

Select Victims' Rights – Texas

USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Texas and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Texas, see the companion resource: *Law Enforcement-Based Victim Services in Texas: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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<p>SELECT DEFINITIONS</p>	<p>Texas Constitutional Provisions and Statutes</p>
<p>Crime Victims' Constitutional Rights Definitions.</p> <p>The legislature may enact laws to define the term “victim”[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001(7) defines the term “victim” for Texas’s victims’ rights laws. This definition is included below.</p>	<p>Tex. Const. art. I, § 30(c).</p>
<p>Rights of Crime Victims Definitions.</p> <p>Except as otherwise provided by this chapter, in this chapter:</p> <p>(1) “Board” means the Board of Pardons and Paroles.</p> <p>(2) “Clearinghouse” means the Texas Crime Victim Clearinghouse.</p> <p>(3) “Close relative of a deceased victim” means a person who: (A) was the spouse of a deceased victim at the time of the victim’s death; or (B) is a parent or adult brother, sister, or child of a deceased victim.</p> <p>(4) “Department” means the Texas Department of Criminal Justice.</p> <p>(5) “Guardian of a victim” means a person who is the legal guardian of the victim, regardless of whether the legal relationship between the guardian and victim exists because of the age of the victim or the physical or mental incompetency of the victim.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.001.</p>

<p>(6) “Sexual assault” means an offense under the following provisions of the Penal Code: (A) Section 21.02; (B) Section 21.11(a)(1); (C) Section 22.011; or (D) Section 22.021.</p> <p>(6-a) “Sexual assault examiner” and “sexual assault nurse examiner” have the meanings assigned by Section 420.003, Government Code.</p> <p>(7) “Victim” means a person who: (A) is the victim of the offense of: (i) sexual assault; (ii) kidnapping; (iii) aggravated robbery; (iv) trafficking of persons; or (v) injury to a child, elderly individual, or disabled individual; or (B) has suffered personal injury or death as a result of the criminal conduct of another.</p> <p> These definitions apply to the portions of Texas law governing crime victims’ rights, Tex. Code Crim. Proc. Ann. art. 56A.001 through art. 56A.604, unless otherwise provided. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Sexual Assault Victims’ Rights Regarding Forensic Medical Exams Definitions (When Victims Do Not Report Assault to Law Enforcement).</p> <p>In this subchapter:</p> <p>(1) “Crime laboratory” has the meaning assigned by Article 38.35.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.301.</p>

<p>(2) "Department" means the Department of Public Safety of the State of Texas.</p> <p>(3) Repealed by Acts 2021, 87th Leg., ch. 915 (H.B. 3607), § 4.011.</p> <p> These definitions apply to the portions of Texas law governing forensic medical exams for sexual assault victims who do not report their assaults to law enforcement, Tex. Code Crim. Proc. Ann. art. 56A.301 through art. 56A.309. Some of these statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	
<p>Victims' Right to Notification Regarding Release or Escape Definitions.</p> <p>In this subchapter:</p> <p>(1) "Correctional facility" has the meaning assigned by Section 1.07, Penal Code.</p> <p>(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.</p> <p> These definitions apply to the portions of Texas law governing crime victims' rights to notification of certain defendants' release or escape, Tex. Code Crim. Proc. Ann. art. 56A.501 through art. 56A.507. Some of these statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.501.</p>
<p>Certain Crime Victims' Right to Confidentiality of Identifying Information and Medical Records Definitions.</p> <p>In this chapter:</p> <p>(1) "Name" means the legal name of a person.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.001.</p>

<p>(2) "Pseudonym" means a set of initials or a fictitious name chosen by a victim to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings.</p> <p>(3) "Public servant" has the meaning assigned by Section 1.07(a), Penal Code.</p> <p> These definitions apply to the portions of Texas law governing certain crime victims' rights to confidentiality of identifying information and medical records, Tex. Code Crim. Proc. Ann. art. 58.001 through art. 58.304. Some of these statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	
<p>Address Confidentiality Program Definitions.</p> <p>In this subchapter:</p> <p>(1) "Applicant" means a person who applies to participate in the program.</p> <p>(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.</p> <p>(3) "Family violence shelter center" has the meaning assigned by Section 51.002, Human Resources Code.</p> <p>(4) "Household" has the meaning assigned by Section 71.005, Family Code.</p> <p>(5) "Mail" means first class mail and any mail sent by a government agency. The term does not include a package, regardless of size or type of mailing.</p> <p>(6) "Participant" means an applicant who is certified for participation in the program.</p> <p>(7) "Program" means the address confidentiality program created under this subchapter.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.051.</p>

<p>(8) “Sexual abuse” means any conduct that constitutes an offense under Section 21.02, 21.11, or 25.02, Penal Code.</p> <p>(9) “Sexual assault” means any conduct that constitutes an offense under Section 22.011 or 22.021, Penal Code.</p> <p>(10) “Stalking” means any conduct that constitutes an offense under Section 42.072, Penal Code.</p> <p>(11) “Trafficking of persons” means any conduct that:</p> <p>(A) constitutes an offense under Section 20A.02, 20A.03, 43.03, 43.031, 43.04, 43.041, 43.05, 43.25, 43.251, or 43.26, Penal Code; and</p> <p>(B) results in a person:</p> <p>(i) engaging in forced labor or services; or</p> <p>(ii) otherwise becoming a victim of the offense.</p> <p> These definitions apply to Texas’s address confidentiality program, Tex. Code Crim. Proc. Ann. art. 58.051 through art. 58.062. Tex. Code Crim. Proc. art. 58.052 is included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Sex Offense Victims’ Confidentiality Protections Definitions.</p> <p>In this subchapter, “victim” means a person who was the subject of:</p> <p>(1) an offense the commission of which leads to a reportable conviction or adjudication under Chapter 62; or</p> <p>(2) an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense described by Subdivision (1).</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.101.</p>

<p> These definitions apply to the portion of Texas law governing confidentiality protections for sex offense victims, Tex. Code Crim. Proc. Ann. art. 58.101 through art. 58.107. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Stalking Victims’ Confidentiality Protections Definitions.</p> <p>In this subchapter, “victim” means a person who is the subject of:</p> <p>(1) an offense that allegedly constitutes stalking under Section 42.072, Penal Code; or</p> <p>(2) an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense under Section 42.072, Penal Code.</p> <p> These definitions apply to the portion of Texas law governing confidentiality protections for stalking victims, Tex. Code Crim. Proc. Ann. art. 58.151 through art. 58.157. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.151.</p>
<p>Family Violence Victims’ Confidentiality Protections Definitions.</p> <p>In this subchapter, “victim” means a person who is the subject of:</p> <p>(1) an offense that allegedly constitutes family violence, as defined by Section 71.004, Family Code; or</p> <p>(2) an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense described by Subdivision (1).</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.201.</p>

<p> These definitions apply to the portion of Texas law governing confidentiality protections for family violence victims, Tex. Code Crim. Proc. Ann. art. 58.201 through art. 58.208. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Trafficking Victims’ Confidentiality Protections Definitions.</p> <p>In this subchapter, “victim” means a person who is the subject of:</p> <ul style="list-style-type: none"> (1) an offense under Section 20A.02, Penal Code; or (2) an offense that is part of the same criminal episode, as defined by Section 3.01, Penal Code, as an offense under Section 20A.02, Penal Code. <p> These definitions apply to the portion of Texas law governing confidentiality protections for trafficking victims, Tex. Code Crim. Proc. Ann. art. 58.251 through art. 58.256. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.251.</p>
<p>Sealing of Medical Records of Certain Child Victims Definitions.</p> <p>In this subchapter:</p> <ul style="list-style-type: none"> (1) “Child” means a person who is younger than 18 years of age. (2) “Medical records” means any information used or generated by health care providers, including records relating to emergency room treatment, rehabilitation therapy, or counseling. <p> These definitions apply to the portion of Texas law governing the requirement that the court seal the medical records of certain child victims, Tex. Code Crim. Proc. Ann.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.301.</p>

<p>art. 58.301 through art. 58.304. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p>Sexual Assault Prevention and Crisis Services Definitions.</p> <p>In this chapter:</p> <p>(1) “Accredited crime laboratory” means a crime laboratory, as that term is defined by Article 38.35, Code of Criminal Procedure, that has been accredited under Article 38.01 of that code.</p> <p>(1-a) “Active criminal case” means a case:</p> <p>(A) in which:</p> <p>(i) a sexual assault or other sex offense has been reported to a law enforcement agency;</p> <p>(ii) physical evidence of the offense has been submitted to the agency or an accredited crime laboratory under this chapter for analysis; and</p> <p>(iii) the agency documents that an offense has been committed and reported; and</p> <p>(B) for which:</p> <p>(i) the statute of limitations has not run with respect to the prosecution of the offense; or</p> <p>(ii) a DNA profile was obtained that is eligible under Section 420.043 for comparison with DNA profiles in the state database or CODIS DNA database.</p> <p>(1-b) “Advocate” means a person who provides advocacy services as an employee or volunteer of a sexual assault program.</p> <p>(1-c) “Department” means the Department of Public Safety of the State of Texas.</p> <p>(1-d) “Law enforcement agency” means a state or local law enforcement agency in this state with jurisdiction over the investigation of a sexual assault or other sex offense.</p> <p>(1-e) “Minimum services” means:</p>	<p>Tex. Gov’t Code Ann. § 420.003.</p>

<p>(A) a 24-hour crisis hotline; (B) crisis intervention; (C) public education; (D) advocacy; and (E) accompaniment to hospitals, law enforcement offices, prosecutors' offices, and courts.</p> <p>(2) Repealed by Acts 2013, 83rd Leg., ch. 1173 (S.B. 745), § 17.</p> <p>(3) "Sex offense" means an offense under Chapter 21, Penal Code, for which biological evidence is collected in an evidence collection kit.</p> <p>(4) "Sexual assault" means any act or attempted act as described by Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code.</p> <p>(5) "Sexual assault examiner" means a person who uses an attorney general-approved evidence collection kit and protocol to collect and preserve evidence of a sexual assault or other sex offense.</p> <p>(6) "Sexual assault nurse examiner" means a registered nurse who has completed an attorney general-approved examiner training course described by Section 420.011 and who is certified according to minimum standards prescribed by attorney general rule.</p> <p>(7) "Sexual assault program" means any local public or private nonprofit corporation, independent of a law enforcement agency or prosecutor's office, that is operated as an independent program or as part of a municipal, county, or state agency and that provides the minimum services to adult survivors of stranger and non-stranger sexual assault.</p> <p>(7-a) "State sexual assault coalition" means a statewide nonprofit organization that has been identified as a state sexual assault coalition by a state or federal agency authorized to make that designation.</p>	
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<p>(8) “Survivor” means an individual who is a victim of a sexual assault or other sex offense, regardless of whether a report or conviction is made in the incident.</p>	
<p> These definitions apply to the Sexual Assault Prevention and Crisis Services Act, Tex. Gov’t Code §§ 420.001 through 420.108. Some of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	

<p>SELECT CRIME VICTIMS’ RIGHTS</p>	<p>Texas Constitutional Provisions and Statutes</p>
<p>Victims’ Right to be Treated with Fairness and Respect for the Victim’s Dignity and Privacy.</p> <p>A crime victim has . . . the right to be treated with fairness and with respect for the victim’s dignity and privacy throughout the criminal justice process[.]</p>	<p>Tex. Const. art. I, § 30(a)(1).</p>
<p>Victims’ Right to Reasonable Protection.</p> <p>A crime victim has . . . the right to be reasonably protected from the accused throughout the criminal justice process.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.051(a)(1) also provides victims with the right to receive, from law enforcement, adequate protection from harm and threats of harm arising out of their cooperation with prosecution efforts. This provision is included below.</p>	<p>Tex. Const. art. I, § 30(a)(2).</p>
<p>Victims’ Right to Notice of Court Proceedings.</p>	<p>Tex. Const. art. I, § 30(b)(1).</p>

<p>On the request of a crime victim, the crime victim has . . . the right to notification of court proceedings[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.051(a)(3) provides victims with the rights, upon request, to notice of relevant court proceedings and to be informed of any changes in the schedule of these proceedings. This provision is included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to Be Present at Public Court Proceedings.</p> <p>On the request of a crime victim, the crime victim has . . . the right to be present at all public court proceedings related to the offense, unless the victim is to testify and the court determines that the victim’s testimony would be materially affected if the victim hears other testimony at the trial[.]</p> <p> The only constraint placed on the victim’s constitutional right to be present is if the court finds that the victim’s testimony would be materially affected if the victim hears other testimony at the trial. Even if the court so concludes, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.</p>	<p>Tex. Const. art. I, § 30(b)(2).</p>

<p> Tex. Code Crim. Proc. Ann. art. 56A.051(b) also affords victims the right to be present at all public court proceedings, “subject to the approval of the judge in the case.” This provision is included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Right to Confer with the Prosecution.</p> <p>On the request of a crime victim, the crime victim has . . . the right to confer with a representative of the prosecutor’s office[.]</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	<p>Tex. Const. art. I, § 30(b)(3).</p>
<p>Victims’ Right to Restitution.</p> <p>On the request of a crime victim, the crime victim has . . . the right to restitution[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 42.037 governs restitution generally; Tex. Code Crim. Proc. Ann. art. 42.0371 governs mandatory restitution for child-victims of kidnapping or abduction; Tex. Code Crim. Proc. Ann. art. 42.0372 governs mandatory restitution for child-victims of human trafficking or compelled prostitution; and Tex. Code Crim. Proc. Ann. art. 42.0373 governs mandatory restitution for child-witnesses of family violence. These provisions are included below.</p>	<p>Tex. Const. art. I, § 30(b)(4).</p>

<p> Victims should be informed that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Right to Information About Conviction, Sentence, Imprisonment and Release.</p> <p>On the request of a crime victim, the crime victim has . . . the right to information about the conviction, sentence, imprisonment, and release of the accused.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.051(a)(7) affords victims the right to notice of a defendant’s parole proceedings and release. Tex. Code Crim. Proc. Ann. art. 56A.503 provides victims with the right to notice of the release or escape of certain defendants from custody. These provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of information identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	<p>Tex. Const. art. I, § 30(b)(5).</p>
<p>Prosecutors’ Standing to Enforce Victims’ Rights.</p>	<p>Tex. Const. art. I, § 30(d).</p>

<p>The state, through its prosecuting attorney, has the right to enforce the rights of crime victims.</p> <p> The prosecutor’s standing to enforce victims’ rights does not deny or diminish victims’ standing to enforce their rights. Victims have standing to enforce their constitutional rights under Tex. Const. art. I, § 30(e), which is included below.</p>	
<p>Limitations on Consequences of Failure to Provide Victims’ Rights.</p> <p>The legislature may enact laws to provide that a judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this section. The failure or inability of any person to provide a right or service enumerated in this section may not be used by a defendant in a criminal case as a ground for appeal or post-conviction writ of habeas corpus. . . .</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.053 provides that judges, state attorneys, peace officers and law enforcement agencies are not liable for failure or inability to provide victims with their statutory rights and that defendants may not use the failure to provide victims with their rights as a ground for appeal, to set aside a conviction or sentence, or in a habeas corpus petition. This provision is included below.</p>	<p>Tex. Const. art. I, § 30(e).</p>
<p>Victims’ Standing to Enforce Victims’ Rights.</p> <p>. . . A victim or guardian or legal representative of a victim has standing to enforce the rights enumerated in this section but does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.</p> <p> Tex. Const. art. I, § 30(d) provides that the state has the right to enforce victims’ rights. This provision is included above.</p>	<p>Tex. Const. art. I, § 30(e).</p>

<p> Tex. Code Crim. Proc. Ann. art. 56A.054 also provides that victims do not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge. This provision is included below.</p> <p> A promising practice is when notifying victims that they have standing to enforce their rights in court, to let them know that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Victims' Right to Protection from Harm and Threats.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> Tex. Const. art. I, § 30(a)(2) also provides victims with the right to reasonable protection from the accused throughout the criminal justice process. This provision is included above.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(1).</p>
<p>Victims' Right to Have Safety Considered When Bail is Set.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] the right to have the magistrate consider the safety of the victim or the victim's family in setting the amount of bail for the defendant[.]</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(2).</p>

<p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims’ Rights to Notice of Court Proceedings and Court Decisions.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] if requested, the right to be informed:</p> <p>(A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled before the event; and</p> <p>(B) by an appellate court of the court’s decisions, after the decisions are entered but before the decisions are made public[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Tex. Const. art. I, § 30(b)(1) provides victims with the right, upon request, to notification of court proceedings. Tex. Code Crim. Proc. Ann. art. 56A.452 requires state attorneys to provide victims, upon request, with notice of scheduled court proceedings and changes in that schedule. These provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of information identified here should be reminded, throughout their</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(3).</p>

<p>participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims' Right to Information from a Peace Officer Regarding Defendant's Right to Bail and Procedures in Criminal Investigations.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] when requested, the right to be informed: . . . by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(4)(A).</p>
<p>Victims' Right to Information from Prosecutor's Office Regarding General Procedures in the Criminal Justice System.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] when requested, the right to be informed: . . . by the office of the attorney representing the state concerning the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(4)(B).</p>

<p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Right to Provide Information to Community Supervision and Corrections Department Conducting Presentence Investigation.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] the right to provide pertinent information to a community supervision and corrections department conducting a presentencing investigation concerning the impact of the offense on the victim and the victim’s family by testimony, written statement, or any other manner before any sentencing of the defendant[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.051(a)(12) provides victims with the rights to be informed of the uses of a victim impact statement, to complete a victim impact statement and to have that statement considered. This provision is included below. Tex. Code Crim. Proc. Ann. art. 56A.151 through art. 56A.160 govern the procedures related to victim impact statements. Most of these provisions are included below.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(5).</p>
<p>Victims’ Right to Information Regarding Compensation.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] the right to receive information regarding compensation to victims of crime as provided by Chapter 56B, including information related to the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter, the payment for a forensic medical examination under</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(6).</p>

<p>Article 56A.252 for a victim of an alleged sexual assault, and when requested, to referral to available social service agencies that may offer additional assistance[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Rights Related to Parole: Information; Participation; Notification of Release.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] the right to:</p> <p>(A) be informed, on request, of parole procedures;</p> <p>(B) participate in the parole process;</p> <p>(C) provide to the board for inclusion in the defendant’s file information to be considered by the board before the parole of any defendant convicted of any offense subject to this chapter; and</p> <p>(D) be notified, if requested, of parole proceedings concerning a defendant in the victim’s case and of the defendant’s release[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(7).</p>

<p> Tex. Const. art. I, § 30(b)(5) affords victims the right, upon request, to information about, <i>inter alia</i>, the release of the accused. This provision is included above.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.154 provides that victims must keep their address current with the parole board to receive notice of parole proceedings. This provision is included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of information identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p>Victims’ Right to Secure and Separate Waiting Area or Other Safeguards to Minimize Contact with Defendants and Their Families and Witnesses Before and During Court Proceedings.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] the right to be provided with a waiting area, separate or secure from other witnesses, including the defendant and relatives of the defendant, before testifying in any proceeding concerning the defendant; if a separate waiting area is not available, other safeguards should be taken to minimize the victim’s contact with the defendant and the defendant’s relatives and witnesses, before and during court proceedings[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(8).</p>

<p> Tex. Const. art. I, § 30(a)(2) provides victims with the right to reasonable protection from the accused throughout the criminal justice process and Tex. Code Crim. Proc. Ann. art. 56A.051(a)(1) provides victims with the right to receive, from law enforcement, adequate protection from harm and threats of harm arising out of their cooperation with prosecution efforts. These provisions are included above.</p> <p> Although this provision is directed at courts, the same concept can and should be applied to law enforcement interactions with victims and their families.</p>	
<p>Victims' Right to the Prompt Return of Property.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] the right to the prompt return of any of the victim's property that is held by a law enforcement agency or the attorney representing the state as evidence when the property is no longer required for that purpose[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> It is a promising practice to have a policy and procedure in place that clearly defines what "prompt" means in the context of the victim's right to return of property. Instructions should be ready and available to provide to victims, explaining how they may promptly obtain their property, in addition to the name of a person they may contact to check the status of the return.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(9).</p>

<p> If a defendant files a request for return of property, victims and the prosecution must be notified immediately to ensure that they are on notice and have an opportunity to be meaningfully heard on the matter.</p>	
<p>Victims' Right to Employer-Intercession Services.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] the right to have the attorney representing the state notify the victim's employer, if requested, that the victim's cooperation and testimony is necessary in a proceeding that may require the victim to be absent from work for good cause[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(10).</p>
<p>Victims' Right to Request Victim-Offender Mediation.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] the right to request victim-offender mediation coordinated by the victim services division of the department[.]</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(11).</p>

<p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.602 governs victim-offender mediation training and the provision of services.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p>Victims’ Rights Related to Victim Impact Statements: Information, Completion, Consideration.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] the right to be informed of the uses of a victim impact statement and the statement’s purpose in the criminal justice system as described by Subchapter D, to complete the victim impact statement, and to have the victim impact statement considered:</p> <p>(A) by the attorney representing the state and the judge before sentencing or before a plea bargain agreement is accepted; and</p> <p>(B) by the board before a defendant is released on parole[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.051(a)(5) provides victims with the right to provide information regarding the impact of the offense to a community supervision and corrections</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(12).</p>

<p>department conducting a presentence investigation. This provision is included above. Tex. Code Crim. Proc. Ann. art. 56A.151 through art. 56A.160 govern the procedures related to victim impact statements. Most of these provisions are included below.</p>	
<p>Certain Minor-Victims' Rights to Have Court Consider Impact of Request for Continuance by Defendant.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, Family Code, the right to have the court consider the impact on the victim of a continuance requested by the defendant; if requested by the attorney representing the state or by the defendant's attorney, the court shall state on the record the reason for granting or denying the continuance[.]</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(13).</p>
<p>Capital Felony Victims' Rights Regarding Defense-Initiated Victim Outreach.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim . . . [has] if the offense is a capital felony, the right to:</p> <p>(A) receive by mail from the court a written explanation of defense-initiated victim outreach if the court has authorized expenditures for a defense-initiated victim outreach specialist;</p> <p>(B) not be contacted by the victim outreach specialist unless the victim, guardian, or relative has consented to the contact by providing a written notice to the court; and</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(14).</p>

<p>(C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Be Present at All Public Court Proceedings.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim is entitled to the right to be present at all public court proceedings related to the offense, subject to the approval of the judge in the case.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Tex. Const. art. I, § 30(b)(2) provides victims, upon request, with the right to be present at all public court proceedings, “unless the victim is to testify and the court determines that the victim’s testimony would be materially affected if the victim hears other testimony at the trial.” This provision is included above.</p> <p> Victims’ statutory right to be present is subject to the court’s approval, but the only constraint placed on the victim’s constitutional right to be present is if the court finds that the victim’s testimony would be materially affected if the victim hears other testimony at the trial. Even if the court makes such a finding, consider discussing with the prosecutor the possibility of the victim testifying first to best ensure the victim’s right to be present during the entirety of the trial.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(b).</p>

<p>Law Enforcement Agencies and Prosecutors Shall Ensure Victims are Afforded Their Rights.</p> <p>The office of the attorney representing the state and the sheriff, police, and other law enforcement agencies shall ensure to the extent practicable that a victim, guardian of a victim, or close relative of a deceased victim is provided the rights granted by [Texas Code of Criminal Procedure, Chapter 56A, subchapter B] and, on request, an explanation of those rights.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims should be informed that they are entitled to an explanation of their rights that includes all necessary information (<i>e.g.</i>, how and when they may effectuate relevant rights and what resources exist to assist them in doing so).</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(c).</p>
<p>Sexual Assault, Stalking and Trafficking Victims’ Additional Rights.</p> <p>(a) If the offense is a sexual assault, a victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:</p> <p>(1) if requested, the right to a disclosure of information regarding:</p> <p>(A) any evidence that was collected during the investigation of the offense, unless disclosing the information would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which that information is expected to be disclosed; and</p> <p>(B) the status of any analysis being performed of any evidence described by Paragraph (A);</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.052.</p>

<p>(2) if requested, the right to be notified:</p> <p>(A) at the time a request is submitted to a crime laboratory to process and analyze any evidence that was collected during the investigation of the offense;</p> <p>(B) at the time of the submission of a request to compare any biological evidence collected during the investigation of the offense with DNA profiles maintained in a state or federal DNA database; and</p> <p>(C) of the results of the comparison described by Paragraph (B), unless disclosing the results would interfere with the investigation or prosecution of the offense, in which event the victim, guardian, or relative shall be informed of the estimated date on which those results are expected to be disclosed;</p> <p>(3) if requested, the right to counseling regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection; and</p> <p>(4) for the victim, the right to:</p> <p>(A) testing for acquired immune deficiency syndrome (AIDS), human immunodeficiency virus (HIV) infection, antibodies to HIV, or infection with any other probable causative agent of AIDS; and</p> <p>(B) a forensic medical examination to the extent provided by Subchapters F and G if, within 120 hours of the offense:</p> <p>(i) the offense is reported to a law enforcement agency; or</p> <p>(ii) a forensic medical examination is otherwise conducted at a health care provider .</p> <p>(b) A victim, guardian of a victim, or close relative of a deceased victim who requests to be notified under Subsection (a)(2) must provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense. The victim, guardian, or relative must inform the attorney representing the state and the law enforcement agency of any change in the address or phone number.</p> <p>(c) A victim, guardian of a victim, or close relative of a deceased victim may designate a person, including an entity that provides services to victims of sexual assault, to receive any notice requested under Subsection (a)(2).</p>	
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(d) This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, 42.072, or 43.05, Penal Code. A victim described by this subsection or a parent or guardian of the victim, if the victim is younger than 18 years of age or an adult ward, is entitled to the following rights within the criminal justice system:

(1) the right to be informed:

(A) that the victim or, if the victim is younger than 18 years of age or an adult ward, the victim's parent or guardian or another adult acting on the victim's behalf may file an application for a protective order under Article 7B.001;

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

(C) that, on request of the victim or, if the victim is younger than 18 years of age or an adult ward, on request of the victim's parent or guardian or another adult acting on the victim's behalf, the attorney representing the state may, subject to the Texas Disciplinary Rules of Professional Conduct, file the application for a protective order on behalf of the requestor; and

(D) that, subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state generally is required to file the application for a protective order with respect to the victim if the defendant is convicted of or placed on deferred adjudication community supervision for the offense;

(2) the right to:

(A) request that the attorney representing the state, subject to the Texas Disciplinary Rules of Professional Conduct, file an application for a protective order described by Subdivision (1); and

(B) be notified when the attorney representing the state files an application for a protective order under Article 7B.001;

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

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

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

<p>(4) if the victim or the victim’s parent or guardian, as applicable, is not present when the defendant is convicted or placed on deferred adjudication community supervision, the right to be given by the attorney representing the state the information described by Subdivision (1).</p> <p>(e) A victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, is entitled to be informed that the victim may petition for an order of nondisclosure of criminal history record information under Section 411.0728, Government Code, if the victim:</p> <p>(1) has been convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1) of that section; and</p> <p>(2) committed that offense solely as a victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights. Victims who wish to receive the type of notification and information identified here should be reminded, throughout their participation in the justice system, to keep their contact information current with relevant agencies.</p>	
<p>Statutory Limitations on Consequences of Failure to Provide Victims’ Rights.</p> <p>(a) A judge, attorney representing the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right granted by this subchapter.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.053.</p>

<p>(b) The failure or inability of any person to provide a right or service granted by this subchapter may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Tex. Const. art. I, § 30(e) provides the legislature with authority to enact such a law limiting liability. It also provides that defendants may not use the failure to provide victims with a right or service as a ground for appeal or post-conviction writ of habeas corpus. This provision is included above.</p>	
<p>Limitations on Victim Standing to Enforce Victims’ Rights.</p> <p>A victim, guardian of a victim, or close relative of a deceased victim does not have standing to:</p> <p>(1) participate as a party in a criminal proceeding; or</p> <p>(2) contest the disposition of any charge.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Tex. Const. art. I, § 30(e) provides victims with standing to enforce their rights, but also states that victims are not parties and may not contest the disposition of a charge. This provision is included above.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.054.</p>

<p> A promising practice is when notifying victims that they have standing to enforce their rights in court, to let them know that they may do so personally or with the assistance of an attorney. This notice should include an explanation of the different roles of a prosecuting attorney vs. an attorney hired by the victim to represent their interests and assert their rights.</p>	
<p>Victims' Address and Phone Number Not to Be Part of Court File.</p> <p>(a) As far as reasonably practical, the address of the victim may not be a part of the court file except as necessary to identify the place of the offense.</p> <p>(b) The phone number of the victim may not be a part of the court file.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> Tex. Const. art. I, § 30(a)(1) guarantees victims a constitutional right to be treated with respect for their privacy. This provision is included above.</p> <p> A promising practice is to have a policy and procedure for protecting victim privacy in the context of police reports and court files. In addition to omitting the victim's address and phone number from police reports, it is important to know if law enforcement uses the victim's full name in reports. If the answer is yes, consider alternatives that better protect victim privacy, such as the use of initials.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.101.</p>
<p>Victims' Right to Not Be Required to Attend Depositions in a Correctional Facility.</p> <p>Unless absolutely necessary, a victim or witness who is not confined may not be required to attend a deposition in a correctional facility.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.102.</p>

 <p>Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Victims’ Right to Information Booklet Regarding Victim Impact Statements; Form of Impact Statements.</p> <p>(a) The clearinghouse, with the participation of the board and the community justice assistance division of the department, shall develop a form to be used by law enforcement agencies, attorneys representing the state, and other participants in the criminal justice system to record the impact of an offense on a victim of the offense, guardian of a victim, or close relative of a deceased victim and to provide the agencies, attorneys, and participants with information needed to contact the victim, guardian, or relative if needed at any stage of a prosecution of a person charged with the offense. The clearinghouse, with the participation of the board and the community justice assistance division of the department, shall also develop a victims’ information booklet that provides a general explanation of the criminal justice system to victims of an offense, guardians of victims, and relatives of deceased victims.</p> <p>(b) The victim impact statement must be in a form designed to:</p> <ul style="list-style-type: none"> (1) inform a victim, guardian of a victim, or close relative of a deceased victim with a clear statement of rights granted by Subchapter B; and (2) collect the following information: <ul style="list-style-type: none"> (A) the name of the victim of the offense or, if the victim has a legal guardian or is deceased, the name of a guardian or close relative of the victim; (B) the address and telephone number of the victim, guardian, or relative through which the victim, guardian, or relative may be contacted; (C) a statement of economic loss suffered by the victim, guardian, or relative as a result of the offense; 	<p>Tex. Code Crim. Proc. Ann. art. 56A.151.</p>

- (D) a statement of any physical or psychological injury suffered by the victim, guardian, or relative as a result of the offense, as described by the victim, guardian, or relative or by a physician or counselor;
- (E) a statement of any psychological services requested as a result of the offense;
- (F) a statement of any change in the victim's, guardian's, or relative's personal welfare or familial relationship as a result of the offense;
- (G) a statement regarding whether the victim, guardian, or relative wants to be notified of any parole hearing for the defendant;
- (H) if the victim is a child, whether there is an existing court order granting to the defendant possession of or access to the victim; and
- (I) any other information related to the impact of the offense on the victim, guardian, or relative, other than facts related to the commission of the offense.

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

(d) Not later than December 1 of each odd-numbered year, the clearinghouse, with the participation of the board and the community justice assistance division of the department, shall update the victim impact statement form and any other information provided by the community justice assistance division to victims, guardians of victims, and relatives of deceased victims, if necessary, to reflect changes in law relating to criminal justice and the rights of victims and guardians and relatives of victims.

 Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."

 Tex. Code Crim. Proc. Ann. art. 56A.051(a)(12) guarantees victims the rights to be informed of the uses of a victim impact statement; to complete the victim impact statement; and to have the impact statement considered. This provision is included above.

<p>Notification to Court Regarding Release of Defendant with Access to Child Victim.</p> <p>If information collected under Article 56A.151(b)(2)(H) [for a victim impact statement] indicates the defendant is granted possession of or access to a child victim under court order and the department subsequently imprisons the defendant as a result of the defendant's commission of the offense, the victim services division of the department shall contact the court that issued the order before the department releases the defendant on parole or to mandatory supervision.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.153.</p>
<p>Victims' Obligation to Keep Contact Information Current with Board of Parole for Notification Purposes.</p> <p>If a victim, guardian of a victim, or close relative of a deceased victim states on a victim impact statement that the victim, guardian, or relative wants to be notified of parole proceedings, the victim, guardian, or relative must notify the board of any change of address.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.051(a)(7) affords victims the rights to information regarding parole procedures; to participate in the parole process; and to notification, upon release, of the defendant's parole proceedings and of the defendant's release. This provision is included above.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.154.</p>

 A promising practice is to let victims know, upon first contact, of their obligation to keep their contact information current.	
<p>Victim Impact Statements May Be Subject to Discovery.</p> <p>A victim impact statement is subject to discovery under Article 39.14 before the testimony of the victim is taken only if the court determines that the statement contains exculpatory material.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.155.</p>
<p>Court's Inspection and Disclosure of Victim Impact Statements.</p> <p>The court may not inspect a victim impact statement until after a finding of guilt or until deferred adjudication community supervision is ordered and the contents of the statement may not be disclosed to any person unless:</p> <ul style="list-style-type: none"> (1) the defendant pleads guilty or nolo contendere or is convicted of the offense; or (2) the defendant authorizes the court in writing to inspect the statement. 	<p>Tex. Code Crim. Proc. Ann. art. 56A.156.</p>
<p>Court's Obligation to Consider Victim Impact Statements.</p> <ul style="list-style-type: none"> (a) Before imposing a sentence, a court shall, as applicable, inquire as to whether a victim impact statement has been returned to the attorney representing the state and, if a statement has been returned to the attorney, consider the information provided in the statement. (b) On inquiry by the sentencing court, the attorney representing the state shall make a copy of the statement available for consideration by the court. 	<p>Tex. Code Crim. Proc. Ann. art. 56A.157.</p>

<p>Court's Obligation to Allow Defendants to Respond to Victim Impact Statements.</p> <p>Before sentencing a defendant, a court shall permit the defendant or the defendant's attorney a reasonable period to:</p> <p>(1) read the victim impact statement, excluding the victim's name, address, and telephone number;</p> <p>(2) comment on the statement; and</p> <p>(3) with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the statement.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.158.</p>
<p>Transfer of Victim Impact Statements After Sentencing.</p> <p>(a) If a court sentences a defendant to a period of community supervision, the attorney representing the state shall forward any victim impact statement received in the case to the community supervision and corrections department supervising the defendant.</p> <p>(b) If a court sentences a defendant to imprisonment in the department, the court shall attach to the commitment papers the copy of the victim impact statement provided to the court under Article 56A.157(b).</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.159.</p>
<p>Duties of Victim Assistance Coordinator.</p> <p>(a) The victim assistance coordinator designated under Article 56A.201 shall:</p> <p>(1) ensure that a victim, guardian of a victim, or close relative of a deceased victim is provided the rights granted to victims, guardians, or relatives by Subchapter B; and</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.202.</p>

<p>(2) work closely with appropriate law enforcement agencies, attorneys representing the state, the board, and the judiciary in carrying out the duty described by Subdivision (1).</p> <p>(b) The victim assistance coordinator shall send to a victim, guardian of a victim, or close relative of a deceased victim a victim impact statement and victims' information booklet described by Article 56A.151 and an application for compensation under Chapter 56B. The victim assistance coordinator shall include an offer to assist in completing the statement and application on request.</p> <p>(c) The victim assistance coordinator, on request, shall explain the possible use and consideration of the victim impact statement at any sentencing or parole hearing of the defendant.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.201 provides that "[t]he district attorney, criminal district attorney, or county attorney who prosecutes criminal cases shall designate a person to serve as victim assistance coordinator in that jurisdiction."</p>	
<p>Duties of Crime Victim Liaison and Obligations of Law Enforcement.</p> <p>(a) The crime victim liaison designated under Article 56A.203 shall ensure that a victim, guardian of a victim, or close relative of a deceased victim is provided the rights granted to victims, guardians, or relatives by Articles 56A.051(a)(4), (6), and (9).</p> <p>(b) Each local law enforcement agency shall consult with the victim assistance coordinator in the office of the attorney representing the state to determine the most effective manner in which the crime victim liaison can perform the duties imposed on the crime victim liaison under this article and, if applicable, Article 56A.205.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.204.</p>

<p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.203 provides that “[e]ach local law enforcement agency shall designate one person to serve as the agency’s crime victim liaison.”</p>	
<p>Sexual Assault Victims’ Right to Forensic Medical Examination When Assault Reported to Law Enforcement; Exceptions.</p> <p>(a) If a sexual assault is reported to a law enforcement agency within 120 hours after the assault, the law enforcement agency, with the consent of the victim of the reported 1 assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense.</p> <p>(b) If a sexual assault is not reported within the period described by Subsection (a) and the victim is a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a) or the consent described by Section 32.003 or 32.005, Family Code, a law enforcement agency shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense .</p> <p>(c) If a sexual assault is not reported within the period described by Subsection (a) and the victim is not a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a), a law enforcement agency may request a forensic medical examination of a victim of a reported sexual assault for use in the investigation or prosecution of the offense if:</p> <p>(1) based on the circumstances of the reported assault, the agency believes a forensic medical examination would further that investigation or prosecution; or</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.251.</p>

(2) after a medical evaluation by a physician, sexual assault examiner, or sexual assault nurse examiner, the physician or examiner notifies the agency that a forensic medical examination should be conducted .

(d) If a sexual assault is reported to a law enforcement agency as provided by Subsection (a), (b), or (c), the law enforcement agency shall document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination. The law enforcement agency shall:

(1) provide the documentation of the agency’s decision regarding a request for a forensic medical examination to:

(A) the health care provider and the physician, sexual assault examiner, or sexual assault nurse examiner, as applicable, who provides services to the victim that are related to the sexual assault; and

(B) the victim or the person who consented to the forensic medical examination on behalf of the victim; and

(2) maintain the documentation of the agency’s decision in accordance with the agency’s record retention policies.

 Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”

 If a law enforcement agency requests a forensic medical examination under this provision, it must pay the costs of that examination. Tex. Code Crim. Proc. Ann. art. 56A.252. It may apply to the attorney general for reimbursement for these costs. *Id.* A law enforcement agency or the prosecutor may pay all costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of such an examination and the manner in which the examination was performed. *Id.* at art. 56A.253.

 Tex. Code Crim. Proc. Ann. art. 56A.35 affords sexual assault victims the right to have an advocate present at a forensic medical examination. This provision is included below.

<p>Attorney General’s Obligation to Pay for Reasonable Costs Incurred for Emergency Medical Care for Victims of Sexual Assault.</p> <p>The attorney general may make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Sections 323.004, 323.053, and 323.054, Health and Safety Code.</p> <p> Texas Health and Safety Code §§ 323.004, 323.053, and 323.054 govern emergency medical services and forensic examination programs for victims of sexual assault.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.254.</p>
<p>Forensic Medical Examinations When Victims Do Not Report Assault to Law Enforcement.</p> <p>(a) In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (b), a health care provider shall conduct a forensic medical examination of a victim of a sexual assault if:</p> <ol style="list-style-type: none"> (1) the victim arrives at the provider within 120 hours after the assault occurred; (2) the victim consents to the examination; and (3) at the time of the examination the victim has not reported the assault to a law enforcement agency. <p>(b) If a health care provider does not provide diagnosis or treatment services to victims of sexual assault, the provider shall refer a victim of a sexual assault who seeks a forensic medical examination under Subsection (a) to a health care provider that provides services to those victims.</p> <p>(c) A victim of a sexual assault may not be required to participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination under this article.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.303.</p>

<p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> This provision applies to the following health care providers that provide diagnosis or treatment services to victims of sexual assault: “(1) a general or special hospital licensed under Chapter 241, Health and Safety Code; (2) a general or special hospital owned by this state; (3) an outpatient clinic; (4) a private physician’s office; and (5) a SAFE program as defined by Section 323.051, Health and Safety Code.” Tex. Code Crim. Proc. Ann. art. 56A.302.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.35 affords sexual assault victims the right to have an advocate present at a forensic medical examination. This provision is included below.</p>	
<p>Sexual Assault Victims’ Right to No-Cost Forensic Medical Examination When Assault Not Reported to Law Enforcement.</p> <p>(a) On application to the attorney general, a health care provider that provides a forensic medical examination to a sexual assault survivor in accordance with this subchapter, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination, as applicable, within 120 hours after the sexual assault occurred is entitled to be reimbursed in an amount set by attorney general rule for:</p> <p>(1) the reasonable costs of the forensic portion of that examination; and</p> <p>(2) the evidence collection kit.</p> <p>(b) The application under Subsection (a) must be in the form and manner prescribed by the attorney general and must include:</p> <p>(1) certification that the examination was conducted in accordance with the requirements of Article 56A.303(a); and</p> <p>(2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination .</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.304.</p>

(c) A health care provider or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (a) shall accept reimbursement from the attorney general as payment for the costs unless:

(1) the health care provider or sexual assault examiner or sexual assault nurse examiner, as applicable:

(A) requests, in writing, additional reimbursement from the attorney general; and

(B) provides documentation in support of the additional reimbursement, as reasonably requested by the attorney general; and

(2) the attorney general determines that there is a reasonable justification for additional reimbursement.

<Text of (d), as added by Acts 2021, 87th Leg., ch. 817 (H.B. 2462), § 8>

(d) A health care provider is not entitled to reimbursement under this article unless the forensic medical examination was conducted at the provider by a physician, sexual assault examiner, or sexual assault nurse examiner.

<Text of (d), as added by Acts 2021, 87th Leg., ch. 822 (H.B. 2706), § 6>

(d) A health care provider is not entitled to reimbursement under this article unless the forensic medical examination was conducted on the premises of the provider by a sexual assault examiner or sexual assault nurse examiner.

(e) On request, the attorney general may provide training to a health care provider regarding the process for applying for reimbursement under this article.

(f) A victim of a sexual assault may not be required to pay for:

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

(2) the evidence collection kit.



Tex. Code Crim. Proc. Ann. art. 56A.001 and art. 56A.301 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”

<p> This provision applies to the following health care providers that provide diagnosis or treatment services to victims of sexual assault: “(1) a general or special hospital licensed under Chapter 241, Health and Safety Code; (2) a general or special hospital owned by this state; (3) an outpatient clinic; (4) a private physician’s office; and (5) a SAFE program as defined by Section 323.051, Health and Safety Code.” Tex. Code Crim. Proc. Ann. art. 56A.302.</p>	
<p>Sexual Assault Victims’ Right to Confidentiality of Certain Forensic Medical Examination Records When Assault Not Reported to Law Enforcement.</p> <p>(a) In this article, “identifying information” includes information that: (1) reveals the identity, personal history, or background of a person; or (2) concerns the victimization of a person.</p> <p>(b) A communication or record is confidential for purposes of Section 552.101, Government Code, if the communication or record: (1) contains identifying information regarding a victim who receives a forensic medical examination under Article 56A.303(a); and (2) is created by, provided to, or in the control or possession of the department.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 and art. 56A.301 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.308.</p>
<p>Sexual Assault Victims’ Right to Victim Advocate Presence at Forensic Medical Examination; Advocate’s Role.</p> <p>(a) Before conducting a forensic medical examination of a victim who consents to the examination for the collection of evidence for an alleged sexual assault, the physician or other medical services personnel conducting the examination shall offer the victim the</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.351.</p>

<p>opportunity to have an advocate from a sexual assault program as defined by Section 420.003, Government Code, be present with the victim during the examination, if the advocate is available at the time of the examination. The advocate must have completed a sexual assault training program described by Section 420.011(b), Government Code.</p> <p>(b) An advocate may only provide the victim with:</p> <ol style="list-style-type: none"> (1) counseling and other support services; and (2) information regarding the rights of crime victims under Subchapter B. <p>(c) Notwithstanding Subsection (a), an advocate and a sexual assault program providing the advocate may not delay or otherwise impede the screening or stabilization of an emergency medical condition.</p> <p>(d) A sexual assault program providing an advocate shall pay all costs associated with providing the advocate.</p> <p>(e) Any individual or entity, including a health care facility, that provides an advocate with access under Subsection (a) to a victim consenting to a forensic medical examination is not subject to civil or criminal liability for providing that access. In this article, “health care facility” includes a hospital licensed under Chapter 241, Health and Safety Code.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Sexual Assault Victims’ Right to Victim Advocate or Other Representative Presence During Law Enforcement Interview; Roles of Advocate or Other Representative.</p> <p>(a) Before conducting an investigative interview with a victim reporting a sexual assault, other than a victim who is a minor as defined by Section 101.003, Family Code, the peace officer conducting the interview shall offer the victim the opportunity to have an advocate from a sexual assault program, as defined by Section 420.003, Government Code, be present</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.3515.</p>

with the victim during the interview, if the advocate is available at the time of the interview. The advocate must have completed a sexual assault training program described by Section 420.011(b), Government Code.

(b) If an advocate described by Subsection (a) is not available at the time of the interview, the peace officer conducting the interview shall offer the victim the opportunity to have a crime victim liaison from the law enforcement agency, a peace officer who has completed a sexual assault training program described by Section 420.011(b), Government Code, or a victim's assistance counselor from a state or local agency or other entity be present with the victim during the interview.

(b-1) The peace officer conducting an investigative interview described by Subsection (a) shall make a good faith effort to comply with Subsections (a) and (b), except that the officer's compliance with those subsections may not unreasonably delay or otherwise impede the interview process.

(c) An advocate, liaison, officer, or counselor authorized to be present during an interview under this article may only provide the victim reporting the sexual assault with:

- (1) counseling and other support services; and
- (2) information regarding the rights of crime victims under Subchapter B.

(d) The advocate, liaison, officer, or counselor and the sexual assault program or other entity providing the advocate, liaison, officer, or counselor may not delay or otherwise impede the interview process.

(e) A sexual assault program providing an advocate under Subsection (a) shall pay all costs associated with providing the advocate. An entity providing a victim's assistance counselor under Subsection (b) shall pay all costs associated with providing the counselor.

(f) A peace officer or law enforcement agency that provides an advocate, liaison, officer, or counselor with access to a victim reporting a sexual assault is not subject to civil or criminal liability for providing that access.

<p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Sexual Assault Victims' Right to Victim Representative Presence at Forensic Medical Examination or Law Enforcement Interview, Where Victim is Confined at a Penal Institution; Representative's Role.</p> <p>(a) In this article, "penal institution" has the meaning assigned by Section 1.07, Penal Code.</p> <p>(b) If a victim alleging to have sustained injuries as the victim of a sexual assault was confined in a penal institution at the time of the alleged assault, the penal institution shall provide, at the victim's request, a representative to be present with the victim:</p> <p>(1) at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault; and</p> <p>(2) during an investigative interview conducted by a peace officer in relation to the investigation of the alleged assault.</p> <p>(b-1) The representative provided by the penal institution under Subsection (b) must:</p> <p>(1) be approved by the penal institution; and</p> <p>(2) be a:</p> <p>(A) psychologist;</p> <p>(B) sociologist;</p> <p>(C) chaplain;</p> <p>(D) social worker;</p> <p>(E) case manager; or</p> <p>(F) volunteer who has completed a sexual assault training program described by Section 420.011(b), Government Code.</p> <p>(c) A representative may only provide the victim with:</p> <p>(1) counseling and other support services; and</p> <p>(2) information regarding the rights of crime victims under Subchapter B.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.352.</p>

<p>(d) A representative may not delay or otherwise impede: (1) the screening or stabilization of an emergency medical condition; or (2) the interview process.</p> <p>(d) A representative may not delay or otherwise impede the screening or stabilization of an emergency medical condition.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.</p>	
<p>Law Enforcement's Obligation to Provide Victims with Written Notice of Rights.</p> <p>At the initial contact or at the earliest possible time after the initial contact between a victim of a reported offense and the law enforcement agency having the responsibility for investigating the offense, the agency shall provide the victim a written notice containing:</p> <p>(1) information about the availability of emergency and medical services, if applicable;</p> <p>(2) information about the rights of crime victims under Subchapter B;</p> <p>(3) notice that the victim has the right to receive information regarding compensation to victims of crime as provided by Chapter 56B, including information about: (A) the costs that may be compensated under that chapter and the amount of compensation, eligibility for compensation, and procedures for application for compensation under that chapter;</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.401.</p>

<p>(B) the payment for a forensic medical examination under Article 56A.252 for a victim of an alleged sexual assault; and</p> <p>(C) referral to available social service agencies that may offer additional assistance;</p> <p>(4) the name, address, and phone number of the law enforcement agency's crime victim liaison;</p> <p>(5) the name, address, and phone number of the victim assistance coordinator of the office of the attorney representing the state; and</p> <p>(6) the following statement: "You may call the law enforcement agency's telephone number for the status of the case and information about victims' rights."</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy and procedure in place regarding how and when victims will be provided with the information described in this statutory provision. Consideration should be given to providing this written notice in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Law Enforcement's Obligation to Provide Sexual Assault Victims with Referrals and Related Information.</p> <p>(a) At the time a law enforcement agency provides notice under Article 56A.401, the agency shall provide, if the agency possesses the relevant information:</p> <p>(1) a referral to a sexual assault program as defined by Section 420.003, Government Code; and</p> <p>(2) a written description of the services provided by the program.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.402.</p>

<p>(b) A sexual assault program may provide a written description of the program’s services to a law enforcement agency.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place regarding how and when victims will be provided with the information described in this statutory provision. Consideration should be given to providing this written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Prosecutors’ Obligation to Provide Victims with Written Notice Regarding Rights and Case Information.</p> <p>(a) Not later than the 10th day after the date that an indictment or information is returned against a defendant for an offense, the attorney representing the state shall give to each victim of the offense a written notice containing:</p> <ul style="list-style-type: none"> (1) the case number and assigned court for the case; (2) a brief general statement of each procedural stage in the processing of a criminal case, including bail, plea bargaining, parole restitution, and appeal; (3) suggested steps the victim may take if the victim is subjected to threats or intimidation; (4) the name, address, and phone number of the local victim assistance coordinator; and (5) notification of: <ul style="list-style-type: none"> (A) the rights and procedures under this chapter, Chapter 56B, and Subchapter B, Chapter 58; (B) the right to file a victim impact statement with the office of the attorney representing the state and the department; (C) the right to receive information regarding compensation to victims of crime as provided by Chapter 56B, including information about: 	<p>Tex. Code Crim. Proc. Ann. art. 56A.451.</p>

(i) the costs that may be compensated under that chapter, eligibility for compensation, and procedures for application for compensation under that chapter;
 (ii) the payment for a forensic medical examination under Article 56A.252 for a victim of an alleged sexual assault; and
 (iii) referral to available social service agencies that may offer additional assistance; and
 (D) the right of a victim, guardian of a victim, or close relative of a deceased victim, as defined by Section 508.117, Government Code, to appear in person before a member of the board as provided by Section 508.153, Government Code.

(b) The brief general statement required by Subsection (a)(2) that describes the plea bargaining stage in a criminal trial must include a statement that:
 (1) a victim impact statement provided by a victim, guardian of a victim, or close relative of a deceased victim will be considered by the attorney representing the state in entering into a plea bargain agreement; and
 (2) the judge before accepting a plea bargain agreement is required under Article 26.13(e) to ask:
 (A) whether a victim impact statement has been returned to the attorney representing the state;
 (B) if a victim impact statement has been returned, for a copy of the statement; and
 (C) whether the attorney representing the state has given the victim, guardian of a victim, or close relative of a deceased victim notice of the existence and terms of the plea bargain agreement.



Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”



A promising practice is to have a policy and procedure in place regarding how and when victims will be provided with the written notification described in this statutory provision. Consideration should be given to providing this written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.

Prosecutors' Obligation to Provide Victims with Notice of Scheduled Court Proceedings and Requests for Continuance.

Tex. Code Crim. Proc. Ann. art. 56A.452.

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

- (1) any scheduled court proceedings and changes in that schedule; and
- (2) the filing of a request for continuance of a trial setting.

 Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."

 Tex. Code Crim. Proc. Ann. art. 56A.051(a)(3)(A) provides victims with the right, upon request, to information regarding court proceedings, including whether such proceedings have been cancelled or rescheduled. This provision is included below.

 A promising practice is to have a policy and procedure establishing what "reasonably practical" means in this setting.

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights. Victims who wish to receive the type of information identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.

 A promising practice is to have a policy and procedure in place regarding how and when

<p>victims will be provided with the notification described in this statutory provision. Consideration should be given to providing this written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p>Prosecutors' Obligation to Provide Victims with Notice of the Existence and Terms of Any Plea Bargain.</p> <p>The attorney representing the state, as far as reasonably practical, shall give a victim, guardian of a victim, or close relative of a deceased victim notice of the existence and terms of any plea bargain agreement to be presented to the court.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.453.</p>
<p>Victims' Obligation to Keep Contact Information Current for Purposes of Notifications.</p> <p>(a) A victim who receives a notice under Article 56A.451(a) and who chooses to receive other notice under law about the same case must keep the following persons informed of the victim's current address and phone number:</p> <ul style="list-style-type: none"> (1) the attorney representing the state; and (2) the department if the defendant is imprisoned in the department after sentencing. <p>(b) An attorney representing the state who receives information concerning a victim's current address and phone number shall immediately provide that information to the community supervision and corrections department supervising the defendant, if the defendant is placed on community supervision.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.454.</p>

<p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to let victims know, upon first contact, of their obligation to keep their contact information current.</p>	
<p>Victims’ Right to Notification Regarding Release or Escape of Certain Defendants by Certain Entities; Department of Corrections or Sheriff’s Obligation to Provide Notice.</p> <p>(a) The department or sheriff, whichever has custody of a defendant in the case of a felony, or the sheriff in the case of a misdemeanor, shall notify a victim of the offense or a witness who testified against the defendant at the trial for the offense, other than a witness who testified in the course and scope of the witness’s official or professional duties, when a defendant convicted of an offense described by Article 56A.502:</p> <p>(1) completes the defendant’s sentence and is released; or</p> <p>(2) escapes from a correctional facility.</p> <p>(b) If the department is required by Subsection (a) to give notice to a victim or witness, the department shall also give notice to local law enforcement officials in the county in which the victim or witness resides.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 and art. 56A.501 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> This right applies when a defendant was convicted of“(1) an offense under Title 5, Penal Code, that is punishable as a felony; (2) an offense described by Section 508.187(a), Government Code, other than an offense described by Subdivision (1); or (3) an offense involving family violence, stalking, or violation of a protective order or magistrate’s order.” Tex. Code Crim. Proc. Ann. art. 56A.502.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.503.</p>

<p> Tex. Const. art. I, § 30(b)(5) affords victims the right, upon request, to information about the conviction, sentence, imprisonment and release of the accused. This provision is included above.</p> <p> A defendant's release or escape may take place long after the victim's initial contact with the justice system. A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims' Right to Notification Regarding Certain Defendants Subject to Electronic Monitoring; Department of Corrections' and Other Entities' Obligations Regarding Notice.</p> <p>The department, in the case of a defendant released on parole or to mandatory supervision following a term of imprisonment for an offense described by Article 56A.502, or a community supervision and corrections department supervising a defendant convicted of an offense described by Article 56A.502 and subsequently released on community supervision, shall notify a victim or witness described by Article 56A.503(a) when the defendant, if subject to electronic monitoring as a condition of release, ceases to be electronically monitored.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 and art. 56A.501 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> This right applies when a defendant was convicted of "(1) an offense under Title 5, Penal Code, that is punishable as a felony; (2) an offense described by Section 508.187(a), Government Code, other than an offense described by Subdivision (1); or (3) an offense involving family violence, stalking, or violation of a protective order or magistrate's order." Tex. Code Crim. Proc. Ann. art. 56A.502.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.504.</p>

<p> The cessation of a defendant’s electronic monitoring may take place long after the victim’s initial contact with the justice system. A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims’ Right to Notification of Their Right to Receive Notice of the Release or Escape of Certain Defendants from Certain Entities; Prosecutors’ Obligation to Provide Notice.</p> <p>Not later than immediately following the conviction of a defendant for an offense described by Article 56A.502, the attorney who represented the state in the prosecution of the case shall notify in writing a victim or witness described by Article 56A.503(a) of the victim’s or witness’s right to receive notice under this subchapter.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 and art. 56A.501 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> This right applies when a defendant was convicted of“(1) an offense under Title 5, Penal Code, that is punishable as a felony; (2) an offense described by Section 508.187(a), Government Code, other than an offense described by Subdivision (1); or (3) an offense involving family violence, stalking, or violation of a protective order or magistrate’s order.” Tex. Code Crim. Proc. Ann. art. 56A.502.</p> <p> A defendant’s release or escape may take place long after the victim’s initial contact with the justice system. A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.505.</p>

Victims' Right to Confidentiality Regarding Requests for Notification of Certain Defendants' Escape or Release from Certain Entities; Victims' Obligation to Keep Contact Information Current.

Tex. Code Crim. Proc. Ann. art. 56A.506.

- (a) A victim or witness who wants notification under this subchapter must:
- (1) provide the department, the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate, with the e-mail address, mailing address, and telephone number of the victim, witness, or other person through whom the victim or witness may be contacted; and
 - (2) notify the appropriate department or the sheriff of any change of address or telephone number of the victim, witness, or other person.
- (b) Information obtained and maintained by the department, a sheriff, or a community supervision and corrections department under this article is privileged and confidential.

 Tex. Code Crim. Proc. Ann. art. 56A.001 and art. 56A.501 define the terms used in this provision. These definitions are included above in the section "Select Definitions."

 This right applies when a defendant was convicted of "(1) an offense under Title 5, Penal Code, that is punishable as a felony; (2) an offense described by Section 508.187(a), Government Code, other than an offense described by Subdivision (1); or (3) an offense involving family violence, stalking, or violation of a protective order or magistrate's order." Tex. Code Crim. Proc. Ann. art. 56A.502.

 A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.

<p>Timeframe for Victims' Right to Notification of the Release or Escape of Certain Defendants from Certain Entities; Obligation of Entities to Provide Notice.</p> <p>(a) The department, the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate:</p> <p>(1) shall make a reasonable attempt to give any notice required by Article 56A.503(a) or 56A.504:</p> <p>(A) not later than the 30th day before the date the defendant:</p> <p>(i) completes the sentence and is released; or</p> <p>(ii) ceases to be electronically monitored as a condition of release; or</p> <p>(B) immediately if the defendant escapes from the correctional facility; and</p> <p>(2) may give the notice by e-mail, if possible.</p> <p>(b) An attempt by the department, the sheriff, or the community supervision and corrections department supervising the defendant to give notice to a victim or witness at the victim's or witness's last known mailing address or, if notice by e-mail is possible, last known e-mail address, as shown on the records of the appropriate department or agency, constitutes a reasonable attempt to give notice under this subchapter.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 and art. 56A.501 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> This right applies when a defendant was convicted of "(1) an offense under Title 5, Penal Code, that is punishable as a felony; (2) an offense described by Section 508.187(a), Government Code, other than an offense described by Subdivision (1); or (3) an offense involving family violence, stalking, or violation of a protective order or magistrate's order." Tex. Code Crim. Proc. Ann. art. 56A.502.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.507.</p>
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<p>Victims' Right to Notification of a Defendant's Escape or Transfer from Custody Under a Writ of Attachment or Bench Warrant; Department of Corrections' Obligations to Provide Notice.</p> <p>The department shall immediately notify the victim of an offense, the victim's guardian, or the victim's close relative if the victim is deceased, if the victim, victim's guardian, or victim's close relative has notified the department as provided by Article 56A.554, when the defendant:</p> <p>(1) escapes from a facility operated by the department for the imprisonment of individuals convicted of felonies other than state jail felonies; or</p> <p>(2) is transferred from the custody of a facility described by Subdivision (1) to the custody of a peace officer under a writ of attachment or a bench warrant.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> A defendant's release or escape may take place long after the victim's initial contact with the justice system. A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.552.</p>
<p>Victims' Obligation to Keep Contact Information Current for Purposes of Notifications of a Defendant's Escape or Transfer from Custody Under a Writ of Attachment or Bench Warrant.</p> <p>A victim, witness, guardian, or close relative who wants notification of a defendant's escape or transfer from custody under a writ of attachment or bench warrant must notify the department of that fact and of any change of address.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.554.</p>

<p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p>Victims’ Right to Notification of a Defendant’s Transfer or Return to Custody; Department of Corrections’ Obligation to Provide Notice.</p> <p>The department shall include in a notice provided under Article 56A.552(2) or 56A.553(2) the name, address, and telephone number of the peace officer receiving the defendant into custody. On returning the defendant to the custody of the department, the victim services division of the department shall notify the victim, witness, guardian, or close relative, as applicable, of the return.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to remind victims, throughout their participation in the justice system, that to protect their notification rights, their contact information must be kept current with relevant agencies.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.555.</p>

<p>Victims' Right to Access Computer Database with Defendant's Release Information.</p> <p>The department shall:</p> <p>(1) create and maintain a computerized database containing the release information and release date of a defendant convicted of an offense described by Article 56A.502; and</p> <p>(2) allow a victim or witness entitled to notice under Subchapter K or L to access through the Internet the computerized database maintained under Subdivision (1).</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.001 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p> <p> This right applies when a defendant was convicted of "(1) an offense under Title 5, Penal Code, that is punishable as a felony; (2) an offense described by Section 508.187(a), Government Code, other than an offense described by Subdivision (1); or (3) an offense involving family violence, stalking, or violation of a protective order or magistrate's order." Tex. Code Crim. Proc. Ann. art. 56A.502.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.601.</p>
<p>Address Confidentiality Program.</p> <p>(a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence, sexual assault or abuse, stalking, or trafficking of persons in maintaining a confidential address.</p> <p>(b) The attorney general shall:</p> <p>(1) designate a substitute post office box address that a participant may use in place of the participant's true residential, business, or school address;</p> <p>(2) act as agent to receive service of process and mail on behalf of the participant; and</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.052.</p>

(3) forward to the participant mail received by the office of the attorney general on behalf of the participant.

(c) A summons, writ, notice, demand, or process may be served on the attorney general on behalf of the participant by delivery of two copies of the document to the office of the attorney general. The attorney general shall retain a copy of the summons, writ, notice, demand, or process and forward the original to the participant not later than the third day after the date of service on the attorney general.

(d) The attorney general shall make and retain a copy of the envelope in which certified mail is received on behalf of the participant.

(e) The attorney general shall adopt rules to administer the program.



Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.051 define the terms used in this provision. These definitions are included above in the section "Select Definitions."



For additional information about Texas's Address Confidentiality Program, *see*, Tex. Code Crim. Proc. Ann. art. 58.053 (agency acceptance of substitute address required; exemptions); *id.* at art. 58.054 (eligibility); *id.* at art. 58.055 (application); *id.* at art. 58.056 (application and eligibility rules and procedures); *id.* at art. 58.057 (false statement on application); *id.* at art. 58.058 (exclusion from participation in program; withdrawal); *id.* at art. 58.059 (certification of program participation); *id.* at art. 58.060 (confidentiality of participant information; destruction of information); *id.* at art. 58.061 (exceptions to nondisclosure); *id.* at art. 58.062 (liability).

Sex Offense Victims' Confidentiality Protections: Right to Use Pseudonym; Pseudonym Form.

Tex. Code Crim. Proc. Ann. art. 58.102.

(a) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this subchapter must complete a pseudonym form developed under Subsection (b) and return the form to the law enforcement agency investigating the offense.

(b) The Sexual Assault Prevention and Crisis Services Program of the office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.



Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.101 define the terms used in this provision. These definitions are included above in the section "Select Definitions."



A promising practice is to explain to sex offense victims, at the earliest stages of the case, that they may request the use of a pseudonym to protect their privacy and to provide these victims with the pseudonym form.



A promising practice is to have a policy and procedure for protecting victim privacy in the context of police reports and court files. For instance, even where victims do not elect to use a pseudonym, consideration should be given to using alternatives to full names to identify victims, such as the victims' initials.

<p>Sex Offense Victims' Confidentiality Protections: Confidentiality of Victim Information.</p> <p>(a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.</p> <p>(b) A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court. The court finding required by Article 58.104 is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.</p> <p>(c) If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.102(a), the law enforcement agency receiving the form shall:</p> <ol style="list-style-type: none"> (1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession; (2) notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and (3) maintain the form in a manner that protects the confidentiality of the information contained on the form. <p>(d) An attorney representing the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.101 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.103.</p>
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<p> A promising practice is to explain to sex offense victims, at the earliest stages of the case, that they may request the use of a pseudonym to protect their privacy and to provide these victims with the pseudonym form.</p> <p> A promising practice is to have a policy and procedure for protecting victim privacy in the context of police reports and court files. For instance, even where victims do not elect to use a pseudonym, consideration should be given to using alternatives to full names to identify victims, such as the victims' initials.</p>	
<p>Sex Offense Victims' Confidentiality Protections: Court-Ordered Disclosure of Victim Information Only Upon Finding that Information is Essential or Identity is at Issue.</p> <p>A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.101 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.104.</p>
<p>Sex Offense Victims' Confidentiality Protections: Prohibition on Disclosure of Child Victims' Information.</p> <p>Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.105.</p>

<p>(1) the victim; or</p> <p>(2) the victim’s parent, conservator, or guardian, unless the parent, conservator, or guardian is a defendant in the case.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.101 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Sex Offense Victims’ Confidentiality Protections: Disclosure of Confined Victims’ Information.</p> <p>This subchapter does not prohibit the inspector general of the Texas Department of Criminal Justice from disclosing a victim’s identifying information to an employee of the department or the department’s ombudsperson if the victim is an inmate or state jail defendant confined in a facility operated by or under contract with the department.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.101 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.106.</p>
<p>Sex Offense Victims’ Confidentiality Protections: Disclosure of Victims’ Information as an Offense.</p> <p>(a) A public servant commits an offense if the public servant:</p> <p>(1) has access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this subchapter; and</p> <p>(2) knowingly discloses the name, address, or telephone number of the victim to:</p> <p>(A) a person who is not assisting in the investigation or prosecution of the offense; or</p> <p>(B) a person other than:</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.107.</p>

<p>(i) the defendant; (ii) the defendant’s attorney; or (iii) the person specified in the order of a court.</p> <p>(b) Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person: (1) has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and (2) knowingly discloses the name, address, or telephone number of the victim to: (A) a person who is not assisting in the investigation or prosecution of the offense; or (B) a person other than: (i) the defendant; (ii) the defendant’s attorney; or (iii) a person specified in an order of a court.</p> <p>(c) It is an affirmative defense to prosecution under Subsection (b) that the actor is: (1) the victim; or (2) the victim’s parent, conservator, or guardian, unless the actor is a defendant in the case.</p> <p>(d) It is an exception to the application of this article that: (1) the person who discloses the name, address, or telephone number of a victim is the inspector general of the Texas Department of Criminal Justice; (2) the victim is an inmate or state jail defendant confined in a facility operated by or under contract with the department; and (3) the person to whom the disclosure is made is an employee of the department or the department’s ombudsperson.</p> <p>(e) An offense under this article is a Class C misdemeanor.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.101 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
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Stalking Victims' Confidentiality Protections: Right to Use Pseudonym; Pseudonym Form.

Tex. Code Crim. Proc. Ann. art. 58.152.

(a) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this subchapter must complete a pseudonym form developed under Subsection (b) and return the form to the law enforcement agency investigating the offense.

(b) The office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.



Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.151 define the terms used in this provision. These definitions are included above in the section "Select Definitions."



A promising practice is to explain to stalking victims, at the earliest stages of the case, that they may request the use of a pseudonym to protect their privacy and to provide these victims with the pseudonym form.



A promising practice is to have a policy and procedure for protecting victim privacy in the context of police reports and court files. For instance, even where victims do not elect to use a pseudonym, consideration should be given to using alternatives to full names to identify victims, such as the victims' initials.

Stalking Victims' Confidentiality Protections: Confidentiality of Victim Information.

- (a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.
- (b) A completed and returned pseudonym form is confidential and may not be disclosed to any person other than the victim identified by the pseudonym form, a defendant in the case, or the defendant's attorney, except on an order of a court. The court finding required by Article 58.154 is not required to disclose the confidential pseudonym form to the victim identified by the pseudonym form, the defendant in the case, or the defendant's attorney.
- (c) If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.152(a), the law enforcement agency receiving the form shall:
 - (1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;
 - (2) notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym;
 - (3) provide to the victim a copy of the completed pseudonym form showing that the form was returned to the law enforcement agency; and
 - (4) maintain the form in a manner that protects the confidentiality of the information contained on the form.
- (d) An attorney representing the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense.

Tex. Code Crim. Proc. Ann. art. 58.153.



Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.151 define the terms used in this provision. These definitions are included above in the section "Select Definitions."

<p> A promising practice is to explain to stalking victims, at the earliest stages of the case, that they may request the use of a pseudonym to protect their privacy and to provide these victims with the pseudonym form.</p> <p> A promising practice is to have a policy and procedure for protecting victim privacy in the context of police reports and court files. For instance, even where victims do not elect to use a pseudonym, consideration should be given to using alternatives to full names to identify victims, such as the victims' initials.</p>	
<p>Stalking Victims' Confidentiality Protections: Court-Ordered Disclosure of Victim Information Only Upon Finding that Information is Essential, Identity is at Issue or in the Victims' Best Interest.</p> <p>A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that:</p> <ul style="list-style-type: none"> (1) the information is essential in the trial of the defendant for the offense; (2) the identity of the victim is in issue; or (3) the disclosure is in the best interest of the victim. <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.151 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.154.</p>

<p>Stalking Victims' Confidentiality Protections: Prohibition on Disclosure of Child Victims' Information.</p> <p>Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:</p> <p>(1) the victim; or</p> <p>(2) the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.151.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.151 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.155.</p>
<p>Stalking Victims' Confidentiality Protections: Disclosure of Victims' Information as an Offense.</p> <p>(a) A public servant commits an offense if the public servant:</p> <p>(1) has access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this subchapter; and</p> <p>(2) knowingly discloses the name, address, or telephone number of the victim to:</p> <p>(A) a person who is not assisting in the investigation or prosecution of the offense; or</p> <p>(B) a person other than:</p> <p>(i) the defendant;</p> <p>(ii) the defendant's attorney; or</p> <p>(iii) the person specified in the order of a court.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.156.</p>

<p>(b) Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person:</p> <ul style="list-style-type: none"> (1) has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and (2) knowingly discloses the name, address, or telephone number of the victim to: <ul style="list-style-type: none"> (A) a person who is not assisting in the investigation or prosecution of the offense; or (B) a person other than: <ul style="list-style-type: none"> (i) the defendant; (ii) the defendant's attorney; or (iii) a person specified in an order of a court. <p>(c) It is an affirmative defense to prosecution under Subsection (b) that the actor is:</p> <ul style="list-style-type: none"> (1) the victim; or (2) the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.151. <p>(d) An offense under this article is a Class C misdemeanor.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.151 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Stalking Victims' Confidentiality Protections: Effect on Other Laws.</p> <p>This subchapter does not affect:</p> <ul style="list-style-type: none"> (1) a victim's responsibility to provide documentation of stalking under Section 92.0161, Property Code; or (2) a person's power or duty to disclose the documented information as provided by Subsection (j) of that section. 	<p>Tex. Code Crim. Proc. Ann. art. 58.157.</p>

<p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.151 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Family Violence Victims’ Confidentiality Protections: Right to Use Pseudonym; Pseudonym Form.</p> <p>(a) A victim may choose a pseudonym to be used instead of the victim’s name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this subchapter must complete a pseudonym form developed under Subsection (b) and return the form to the law enforcement agency investigating the offense.</p> <p>(b) The office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.201 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to explain to family violence victims, at the earliest stages of the case, that they may request the use of a pseudonym to protect their privacy and to provide these victims with the pseudonym form.</p> <p> A promising practice is to have a policy and procedure for protecting victim privacy in the context of police reports and court files. For instance, even where victims do not elect</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.202.</p>

<p>to use a pseudonym, consideration should be given to using alternatives to full names to identify victims, such as the victims' initials.</p>	
<p>Family Violence Victims' Confidentiality Protections: Confidentiality of Victim Information.</p> <p>(a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.</p> <p>(b) A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court. The court finding required by Article 58.204 is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.</p> <p>(c) If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.202(a), the law enforcement agency receiving the form shall:</p> <ol style="list-style-type: none"> (1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession; (2) notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and (3) maintain the form in a manner that protects the confidentiality of the information contained on the form. <p>(d) An attorney representing the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.201 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.203.</p>

<p> A promising practice is to explain to family violence victims, at the earliest stages of the case, that they may request the use of a pseudonym to protect their privacy and to provide these victims with the pseudonym form.</p> <p> A promising practice is to have a policy and procedure for protecting victim privacy in the context of police reports and court files, even where victims do not elect to use a pseudonym.</p>	
<p>Family Violence Victims' Confidentiality Protections: Court-Ordered Disclosure of Victim Information Only Upon Finding that Information is Essential or Identity is at Issue.</p> <p>A court may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.201 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.204.</p>
<p>Family Violence Victims' Confidentiality Protections: Prohibition on Disclosure of Child Victims' Information.</p> <p>Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 17 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.205.</p>

<p>(1) the victim; or</p> <p>(2) the victim’s parent, conservator, or guardian, unless the victim’s parent, conservator, or guardian allegedly committed the offense described by Article 58.201.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.201 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Family Violence Victims’ Confidentiality Protections: Disclosure of Victims’ Information as an Offense.</p> <p>(a) A public servant commits an offense if the public servant:</p> <p>(1) has access to the name, address, or telephone number of a victim 17 years of age or older who has chosen a pseudonym under this subchapter; and</p> <p>(2) knowingly discloses the name, address, or telephone number of the victim to:</p> <p>(A) a person who is not assisting in the investigation or prosecution of the offense; or</p> <p>(B) a person other than:</p> <p>(i) the defendant;</p> <p>(ii) the defendant’s attorney; or</p> <p>(iii) the person specified in the order of a court.</p> <p>(b) Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person:</p> <p>(1) has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and</p> <p>(2) knowingly discloses the name, address, or telephone number of the victim to:</p> <p>(A) a person who is not assisting in the investigation or prosecution of the offense; or</p> <p>(B) a person other than:</p> <p>(i) the defendant;</p> <p>(ii) the defendant’s attorney; or</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.206.</p>

<p>(iii) a person specified in an order of a court.</p> <p>(c) It is an affirmative defense to prosecution under Subsection (b) that the actor is: (1) the victim; or (2) the victim’s parent, conservator, or guardian, unless the victim’s parent, conservator, or guardian allegedly committed the offense described by Article 58.201.</p> <p>(d) An offense under this article is a Class C misdemeanor.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.201 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	
<p>Family Violence Victims’ Confidentiality Protections: Applicability of Subchapter to Department of Family and Protective Services.</p> <p>(a) This subchapter does not require the Department of Family and Protective Services to use a pseudonym in a department report, file, or record relating to the abuse, neglect, or exploitation of a child or adult who may also be the subject of an offense described by Article 58.201.</p> <p>(b) To the extent permitted by law, the Department of Family and Protective Services and a department employee, as necessary in performing department duties, may disclose the name of a victim who elects to use a pseudonym under this subchapter.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.201 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.207.</p>

<p>Family Violence Victims' Confidentiality Protections: Applicability of Subchapter to Political Subdivisions.</p> <p>This subchapter does not require a political subdivision to use a pseudonym in a report, file, or record that:</p> <p>(1) is not intended for distribution to the public; or</p> <p>(2) is not the subject of an open records request under Chapter 552, Government Code.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.201 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.208.</p>
<p>Trafficking Victims' Confidentiality Protections: Right to Use Pseudonym; Pseudonym Form.</p> <p>(a) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this subchapter must complete a pseudonym form developed under Subsection (b) and return the form to the law enforcement agency investigating the offense.</p> <p>(b) The office of the attorney general shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.252.</p>

<p> A promising practice is to explain to trafficking victims, at the earliest stages of the case, that they may request the use of a pseudonym to protect their privacy and to provide these victims with the pseudonym form.</p> <p> A promising practice is to have a policy and procedure for protecting victim privacy in the context of police reports and court files. For instance, even where victims do not elect to use a pseudonym, consideration should be given to using alternatives to full names to identify victims, such as the victims' initials.</p>	
<p>Trafficking Victims' Confidentiality Protections: Confidentiality of Victim Information.</p> <p>(a) A victim who completes a pseudonym form and returns the form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.</p> <p>(b) A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court. The court finding required by Article 58.254 is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.</p> <p>(c) If a victim completes a pseudonym form and returns the form to a law enforcement agency under Article 58.252(a), the law enforcement agency receiving the form shall:</p> <ol style="list-style-type: none"> (1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession; (2) notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and (3) maintain the form in a manner that protects the confidentiality of the information contained on the form. 	<p>Tex. Code Crim. Proc. Ann. art. 58.253.</p>

<p>(d) An attorney representing the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.251 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to explain to trafficking victims, at the earliest stages of the case, that they may request the use of a pseudonym to protect their privacy and to provide these victims with the pseudonym form.</p> <p> A promising practice is to have a policy and procedure for protecting victim privacy in the context of police reports and court files, even where victims do not elect to use a pseudonym.</p>	
<p>Trafficking Victims’ Confidentiality Protections: Court-Ordered Disclosure of Victim Information Only Upon Finding that Information is Essential or Identity is at Issue.</p> <p>A court may order the disclosure of a victim’s name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.251 define the terms used in this provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.254.</p>

<p>Trafficking Victims' Confidentiality Protections: Prohibition on Disclosure of Child Victims' Information.</p> <p>Except as required or permitted by other law or by court order, a public servant or other person who has access to or obtains the name, address, telephone number, or other identifying information of a victim younger than 18 years of age may not release or disclose the identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case. This article does not apply to the release or disclosure of a victim's identifying information by:</p> <p>(1) the victim; or</p> <p>(2) the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.251.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.251 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.255.</p>
<p>Trafficking Victims' Confidentiality Protections: Disclosure of Victims' Information as an Offense.</p> <p>(a) A public servant commits an offense if the public servant:</p> <p>(1) has access to the name, address, or telephone number of a victim 18 years of age or older who has chosen a pseudonym under this subchapter; and</p> <p>(2) knowingly discloses the name, address, or telephone number of the victim to:</p> <p>(A) a person who is not assisting in the investigation or prosecution of the offense; or</p> <p>(B) a person other than:</p> <p>(i) the defendant;</p> <p>(ii) the defendant's attorney; or</p> <p>(iii) the person specified in the order of a court.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.256.</p>

<p>(b) Unless the disclosure is required or permitted by other law, a public servant or other person commits an offense if the person:</p> <ul style="list-style-type: none"> (1) has access to or obtains the name, address, or telephone number of a victim younger than 18 years of age; and (2) knowingly discloses the name, address, or telephone number of the victim to: <ul style="list-style-type: none"> (A) a person who is not assisting in the investigation or prosecution of the offense; or (B) a person other than: <ul style="list-style-type: none"> (i) the defendant; (ii) the defendant's attorney; or (iii) a person specified in an order of a court. <p>(c) It is an affirmative defense to prosecution under Subsection (b) that the actor is:</p> <ul style="list-style-type: none"> (1) the victim; or (2) the victim's parent, conservator, or guardian, unless the victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.251. <p>(d) An offense under this article is a Class C misdemeanor.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.251 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Child Victims' Right to Seal Medical Records.</p> <p>(a) Except as provided by Subsection (c), on a motion filed by a person described by Subsection (b), the court shall seal the medical records of a child who is a victim of an offense described by Section 1, Article 38.071.</p> <p>(b) A motion under this article may be filed on the court's own motion or by:</p> <ul style="list-style-type: none"> (1) the attorney representing the state; (2) the defendant; or 	<p>Tex. Code Crim. Proc. Ann. art. 58.302.</p>

<p>(3) the parent or guardian of the victim or, if the victim is no longer a child, the victim.</p> <p>(c) The court is not required to seal the records described by this article on a finding of good cause after a hearing held under Subsection (d).</p> <p>(d) The court shall grant the motion without a hearing unless the motion is contested not later than the seventh day after the date the motion is filed.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.301 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Access to Child Victims' Sealed Medical Records.</p> <p>Medical records sealed under this subchapter are not open for inspection by any person except:</p> <p>(1) on further order of the court after: (A) notice to a parent or guardian of the victim whose information is sealed or, if the victim is no longer a child, notice to the victim; and (B) a finding of good cause;</p> <p>(2) in connection with a criminal or civil proceeding as otherwise provided by law; or</p> <p>(3) on request of a parent or legal guardian of the victim whose information is sealed or, if the victim is no longer a child, on request of the victim.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.301 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.303.</p>

<p>Liability for Failure to Seal Child Victims' Medical Records.</p> <p>Except on a showing of bad faith, a clerk of the court is not liable for any failure to seal medical records after the court grants a motion under this subchapter.</p> <p> Tex. Code Crim. Proc. Ann. art. 58.001 and art. 58.301 define the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.304.</p>
<p>Sexual Assault or Abuse, Indecent Assault, Stalking and Trafficking Victims' Right to Apply for a Protective Order.</p> <p>(a) The following persons may file an application for a protective order under this subchapter without regard to the relationship between the applicant and the alleged offender:</p> <ul style="list-style-type: none"> (1) a person who is the victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.012, 22.021, 42.072, or 43.05, Penal Code; (2) any adult, including a parent or guardian, who is acting on behalf of a victim described by Subdivision (1), if the victim is younger than 18 years of age or an adult ward; or (3) a prosecuting attorney acting on behalf of a person described by Subdivision (1) or (2). <p><Text of (a-1), as added by Acts 2021, 87th Leg., ch. 787 (H.B. 39), § 6></p> <p>(a-1) Except as provided by Subsection (a-2), if an application has not yet been filed in the case under Subsection (a), the attorney representing the state shall promptly file an application for a protective order with respect to each victim of an offense listed in Subdivision (1) of that subsection following the offender's conviction of or placement on deferred adjudication community supervision for the offense.</p> <p><Text of (a-1), as added by Acts 2021, 87th Leg., ch. 846 (S.B. 623), § 3></p> <p>(a-1) In addition to the persons having standing to file the application under Subsection (a), the state sexual offense response coordinator described by Subchapter J-1, Chapter 432, Government Code, with the consent of a person who is the victim of an offense under Section</p>	<p>Tex. Code Crim. Proc. Ann. art. 7B.001.</p>

22.011, 22.012, or 22.021, Penal Code, alleged to have been committed by a person subject to Chapter 432, Government Code, may file an application for a protective order under this subchapter on behalf of the victim.

<Text of (a-1), as added by Acts 2021, 87th Leg., ch. 915 (H.B. 3607), § 4.002(b),>
 (a-1) Except as provided by Subsection (a-2), if an application has not yet been filed in the case under Subsection (a), the attorney representing the state shall promptly file an application for a protective order with respect to each victim of an offense listed in Subdivision (1) or (2) of that subsection following the offender's conviction of or placement on deferred adjudication community supervision for the offense.

<Text of (a-2), as added by Acts 2021, 87th Leg., ch. 787 (H.B. 39), § 6>
 (a-2) The attorney representing the state may not file an application under Subsection (a-1) with respect to a victim if the victim requests that the attorney representing the state not file the application. This subsection does not apply to a victim who is younger than 18 years of age or who is an adult ward.

<Text of (a-2), as added by Acts 2021, 87th Leg., ch. 915 (H.B. 3607), § 4.002(b)>
 (a-2) The attorney representing the state may not file an application under Subsection (a-1) with respect to a victim who is at least 18 years of age if the victim requests that the attorney representing the state not file the application.

(b) An application for a protective order under this subchapter may be filed in:
 (1) a district court, juvenile court having the jurisdiction of a district court, statutory county court, or constitutional county court in:
 (A) the county in which the applicant resides;
 (B) the county in which the alleged offender resides; or
 (C) any county in which an element of the alleged offense occurred; or
 (2) any court with jurisdiction over a protective order under Title 4, Family Code,¹ involving the same parties named in the application.

<p> For additional information regarding protective orders for victims of sexual assault or abuse, indecent assault, stalking or trafficking, <i>see</i> Tex. Code Crim. Proc. Ann. art. 7B.002 (temporary ex parte order); <i>id.</i> at art. 7B.003 (required findings; issuance of protective order); <i>id.</i> at art 7B.004 (hearsay statement of child victim); <i>id.</i> at art. 7B.005 (conditions specified by protective order); <i>id.</i> at art. 7B.006 (warning on protective order); <i>id.</i> at art. 7B.007 (duration of protective order; rescission); <i>id.</i> at art. 7B.008 (application of other law).</p> <p> Tex. Code Crim. Proc. Ann. art. 7B.051 through 7B.153 also govern stalking protective order requests, issuance and enforcement. Tex. Code Crim. Proc. Ann. art. 7B.101 through 7B.104 govern requests, issuance and enforcement of protective orders for victims when offense was motivated by bias or prejudice.</p>	
<p>Sex Offense Victims' Right Not to Take a Polygraph Examination.</p> <p>(a) A peace officer or an attorney representing the state may not require, request, or take a polygraph examination of a person who charges or seeks to charge in a complaint the commission of an offense under Section 21.02, 21.11, 22.011, 22.021, or 25.02, Penal Code.</p> <p>...</p> <p>(d) A complaint may not be dismissed solely:</p> <ol style="list-style-type: none"> (1) because a complainant did not take a polygraph examination; or (2) on the basis of the results of a polygraph examination taken by the complainant. <p> A promising practice is to ensure that officers who work with victims of sexual offenses are aware that they cannot require victims to submit to a polygraph examination or other truth-telling examinations or devices as a part or a condition of proceeding with the investigation and that such examinations cannot be the basis of a case being dismissed.</p>	<p>Tex. Code Crim. Proc. Ann. art. 15.051.</p>

<p>Courts' Restitution Obligations; Restitution Procedure and Enforcement.</p> <p>(a) In addition to any fine authorized by law, the court that sentences a defendant convicted of an offense may order the defendant to make restitution to any victim of the offense or to the compensation to victims of crime fund established under Subchapter J, Chapter 56B, to the extent that fund has paid compensation to or on behalf of the victim. If the court does not order restitution or orders partial restitution under this subsection, the court shall state on the record the reasons for not making the order or for the limited order.</p> <p>(b)(1) If the offense results in damage to or loss or destruction of property of a victim of the offense, the court may order the defendant:</p> <p>(A) to return the property to the owner of the property or someone designated by the owner; or</p> <p>(B) if return of the property is impossible or impractical or is an inadequate remedy, to pay an amount equal to the greater of:</p> <p>(i) the value of the property on the date of the damage, loss, or destruction; or</p> <p>(ii) the value of the property on the date of sentencing, less the value of any part of the property that is returned on the date the property is returned.</p> <p>(2) If the offense results in personal injury to a victim, the court may order the defendant to make restitution to:</p> <p>(A) the victim for any expenses incurred by the victim as a result of the offense; or</p> <p>(B) the compensation to victims of crime fund to the extent that fund has paid compensation to or on behalf of the victim.</p> <p>(3) If the victim or the victim's estate consents, the court may, in addition to an order under Subdivision (2), order the defendant to make restitution by performing services instead of by paying money or make restitution to a person or organization, other than the compensation to victims of crime fund, designated by the victim or the estate.</p> <p>(c) The court, in determining whether to order restitution and the amount of restitution, shall consider:</p>	<p>Tex. Code Crim. Proc. Ann. art. 42.037.</p>
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(1) the amount of the loss sustained by any victim and the amount paid to or on behalf of the victim by the compensation to victims of crime fund as a result of the offense; and
 (2) other factors the court deems appropriate.

(d) If the court orders restitution under this article and the victim is deceased the court shall order the defendant to make restitution to the victim's estate.

(e) The court shall impose an order of restitution that is as fair as possible to the victim or to the compensation to victims of crime fund, as applicable. The imposition of the order may not unduly complicate or prolong the sentencing process.

(f)(1) The court may not order restitution for a loss for which the victim has received or will receive compensation only from a source other than the compensation to victims of crime fund. The court may, in the interest of justice, order restitution to any person who has compensated the victim for the loss to the extent the person paid compensation. An order of restitution shall require that all restitution to a victim or to the compensation to victims of crime fund be made before any restitution to any other person is made under the order.
 (2) Any amount recovered by a victim from a person ordered to pay restitution in a federal or state civil proceeding is reduced by any amount previously paid to the victim by the person under an order of restitution.

(g) The court may require a defendant to make restitution under this article within a specified period or in specified installments. The end of the period or the last installment may not be later than:
 (1) the end of the period of probation, if probation is ordered;
 (2) five years after the end of the term of imprisonment imposed, if the court does not order probation; or
 (3) five years after the date of sentencing in any other case.

(g-1) If the court does not provide otherwise, the defendant shall make restitution immediately.

(g-2) Except as provided by Subsection (n), the order of restitution must require the defendant to:

- (1) make restitution directly to the person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution under this article, including the compensation to victims of crime fund;
- (2) make restitution directly to the victim or other person eligible for restitution under this article, including the compensation to victims of crime fund; or
- (3) deliver the amount or property due as restitution to a community supervision and corrections department for transfer to the victim or person.

(h) If a defendant is placed on community supervision or is paroled or released on mandatory supervision, the court or the parole panel shall order the payment of restitution ordered under this article as a condition of community supervision, parole, or mandatory supervision. The court may revoke community supervision and the parole panel may revoke parole or mandatory supervision if the defendant fails to comply with the order. In determining whether to revoke community supervision, parole, or mandatory supervision, the court or parole panel shall consider:

- (1) the defendant's employment status;
- (2) the defendant's current and future earning ability;
- (3) the defendant's current and future financial resources;
- (4) the willfulness of the defendant's failure to pay;
- (5) any other special circumstances that may affect the defendant's ability to pay; and
- (6) the victim's financial resources or ability to pay expenses incurred by the victim as a result of the offense.

(i) In addition to any other terms and conditions of community supervision imposed under Chapter 42A, the court may require a defendant to reimburse the compensation to victims of crime fund created under Subchapter J, Chapter 56B, for any amounts paid from that fund to or on behalf of a victim of the defendant's offense. In this subsection, "victim" has the meaning assigned by Article 56B.003.

(j) The court may order a community supervision and corrections department to obtain information pertaining to the factors listed in Subsection (c). The supervision officer shall include the information in the report required under Article 42A.252(a) or a separate report, as the court directs. The court shall permit the defendant and the prosecuting attorney to read the report.

(k) The court shall resolve any dispute relating to the proper amount or type of restitution. The standard of proof is a preponderance of the evidence. The burden of demonstrating the amount of the loss sustained by a victim as a result of the offense is on the prosecuting attorney. The burden of demonstrating the financial resources of the defendant and the financial needs of the defendant and the defendant's dependents is on the defendant. The burden of demonstrating other matters as the court deems appropriate is on the party designated by the court as justice requires.

(l) Conviction of a defendant for an offense involving the act giving rise to restitution under this article estops the defendant from denying the essential allegations of that offense in any subsequent federal civil proceeding or state civil proceeding brought by the victim, to the extent consistent with state law.

(m) An order of restitution may be enforced by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.

(n) If a defendant is convicted of or receives deferred adjudication for an offense under Section 25.05, Penal Code, if the child support order on which prosecution of the offense was based required the defendant to pay the support to a local registry or the Title IV-D agency, and if the court orders restitution under this article, the order of restitution must require the defendant to pay the child support in the following manner:

- (1) during any period in which the defendant is under the supervision of a community supervision and corrections department, to the department for transfer to the local registry or Title IV-D agency designated as the place of payment in the child support order; and
- (2) during any period in which the defendant is not under the supervision of a department, directly to the registry or agency described by Subdivision (1).

(o) The department may waive a supervision fee or an administrative fee imposed on an inmate under Section 508.182, Government Code, during any period in which the inmate is required to pay restitution under this article.

(p)(1) A court shall order a defendant convicted of an offense under Section 28.03(f), Penal Code, involving damage or destruction inflicted on a place of human burial or under Section 42.08, Penal Code, to make restitution in the amount described by Subsection (b)(1)(B) to a cemetery organization operating a cemetery affected by the commission of the offense.

(2) If a court orders an unemancipated minor to make restitution under Subsection (a) and the minor is financially unable to make the restitution, the court may order:

(A) the minor to perform a specific number of hours of community service to satisfy the restitution; or

(B) the parents or other person responsible for the minor's support to make the restitution in the amount described by Subsection (b)(1)(B).

(3) In this subsection, "cemetery" and "cemetery organization" have the meanings assigned by Section 711.001, Health and Safety Code.

(q) The court shall order a defendant convicted of an offense under Section 22.11, Penal Code, to make restitution to the victim of the offense or the victim's employer in an amount equal to the sum of any expenses incurred by the victim or employer to:

(1) test the victim for HIV, hepatitis A, hepatitis B, tuberculosis, or any other disease designated as a reportable disease under Section 81.048, Health and Safety Code; or

(2) treat the victim for HIV, hepatitis A, hepatitis B, tuberculosis, or any other disease designated as a reportable disease under Section 81.048, Health and Safety Code, the victim contracts as a result of the offense.

(r) The court may order a defendant convicted of an offense under Section 43.26, Penal Code, to make restitution to an individual who as a child younger than 18 years of age was depicted in the visual material, in an amount equal to the expenses incurred by the individual as a result of the offense, including:

(1) medical services relating to physical, psychiatric, or psychological care;

<p>(2) physical and occupational therapy or rehabilitation; (3) necessary transportation, temporary housing, and child care expenses; (4) lost income; and (5) attorney's fees.</p> <p>(s)(1) A court shall order a defendant convicted of an offense under Section 28.08, Penal Code, to make restitution by: (A) reimbursing the owner of the property for the cost of restoring the property; or (B) with the consent of the owner of the property, personally restoring the property by removing or painting over any markings the defendant made.</p> <p>(2) A court shall order a defendant convicted of an offense under Section 28.08, Penal Code, to make restitution to a political subdivision that owns public property or erects a street sign or official traffic-control device on which the defendant makes markings in violation of Section 28.08, Penal Code, by: (A) paying an amount equal to the lesser of the cost to the political subdivision of replacing or restoring the public property, street sign, or official traffic-control device; or (B) with the consent of the political subdivision, restoring the public property, street sign, or official traffic-control device by removing or painting over any markings made by the defendant on the property, sign, or device.</p> <p>(3) If the court orders a defendant to make restitution under this subsection and the defendant is financially unable to make the restitution, the court may order the defendant to perform a specific number of hours of community service to satisfy the restitution.</p> <p>(4) Notwithstanding Subsection (g)(4), a court shall direct a defendant ordered to make restitution under this subsection as a condition of community supervision to deliver the amount or property due as restitution to the defendant's supervising officer for transfer to the owner. A parole panel shall direct a defendant ordered to make restitution under this subsection as a condition of parole or mandatory supervision to deliver the amount or property due as restitution to the defendant's supervising officer. The defendant's supervising officer shall notify the court when the defendant has delivered the full amount of restitution ordered.</p> <p>(5) For purposes of this subsection, "official traffic-control device" has the meaning assigned by Section 541.304, Transportation Code.</p>	
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(t) If a person is convicted of an offense under Section 641.054, Business & Commerce Code, the court shall order the person to make restitution to an owner or lawful producer of a master recording that has suffered financial loss as a result of the offense or to a trade association that represents that owner or lawful producer. The amount of restitution ordered shall be:

(1) the greater of:

(A) the aggregate wholesale value of the lawfully manufactured and authorized recordings corresponding to the number of nonconforming recordings involved in the offense; or

(B) the actual financial loss to the owner, lawful producer, or trade association; and

(2) the costs associated with investigating the offense.

(u) For purposes of Subsection (t)(1)(A):

(1) the calculation of the aggregate wholesale value is based on the average wholesale value of the lawfully manufactured and authorized recordings; and

(2) the specific wholesale value of each nonconforming recording is not relevant to the calculation.

(v) For purposes of Subsection (t)(1)(B), the possession of a nonconforming recording intended for sale constitutes an actual financial loss to an owner or lawful producer equal to the actual value of the legitimate wholesale purchases displaced by the nonconforming recordings.

(w) If a defendant is convicted of an offense under Section 42.0601, Penal Code, the court may order the defendant to make restitution to an entity for the reasonable costs of the emergency response by that entity resulting from the false report.



Tex. Const. art. I, § 30(b)(4) provides victims with the right, upon request, to restitution. This provision is included above.

<p> Tex. Code Crim. Proc. Ann. art. 42.0371 governs mandatory restitution for child-victims of kidnapping or abduction; Tex. Code Crim. Proc. Ann. art. 42.0372 governs mandatory restitution for child-victims of human trafficking or compelled prostitution; and Tex. Code Crim. Proc. Ann. art. 42.0373 governs mandatory restitution for child-witnesses of family violence. These provisions are included below.</p>	
<p>Mandatory Restitution for Kidnapped or Abducted Children.</p> <p>(a) The court shall order a defendant convicted of an offense under Chapter 20, Penal Code, or Section 25.03, 25.031, or 25.04, Penal Code, to pay restitution in an amount equal to the cost of necessary rehabilitation, including medical, psychiatric, and psychological care and treatment, for the victim of the offense if the victim is younger than 17 years of age.</p> <p>(b) The court shall, after considering the financial circumstances of the defendant, specify in a restitution order issued under Subsection (a) the manner in which the defendant must pay the restitution.</p> <p>(c) A restitution order issued under Subsection (a) may be enforced by the state or a victim named in the order to receive the restitution in the same manner as a judgment in a civil action.</p> <p>(d) The court may hold a hearing, make findings of fact, and amend a restitution order issued under Subsection (a) if the defendant fails to pay the victim named in the order in the manner specified by the court.</p> <p> Tex. Const. art. I, § 30(b)(4) provides victims with the right, upon request, to restitution. This provision is included above.</p>	<p>Tex. Code Crim. Proc. Ann. art. 42.0371.</p>

<p>Mandatory Restitution for Child Victims of Trafficking of Persons or Compelling Prostitution.</p> <p>(a) The court shall order a defendant convicted of an offense under Section 20A.02 or 43.05(a)(2), Penal Code, to pay restitution in an amount equal to the cost of necessary rehabilitation, including medical, psychiatric, and psychological care and treatment, for any victim of the offense who is younger than 18 years of age.</p> <p>(b) The court shall, after considering the financial circumstances of the defendant, specify in a restitution order issued under Subsection (a) the manner in which the defendant must pay the restitution.</p> <p>(c) A restitution order issued under Subsection (a) may be enforced by the state, or by a victim named in the order to receive the restitution, in the same manner as a judgment in a civil action.</p> <p>(d) The court may hold a hearing, make findings of fact, and amend a restitution order issued under Subsection (a) if the defendant fails to pay the victim named in the order in the manner specified by the court.</p> <p> Tex. Const. art. I, § 30(b)(4) provides victims with the right, upon request, to restitution. This provision is included above.</p>	<p>Tex. Code Crim. Proc. Ann. art. 42.0372.</p>
<p>Mandatory Restitution for Child Witnesses of Family Violence.</p> <p>(a) If after a conviction or a grant of deferred adjudication a court places a defendant on community supervision for an offense involving family violence, as defined by Section 71.004, Family Code, the court shall determine from the complaint, information, indictment, or other charging instrument, the presentence report, or other evidence before the court whether:</p>	<p>Tex. Code Crim. Proc. Ann. art. 42.0373.</p>

(1) the offense was committed in the physical presence of, or in the same habitation or vehicle occupied by, a person younger than 15 years of age; and
 (2) at the time of the offense, the defendant had knowledge or reason to know that the person younger than 15 years of age was physically present or occupied the same habitation or vehicle.

(b) If the court determines both issues described by Subsection (a) in the affirmative, the court shall order the defendant to pay restitution in an amount equal to the cost of necessary rehabilitation, including medical, psychiatric, and psychological care and treatment, for a person described by Subsection (a)(1).

(c) The court shall, after considering the financial circumstances of the defendant, specify in a restitution order issued under Subsection (b) the manner in which the defendant must pay the restitution. The order must require restitution payments to be delivered in the manner described by Article 42.037(g-2)(3).

(d) A restitution order issued under Subsection (b) may be enforced by the state, or by a person or a parent or guardian of the person named in the order to receive the restitution, in the same manner as a judgment in a civil action.

(e) The court may hold a hearing, make findings of fact, and amend a restitution order issued under Subsection (b) if the defendant fails to pay the person named in the order in the manner specified by the court.

(f) A determination under this article may not be entered as an affirmative finding in the judgment for the offense for which the defendant was placed on community supervision.



Tex. Const. art. I, § 30(b)(4) provides victims with the right, upon request, to restitution. This provision is included above.

Sexual Assault Victim Advocate-Victim Confidentiality and Privilege.

(a) Any communication, including an oral or written communication, between an advocate and a survivor that is made in the course of advising, counseling, or assisting the survivor is confidential.

(b) Any record created by, provided to, or maintained by an advocate is confidential if the record relates to the services provided to a survivor or contains the identity, personal history, or background information of the survivor or information concerning the victimization of the survivor.

(c) In any civil, criminal, administrative, or legislative proceeding, subject to Section 420.072, a survivor has a privilege to refuse to disclose and to prevent another from disclosing, for any purpose, a communication or record that is confidential under this section.

(c-1) Except as provided by this subsection, the unauthorized disclosure of a portion of a confidential communication or record does not constitute a waiver of the privilege provided by Subsection (c). If a portion of a confidential communication or record is disclosed, a party to the relevant court or administrative proceeding may make a motion requesting that the privilege be waived with respect to the disclosed portion. The court or administrative hearing officer, as applicable, may determine that the privilege has been waived only if:

- (1) the disclosed portion is relevant to a disputed matter at the proceeding; and
- (2) waiver is necessary for a witness to be able to respond to questioning concerning the disclosed portion.

(d) This subchapter governs a confidential communication or record concerning a survivor regardless of when the survivor received the services of an advocate or sexual assault program.

 Tex. Gov't Code Ann. § 420.003 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."

Tex. Gov't Code Ann. § 420.071.

<p>Sexual Assault Victim Advocate-Victim Confidentiality and Privilege: Disclosure of Confidential Communication or Record.</p> <p>(a) A communication or record that is confidential under Section 420.071 may only be disclosed if:</p> <p>(1) the communication or record is relevant to the claims or defense of an advocate or sexual assault program in a proceeding brought by the survivor against the advocate or program;</p> <p>(2) the survivor has waived the privilege established under Section 420.071(c) with respect to the communication or record;</p> <p>(3) the survivor or other appropriate person consents in writing to the disclosure as provided by Section 420.073;</p> <p>(4) an advocate determines that, unless the disclosure is made, there is a probability of:</p> <p>(A) imminent physical danger to any person; or</p> <p>(B) immediate mental or emotional injury to the survivor;</p> <p>(5) the disclosure is necessary:</p> <p>(A) to comply with:</p> <p>(i) Chapter 261, Family Code; or</p> <p>(ii) Chapter 48, Human Resources Code; or</p> <p>(B) for a management audit, a financial audit, a program evaluation, or research, except that a report of the audit, evaluation, or research may not directly or indirectly identify a survivor;</p> <p>(6) the disclosure is made to an employee or volunteer of the sexual assault program after an advocate or a person under the supervision of a counseling supervisor who is participating in the evaluation or counseling of or the provision of services to the survivor determines that the disclosure is necessary to facilitate the provision of services to the survivor; or</p> <p>(7) the communication or record is in the possession, custody, or control of the state and a court, after conducting an in camera review of the communication or record, determines the communication or record is exculpatory, provided that the disclosure is limited to the specific portion of the communication or record that was determined to be exculpatory in relation to a defendant in a criminal case.</p>	<p>Tex. Gov't Code Ann. § 420.072.</p>
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<p>(b) Regardless of whether written consent has been given by a parent or legal guardian under Section 420.073(a), a person may not disclose a communication or record that is confidential under Section 420.071 to a parent or legal guardian of a survivor who is a minor or to a guardian appointed under Title 3, Estates Code, of an adult survivor, if applicable, if the person knows or has reason to believe that the parent or guardian of the survivor is a suspect or accomplice in the sexual assault of the survivor.</p> <p>(c) Notwithstanding Subsections (a) and (b), the Texas Rules of Evidence govern the disclosure of a communication or record that is confidential under Section 420.071 in a criminal or civil proceeding by an expert witness who relies on facts or data from the communication or record to form the basis of the expert's opinion.</p> <p> Tex. Gov't Code Ann. § 420.003 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Sexual Assault Victim Advocate-Victim Confidentiality and Privilege: Consent for Release of Certain Confidential Information.</p> <p>(a) Consent for the release of confidential information other than evidence contained in an evidence collection kit must be in writing and signed by the survivor, a parent or legal guardian if the survivor is a minor, an attorney ad litem appointed for the survivor, or a personal representative if the survivor is deceased. The written consent must specify:</p> <ol style="list-style-type: none"> (1) the information or records covered by the release; (2) the reason or purpose for the release; (3) the person to whom the information is to be released; and (4) a reasonable time limitation during which the information or records may be released. <p>(b) A survivor or other person authorized to consent may withdraw consent to the release of information by submitting a written notice of withdrawal to the person or sexual assault program to which consent was provided. Withdrawal of consent does not affect information disclosed before the date written notice of the withdrawal was received.</p>	<p>Tex. Gov't Code Ann. § 420.073.</p>

<p>(c) A person who receives information made confidential by this chapter may not disclose the information except to the extent that disclosure is consistent with the authorized purposes for which the person obtained the information.</p> <p>(d) For purposes of Subsection (a), a written consent signed by an adult survivor with a guardian appointed under Title 3, Estates Code, is effective regardless of whether the adult survivor's guardian, guardian ad litem, or other legal agent signs the release. If the adult survivor agrees to the release but is unable to provide a signature and the guardian, guardian ad litem, or other legal agent is unavailable or declines to sign the release, the person seeking the release of confidential information may petition a court with probate jurisdiction in the county in which the adult survivor resides for an emergency order authorizing the release of the information, in the manner provided by Section 48.208, Human Resources Code.</p> <p> Tex. Gov't Code Ann. § 420.003 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Sexual Assault Victim Advocate-Victim Confidentiality and Privilege: Consent for Release of Certain Evidence.</p> <p>(a) Consent for the release of evidence contained in an evidence collection kit must be in writing and signed by:</p> <ol style="list-style-type: none"> (1) the survivor, if the survivor is 14 years of age or older; (2) the survivor's parent or guardian or an employee of the Department of Family and Protective Services, if the survivor is younger than 14 years of age; or (3) the survivor's personal representative, if the survivor is deceased. <p>(b) For purposes of Subsection (a)(1), a written consent signed by an adult survivor with a guardian appointed under Title 3, Estates Code, is effective regardless of whether the adult survivor's guardian, guardian ad litem, or other legal agent signs the release. If the adult survivor with an appointed guardian agrees to the release but is unable to provide a signature</p>	<p>Tex. Gov't Code Ann. § 420.0735.</p>

<p>and the guardian, guardian ad litem, or other legal agent is unavailable or declines to sign the release, then the investigating law enforcement officer may sign the release.</p> <p>(c) Consent for release under Subsection (a) applies only to evidence contained in an evidence collection kit and does not affect the confidentiality of any other confidential information under this chapter.</p> <p>(d) The written consent must specify:</p> <ol style="list-style-type: none"> (1) the evidence covered by the release; (2) the reason or purpose for the release; and (3) the person to whom the evidence is to be released. <p>(e) A survivor or other person authorized to consent may withdraw consent to the release of evidence by submitting a written notice of withdrawal to the person or sexual assault program to which consent was provided. Withdrawal of consent does not affect evidence disclosed before the date written notice of the withdrawal was received.</p> <p>(f) A person who receives evidence made confidential by this chapter may not disclose the evidence except to the extent that disclosure is consistent with the authorized purposes for which the person obtained the evidence.</p> <p> Tex. Gov't Code Ann. § 420.003 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Sexual Assault Victim Advocate-Victim Confidentiality and Privilege: Motion for Disclosure of Privileged Communications or Other Information in Criminal Proceeding.</p> <p>(a) Subject to the provisions of this chapter, not later than the 30th day before the date of the trial, a defendant in a criminal proceeding may make a motion for disclosure of a communication or record that is privileged under this chapter. The motion must include a</p>	<p>Tex. Gov't Code Ann. § 420.074.</p>

<p>supporting affidavit showing reasonable grounds to believe the privileged communication or record contains exculpatory evidence.</p> <p>(b) The defendant shall serve the motion on the attorney representing the state and the person who holds the privilege with regard to the communication or record at issue.</p> <p>(c) The court shall order the privileged communication or record to be produced for the court under seal and shall examine the communication or record in camera if the court finds by a preponderance of the evidence that:</p> <p>(1) there is a good-faith, specific, and reasonable basis for believing that the privileged communication or record is relevant, material, and exculpatory upon the issue of guilt for the offense charged; and</p> <p>(2) the privileged communication or record would not be duplicative of other evidence or information available or already obtained by the defendant.</p> <p>(d) The court shall disclose to the defendant and to the state only the evidence that the court finds to be exculpatory on the issue of guilt for the offense charged .</p> <p> Tex. Gov't Code Ann. § 420.003 defines the terms used in this provision. These definitions are included above in the section "Select Definitions."</p>	
<p>Family Violence Victims' Right to Vacate Dwelling and Avoid Liability.</p> <p>(a) For purposes of this section:</p> <p>(1) "Family violence" has the meaning assigned by Section 71.004, Family Code.</p> <p>(2) "Occupant" means a person who has the landlord's consent to occupy a dwelling but has no obligation to pay the rent for the dwelling.</p> <p>(b) A tenant may terminate the tenant's rights and obligations under a lease and may vacate the dwelling and avoid liability for future rent and any other sums due under the lease for</p>	<p>Tex. Prop. Code Ann. § 92.016.</p>

terminating the lease and vacating the dwelling before the end of the lease term if the tenant complies with Subsection (c).

(b-1) A tenant may obtain relief under Subsection (b) if the tenant provides the landlord or the landlord's agent:

(1) a copy of one or more of the following orders protecting the tenant or an occupant from family violence:

- (A) a temporary injunction issued under Subchapter F,¹ Chapter 6, Family Code;
 - (B) a temporary ex parte order issued under Chapter 83, Family Code;
 - (C) a protective order issued under Chapter 85, Family Code; or
 - (D) an order of emergency protection under Article 17.292, Code of Criminal Procedure; or
- (2) a copy of documentation of the family violence against the tenant or an occupant from:
- (A) a licensed health care services provider who examined the victim;
 - (B) a licensed mental health services provider who examined or evaluated the victim; or
 - (C) an advocate as defined by Section 93.001, Family Code, who assisted the victim.

(c) A tenant may exercise the rights to terminate the lease under Subsection (b), vacate the dwelling before the end of the lease term, and avoid liability beginning on the date after all of the following events have occurred:

- (1) a judge signs an order described by Subsection (b-1)(1) if the tenant obtained such an order;
- (2) the tenant provides a copy of the relevant documentation described by Subsection (b-1)(1) or (2), as applicable, to the landlord;
- (3) the tenant provides written notice of termination of the lease to the landlord on or before the 30th day before the date the lease terminates;
- (4) the 30th day after the date the tenant provided notice under Subdivision (3) expires; and
- (5) the tenant vacates the dwelling.

(c-1) If the family violence is committed by a cotenant or occupant of the dwelling, a tenant may exercise the right to terminate the lease under the procedures provided by Subsection (b-1)(1)(A), (C), or (D) or (b-1)(2) and Subsection (c), except that the tenant is not required to provide the notice described by Subsection (c)(3).

<p>(d) Except as provided by Subsection (f), this section does not affect a tenant’s liability for delinquent, unpaid rent or other sums owed to the landlord before the lease was terminated by the tenant under this section.</p> <p>(e) A landlord who violates this section is liable to the tenant for actual damages, a civil penalty equal in amount to the amount of one month’s rent plus \$500, and attorney’s fees.</p> <p>(f) A tenant who terminates a lease under Subsection (b) is released from all liability for any delinquent, unpaid rent owed to the landlord by the tenant on the effective date of the lease termination if the lease does not contain language substantially equivalent to the following: “Tenants may have special statutory rights to terminate the lease early in certain situations involving family violence or a military deployment or transfer.”</p> <p>(g) A tenant’s right to terminate a lease before the end of the lease term, vacate the dwelling, and avoid liability under this section may not be waived by a tenant.</p>	
<p>Sex Offense and Stalking Victims’ Right to Vacate Dwelling and Avoid Liability.</p> <p>(a) In this section, “occupant” has the meaning assigned by Section 92.016.</p> <p>(b) A tenant may terminate the tenant’s rights and obligations under a lease and may vacate the dwelling and avoid liability for future rent and any other sums due under the lease for terminating the lease and vacating the dwelling before the end of the lease term after the tenant complies with Subsection (c) or (c-1).</p> <p>(c) If the tenant is a victim or a parent or guardian of a victim of sexual assault under Section 22.011, Penal Code, aggravated sexual assault under Section 22.021, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual performance by a child under Section 43.25, Penal Code, continuous sexual abuse of young child or disabled individual under Section 21.02, Penal Code, or an attempt to commit any of the foregoing offenses under</p>	<p>Tex. Prop. Code Ann. § 92.0161.</p>

Section 15.01, Penal Code, that takes place during the preceding six-month period on the premises or at any dwelling on the premises, the tenant shall provide to the landlord or the landlord's agent a copy of:

- (1) documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed health care services provider who examined the victim;
- (2) documentation of the assault or abuse, or attempted assault or abuse, of the victim from a licensed mental health services provider who examined or evaluated the victim;
- (3) documentation of the assault or abuse, or attempted assault or abuse, of the victim from an individual authorized under Chapter 420, Government Code, who provided services to the victim; or
- (4) documentation of a protective order issued under Subchapter A, Chapter 7B, Code of Criminal Procedure, except for a temporary ex parte order.

(c-1) If the tenant is a victim or a parent or guardian of a victim of stalking under Section 42.072, Penal Code, that takes place during the preceding six-month period on the premises or at any dwelling on the premises, the tenant shall provide to the landlord or the landlord's agent a copy of:

- (1) documentation of a protective order issued under Subchapter A or B, Chapter 7B, Code of Criminal Procedure, except for a temporary ex parte order; or
- (2) documentation of the stalking from a provider of services described by Subsection (c)(1), (2), or (3) and:
 - (A) a law enforcement incident report or, if a law enforcement incident report is unavailable, another record maintained in the ordinary course of business by a law enforcement agency; and
 - (B) if the report or record described by Paragraph (A) identifies the victim by means of a pseudonym, as defined by Article 58.001, Code of Criminal Procedure, a copy of a pseudonym form completed and returned under Article 58.152(a) of that code.

(d) A tenant may exercise the rights to terminate the lease under Subsection (b), vacate the dwelling before the end of the lease term, and avoid liability beginning on the date after all of the following events have occurred:

- (1) the tenant provides a copy of the relevant documentation described by Subsection (c) or (c-1) to the landlord;

<p>(2) the tenant provides written notice of termination of the lease to the landlord on or before the 30th day before the date the lease terminates;</p> <p>(3) the 30th day after the date the tenant provided notice under Subdivision (2) expires; and</p> <p>(4) the tenant vacates the dwelling.</p> <p>(e) Except as provided by Subsection (g), this section does not affect a tenant's liability for delinquent, unpaid rent or other sums owed to the landlord before the lease was terminated by the tenant under this section.</p> <p>(f) A landlord who violates this section is liable to the tenant for actual damages, a civil penalty equal to the amount of one month's rent plus \$500, and attorney's fees.</p> <p>(g) A tenant who terminates a lease under Subsection (b) is released from all liability for any delinquent, unpaid rent owed to the landlord by the tenant on the effective date of the lease termination if the lease does not contain language substantially equivalent to the following: "Tenants may have special statutory rights to terminate the lease early in certain situations involving certain sexual offenses or stalking."</p> <p>(h) A tenant may not waive a tenant's right to terminate a lease before the end of the lease term, vacate the dwelling, and avoid liability under this chapter.</p> <p>(i) For purposes of Subsections (c) and (c-1), a tenant who is a parent or guardian of a victim described by those subsections must reside with the victim to exercise the rights established by this section.</p> <p>(j) A person who receives information under Subsection (c), (c-1), or (d) may not disclose the information to any other person except for a legitimate or customary business purpose or as otherwise required by law.</p>	
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