convicted of felonies other
18 than state jail felonies; or

19 (2) is transferred from the custody of a facility
20 described by Subdivision (1) to the custody of a peace officer under
21 a writ of attachment or a bench warrant. (Code Crim. Proc., Art.
22 56.12(a).)

23 Source Law

24 Art. 56.12. NOTIFICATION OF ESCAPE OR TRANSFER.

25 (a) The Texas Department of Criminal Justice shall
26 immediately notify the victim of an offense, the
27 victim's guardian, or the victim's close relative, if
28 the victim is deceased, if the victim, victim's
29 guardian, or victim's close relative has notified the
30 department as provided by Subsection (b), whenever the
31 defendant:

32 (1) escapes from a facility operated by
33 the department for the imprisonment of individuals
34 convicted of felonies other than state jail felonies;
35 or

36 (2) is transferred from the custody of a
37 facility operated by the department for the
38 imprisonment of individuals convicted of felonies
39 other than state jail felonies to the custody of a
40 peace officer under a writ of attachment or a bench
41 warrant.

42 Revised Law

43 Art. 56A.553. NOTIFICATION OF WITNESS. The department
44 shall immediately notify a witness who testified against a

1 defendant at the trial for the offense for which the defendant is
2 imprisoned, the witness's guardian, or the witness's close
3 relative, if the witness, witness's guardian, or witness's close
4 relative has notified the department as provided by Article
5 56A.554, when the defendant:

6 (1) escapes from a facility operated by the department
7 for the imprisonment of individuals convicted of felonies other
8 than state jail felonies; or

9 (2) is transferred from the custody of a facility
10 described by Subdivision (1) to the custody of a peace officer under
11 a writ of attachment or a bench warrant. (Code Crim. Proc., Art.
12 56.12(a-1).)

13 Source Law

14 (a-1) The Texas Department of Criminal Justice
15 shall immediately notify a witness who testified
16 against a defendant at the trial for the offense for
17 which the defendant is incarcerated, the witness's
18 guardian, or the witness's close relative, if the
19 witness is deceased, if the witness, witness's
20 guardian, or witness's close relative has notified the
21 department as provided by Subsection (b), whenever the
22 defendant:

23 (1) escapes from a facility operated by
24 the department for the imprisonment of individuals
25 convicted of felonies other than state jail felonies;
26 or

27 (2) is transferred from the custody of a
28 facility operated by the department for the
29 imprisonment of individuals convicted of felonies
30 other than state jail felonies to the custody of a
31 peace officer under a writ of attachment or a bench
32 warrant.

33 Revisor's Note

34 (1) Article 56.12(a-1), Code of Criminal
35 Procedure, refers to a defendant "incarcerated" by the
36 Texas Department of Criminal Justice. The revised law
37 substitutes "imprisoned" for "incarcerated" because,
38 in the context of the Texas Department of Criminal
39 Justice, the terms are synonymous and "imprisoned" is
40 more commonly used.

41 (2) Article 56.12(a-1), Code of Criminal
42 Procedure, refers to notification of a witness's close
43 relative "if the witness is deceased." The revised law

1 omits "if the witness is deceased" as unnecessary
2 because, according to the definition of "witness's
3 close relative" in Article 56.12(d), Code of Criminal
4 Procedure, revised in this chapter as Article 56A.551,
5 a witness's close relative is a close relative of a
6 deceased witness.

7 Revised Law

8 Art. 56A.554. REQUEST FOR NOTIFICATION; CHANGE OF ADDRESS.

9 A victim, witness, guardian, or close relative who wants
10 notification of a defendant's escape or transfer from custody under
11 a writ of attachment or bench warrant must notify the department of
12 that fact and of any change of address. (Code Crim. Proc., Art.
13 56.12(b).)

14 Source Law

15 (b) It is the responsibility of the victim,
16 witness, guardian, or close relative desiring
17 notification of a defendant's escape or transfer from
18 custody under a writ of attachment or bench warrant to
19 notify the Texas Department of Criminal Justice of the
20 desire for notification and any change of address.

21 Revised Law

22 Art. 56A.555. NOTICE OF TRANSFER FROM OR RETURN TO CUSTODY.

23 The department shall include in a notice provided under Article
24 56A.552(2) or 56A.553(2) the name, address, and telephone number of
25 the peace officer receiving the defendant into custody. On
26 returning the defendant to the custody of the department, the
27 victim services division of the department shall notify the victim,
28 witness, guardian, or close relative, as applicable, of the return.
29 (Code Crim. Proc., Art. 56.12(c).)

30 Source Law

31 (c) In providing notice under Subsection (a)(2)
32 or (a-1)(2), the department shall include the name,
33 address, and telephone number of the peace officer
34 receiving the defendant into custody. On returning
35 the defendant to the custody of the department, the
36 victim services division of the department shall
37 notify the victim, witness, guardian, or close
38 relative, as applicable, of that fact.

1 SUBCHAPTER M. OTHER POWERS AND DUTIES OF DEPARTMENT AND
2 CLEARINGHOUSE

3 Revised Law

4 Art. 56A.601. DATABASE FOR DEFENDANT RELEASE INFORMATION.

5 The department shall:

6 (1) create and maintain a computerized database
7 containing the release information and release date of a defendant
8 convicted of an offense described by Article 56A.502; and

9 (2) allow a victim or witness entitled to notice under
10 Subchapter K or L to access through the Internet the computerized
11 database maintained under Subdivision (1). (Code Crim. Proc., Art.
12 56.15.)

13 Source Law

14 Art. 56.15. COMPUTERIZED DATABASE; DEFENDANT
15 RELEASE INFORMATION. The Texas Department of Criminal
16 Justice shall:

17 (1) create and maintain a computerized
18 database containing the release information and
19 release date of a defendant described by Article
20 56.11(c); and

21 (2) allow a victim or witness entitled to
22 notice under Article 56.11 or 56.12 to access via the
23 Internet the computerized database maintained under
24 Subdivision (1).

25 Revisor's Note

26 Article 56.15(1), Code of Criminal Procedure,
27 refers to a defendant "described by Article 56.11(c)."
28 The revised law substitutes "convicted of an offense
29 described by Article 56A.502" for the quoted language
30 for the reason stated in the revisor's note to Article
31 56A.505.

32 Revised Law

33 Art. 56A.602. VICTIM-OFFENDER MEDIATION. The victim
34 services division of the department shall:

35 (1) train volunteers to act as mediators between
36 victims, guardians of victims, and close relatives of deceased
37 victims and offenders whose criminal conduct caused bodily injury
38 or death to victims; and

39 (2) provide mediation services through referral of a

1 trained volunteer, if requested by a victim, guardian of a victim,
2 or close relative of a deceased victim. (Code Crim. Proc., Art.
3 56.13.)

4 Source Law

5 Art. 56.13. VICTIM-OFFENDER MEDIATION. The
6 victim services division of the Texas Department of
7 Criminal Justice shall:

8 (1) train volunteers to act as mediators
9 between victims, guardians of victims, and close
10 relatives of deceased victims and offenders whose
11 criminal conduct caused bodily injury or death to
12 victims; and

13 (2) provide mediation services through
14 referral of a trained volunteer, if requested by a
15 victim, guardian of a victim, or close relative of a
16 deceased victim.

17 Revised Law

18 Art. 56A.603. CLEARINGHOUSE ANNUAL CONFERENCE. The
19 clearinghouse may:

20 (1) conduct an annual conference to provide to
21 participants in the criminal justice system training containing
22 information on crime victims' rights; and

23 (2) charge a fee to a person attending the conference
24 described by Subdivision (1). (Code Crim. Proc., Art. 56.14.)

25 Source Law

26 Art. 56.14. CLEARINGHOUSE ANNUAL CONFERENCE.

27 (a) The Texas Crime Victim Clearinghouse may conduct
28 an annual conference to provide to participants in the
29 criminal justice system training containing
30 information on crime victims' rights.

31 (b) The clearinghouse may charge fees to persons
32 attending the conference described by Subsection (a).

33 Revised Law

34 Art. 56A.604. CRIME VICTIM ASSISTANCE STANDARDS. The
35 clearinghouse shall develop crime victim assistance standards and
36 distribute those standards to law enforcement officers and
37 attorneys representing the state to aid those officers and
38 attorneys in performing duties imposed by this chapter, Chapter
39 56B, and Subchapter B, Chapter 58. (Code Crim. Proc., Art.
40 56.05(c).)

41 Source Law

42 (c) The Texas Crime Victim Clearinghouse shall
43 develop crime victim assistance standards and

1 distribute those standards to law enforcement officers
2 and attorneys representing the state to aid those
3 officers and prosecutors in performing duties imposed
4 by this chapter.