



## 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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<sup>1</sup> This table of contents and index of rights provides specific page references for many of the victims' rights laws contained within this *Guide*. The referenced laws are often narrower in scope than the broader rights identified in the index and may contain components of multiple core rights. Not all of the laws contained within this *Guide* are referenced in the table of contents and index; therefore, it is recommended that this document be reviewed in full.

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<b>SELECT DEFINITIONS</b>	<b>Texas Constitutional Provisions and Statutes</b>
<p><b>Crime Victims' Constitutional Rights Definitions.</b></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.</p>	<p>Tex. Const. art. I, § 30(c).</p>
<p><b>Rights of Crime Victims Definitions.</b></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:</p> <p>(A) was the spouse of a deceased victim at the time of the victim’s death; or</p> <p>(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>(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 the Texas Code of Criminal Procedure governing crime victims’ rights, Tex. Code Crim. Proc. Ann. art. 56A.001 through art. 56A.604, unless otherwise provided. Many of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Victims’ Right to Notification Regarding Release or Escape of Certain Defendants by Certain Entities Definitions.</b></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>Tex. Code Crim. Proc. Ann.  art. 56A.501.</p>

 These definitions apply to the portions of the Texas Code of Criminal Procedure governing crime victims' rights to notification of an offender's release or escape, Tex. Code Crim. Proc. Ann. art. 56A.501 through art. 56A.507. Many of these statutory provisions are included below in the section "Select Crime Victims' Rights."	
<p><b>Certain Crime Victims' Right to Confidentiality of Identifying Information and Medical Records General Definitions.</b></p> <p>In this chapter:</p> <p>(1) "Name" means the legal name of a person.</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 the Texas Code of Criminal Procedure 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. Many of these statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.001.</p>
<p><b>Address Confidentiality Program Definitions.</b></p> <p>In this subchapter:</p> <p>(1) "Applicant" means a person who applies to participate in the program.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.051.</p>



- (2) "Family violence" has the meaning assigned by Section 71.004, Family Code.
- (3) "Family violence shelter center" has the meaning assigned by Section 51.002, Human Resources Code.
- (4) "Household" has the meaning assigned by Section 71.005, Family Code.
- (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.
- (6) "Participant" means an applicant who is certified for participation in the program.
- (7) "Program" means the address confidentiality program created under this subchapter.
- (8) "Sexual abuse" means any conduct that constitutes an offense under Section 21.02, 21.11, or 25.02, Penal Code.
- (9) "Sexual assault" means any conduct that constitutes an offense under Section 22.011 or 22.021, Penal Code.
- (10) "Stalking" means any conduct that constitutes an offense under Section 42.072, Penal Code.
- (11) "Trafficking of persons" means any conduct that:
- (A) constitutes an offense under Section 20A.02, 20A.03, 43.03, 43.04, 43.05, 43.25, 43.251, or 43.26, Penal Code; and
  - (B) results in a person:
    - (i) engaging in forced labor or services; or
    - (ii) otherwise becoming a victim of the offense.






These definitions apply to the portion of the Texas Code of Criminal Procedure governing the state's address confidentiality program for crime victims, Tex. Code Crim.





<p>Proc. Ann. art. 58.051 through art. 58.062. Many of these statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Sex Offense Victims’ Confidentiality Protections Definitions.</b></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> These definitions apply to the portion of the Texas Code of Criminal Procedure 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>Tex. Code Crim. Proc. Ann. art. 58.101.</p>
<p><b>Stalking Victims’ Confidentiality Protections Definitions.</b></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 the Texas Code of Criminal Procedure governing confidentiality protections for sex offense victims, Tex. Code Crim. Proc. Ann.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.151.</p>










<p>art. 58.151 through art. 58.157. These statutory provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Family Violence Victims’ Confidentiality Protections Definitions.</b></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> These definitions apply to the portion of the Texas Code of Criminal Procedure 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>Tex. Code Crim. Proc. Ann. art. 58.201.</p>
<p><b>Trafficking Victims’ Confidentiality Protections Definitions.</b></p> <p>In this subchapter, “victim” means a person who is the subject of:</p> <p>(1) an offense under Section 20A.02, 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 20A.02, Penal Code.</p> <p> These definitions apply to the portion of the Texas Code of Criminal Procedure governing confidentiality protections for trafficking victims, Tex. Code Crim. Proc. Ann.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.251.</p>



art. 58.251 through art. 58.256. These statutory provisions are included below in the section "Select Crime Victims' Rights."	
<p><b>Sealing of Medical Records of Certain Child Victims Definitions.</b></p> <p>In this subchapter:</p> <p>(1) "Child" means a person who is younger than 18 years of age.</p> <p>(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> <p> These definitions apply to the portion of the Texas Code of Criminal Procedure governing the requirement that the court seal the medical records of certain child victims, Tex. Code Crim. Proc. Ann. art. 58.301 through art. 58.304. These statutory provisions are included below in the section "Select Crime Victims' Rights."</p>	Tex. Code Crim. Proc. Ann. art. 58.301.
<p><b>SELECT CRIME VICTIMS' RIGHTS</b></p>	<p><b>Texas Constitutional Provisions and Statutes</b></p>
<p><b>Victims' Right to be Treated with Fairness and Respect for the Victim's Dignity and Privacy.</b></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>	Tex. Const. art. I, § 30(a)(1).



<p><b>Victims' Right to Reasonable Protection.</b></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.</p>	<p>Tex. Const. art. I, § 30(a)(2).</p>
<p><b>Victims' Right to Notice of Court Proceedings.</b></p> <p>On the request of a crime victim, the crime victim has . . . the right to notification of court proceedings[.]</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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>Tex. Const. art. I, § 30(b)(1).</p>
<p><b>Victims' Right to be Present at Public Court Proceedings.</b></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>Tex. Const. art. I, § 30(b)(2).</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. 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."</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.</p>	
<p><b>Victims' Right to Confer with the Prosecution.</b></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 ensure that victims are aware at the earliest stages of a case that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.</p>	Tex. Const. art. I, § 30(b)(3).
<p><b>Victims' Right to Restitution.</b></p> <p>On the request of a crime victim, the crime victim has . . . the right to restitution[.]</p>	Tex. Const. art. I, § 30(b)(4).



<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 ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.</p>	
<p><b>Victims' Right to Information About Conviction, Sentence, Imprisonment and Release.</b></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> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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><b>Prosecutor Standing to Enforce Victims' Rights.</b></p> <p>The state, through its prosecuting attorney, has the right to enforce the rights of crime victims.</p>	<p>Tex. Const. art. I, § 30(d).</p>


 The prosecutor's standing to enforce victims' rights does not deny or diminish victims' standing to enforce their rights.	
<p><b>Victim Standing To Enforce Victims' Rights.</b></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. 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.</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>Tex. Const. art. I, § 30(e).</p>
<p><b>Limitations on Consequences of Failure to Provide Victims' Rights.</b></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</p>	<p>Tex. Const. art. I, § 30(e).</p>



<p>their rights as a ground for appeal, to set aside a conviction or sentence, or in a habeas corpus petition.</p>	
<p><b>Law Enforcement Agencies and Prosecutors Shall Ensure Victims are Afforded Their Rights.</b></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> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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><b>Victims’ Right to Protection from Harm and Threats.</b></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. Const. art. I, § 30(a)(2) also provides victims with the right to reasonable protection from the accused throughout the criminal justice process.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(1).</p>




<p><b>Victims' Right to Have Safety Considered.</b></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><b>Victims' Rights to Notice and Information Regarding Schedule of Proceedings and Court Decisions.</b></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.452 requires state attorneys to provide victims, upon request, with notice of scheduled court proceedings and changes in that schedule.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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. Code Crim. Proc. Ann. art. 56A.051(a)(3).</p>








<p><b>Victims' Right to Information from a Peace Officer Regarding Defendant's Right to Bail and Procedures in Criminal Investigations.</b></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> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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><b>Victims' Right to Information from Prosecutor's Office Regarding General Procedures in the Criminal Justice System.</b></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> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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)(B).</p>
<p><b>Victims' Right to Provide Information to Community Supervision and Corrections Department Conducting Presentence Investigation.</b></p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(5).</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><b>Victims' Right to Information About Compensation.</b></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 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> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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)(6).</p>
<p><b>Victims' Rights Related to Parole: Information; Participation; Notification of Release.</b></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>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(7).</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> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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><b>Victims' Right to Secure and Separate Waiting Area.</b></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. 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.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(8).</p>

<p><b>Victims' Right to the Prompt Return of Property.</b></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> 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> 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>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(9).</p>
<p><b>Victims' Right to Employer-Intercession Services.</b></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> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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)(10).</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.   A promising practice is to have a policy and procedure in place to provide employers with information regarding victims' employment-related rights.	
<p><b>Victims' Right to Request Victim-Offender Mediation.</b></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>  A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must "request" the exercise of certain rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.	<p>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(11).</p>
<p><b>Victims' Rights Related to Victim Impact Statements: Information, Completion, Consideration.</b></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.051(a)(12).</p>

<p> Tex. Code Crim. Proc. Ann. art. 56A.151 through art. 56A.160 govern the procedures related to victim impact statements.</p> <p> A promising practice is to be familiar with the acceptable formats for victim impact statements so that victims can be informed about all of their options. Depending on your jurisdiction's law, victims may choose to: (1) read or speak their impact statement aloud at the sentencing proceeding, or have another person do it for them; (2) submit a written victim impact statement to the court in advance of sentencing; (3) provide an impact statement using technology to facilitate remote attendance; and/or (4) play or submit an impact statement that was created using audio and video technology.</p>	
<p><b>Certain Minor-Victims' Rights to Have Court Consider Impact of Request for Continuance by Defendant.</b></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.051(a)(12).</p>
<p><b>Capital Felony Victims' Rights Regarding Defense-Initiated Victim Outreach.</b></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>Tex. Code Crim. Proc. Ann. art. 56A.051(a)(13).</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>(C) designate a victim service provider to receive all communications from a victim outreach specialist acting on behalf of any person.</p>	
<p><b>Victims' Right to be Present at All Public Court Proceedings.</b></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. 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.”</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><b>Sexual Assault, Stalking, and Trafficking Victims' Additional Rights.</b></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>Tex. Code Crim. Proc. Ann. art. 56A.052.</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

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

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

(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;

(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

(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;

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

(4) for the victim, the right to:

(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

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

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

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

(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.



(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).

(d) This subsection applies only to a victim of an offense under Section 20A.02, 20A.03, 21.02, 21.11, 22.011, 22.021, 42.072, or 43.05, Penal Code. A victim described by this subsection or a parent or guardian of the victim is entitled to the following rights within the criminal justice system:

(1) the right to be informed:

(A) that the victim or the victim's parent or guardian, as applicable, 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; and

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




(2) the right to 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);





(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

(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> Consideration should be given to the adoption of a policy and procedure that clarifies how notice will be given about biological evidence to victims in active and cold cases, and post-conviction.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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><b>Statutory Limitations on Consequences of Failure to Provide Victims’ Rights.</b></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. 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.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.053.</p>
<p><b>Limitations on Victim Standing to Enforce Victims’ Rights.</b></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>Tex. Code Crim. Proc. Ann. art. 56A.054.</p>


<p>(2) contest the disposition of any charge.</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.</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><b>Victims' Right to Privacy.</b></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. Const. art. I, § 30(a)(1) guarantees victims a constitutional right to be treated with respect for their privacy.</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><b>Victims' Right to Not be Required to Attend Depositions in a Correctional Facility, Unless Absolutely Necessary.</b></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><b>Victims' Right to Information Booklet Regarding Victim Impact Statements; Form of Impact Statement.</b></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> <ol style="list-style-type: none"> <li>(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</li> <li>(2) collect the following information: <ol style="list-style-type: none"> <li>(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;</li> <li>(B) the address and telephone number of the victim, guardian, or relative through which the victim, guardian, or relative may be contacted;</li> <li>(C) a statement of economic loss suffered by the victim, guardian, or relative as a result of the offense;</li> </ol> </li> </ol>	<p>Tex. Code Crim. Proc. Ann. art. 56A.151.</p>


<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;</p> <p>(E) a statement of any psychological services requested as a result of the offense;</p> <p>(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;</p> <p>(G) a statement regarding whether the victim, guardian, or relative wants to be notified of any parole hearing for the defendant;</p> <p>(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</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p> Tex. Code Crim. Proc. Ann. art. 56A.051(a)(12) guarantees victims related rights, including the rights: to be informed of the uses of a victim impact statement and the statement's purpose; to complete the victim impact statement; and to have the impact statement considered.</p>	
<p><b>Notification to Court Regarding Release of Defendant with Access to Child Victim.</b></p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.153.</p>

<p>If information collected under Article 56A.151(b)(2)(H) 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><b>Victims' Obligation to Keep Contact Information Current with Board of Parole for Notification Purposes.</b></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.154.</p>
<p><b>Victim Impact Statement May be Subject to Discovery.</b></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><b>Court's Inspection and Disclosure of Victim Impact Statement.</b></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"> <li>(1) the defendant pleads guilty or nolo contendere or is convicted of the offense; or</li> <li>(2) the defendant authorizes the court in writing to inspect the statement.</li> </ul>	<p>Tex. Code Crim. Proc. Ann. art. 56A.156.</p>

<p><b>Court's Consideration of Victim Impact Statement.</b></p> <p>(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.</p> <p>(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>	<p>Tex. Code Crim. Proc. Ann. art. 56A.157.</p>
<p><b>Defendant's Response to Victim Impact Statement.</b></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><b>Transfer of Victim Impact Statement After Sentencing.</b></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>Tex. Code Crim. Proc. Ann. art. 56A.159.</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><b>Duties of Victim Assistance Coordinator.</b></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>(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.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>Tex. Code Crim. Proc. Ann. art. 56A.202.</p>
<p><b>Duties of Crime Victim Liaison and Obligations of Law Enforcement.</b></p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.204.</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.203 provides that “[e]ach local law enforcement agency shall designate one person to serve as the agency’s crime victim liaison.”</p>	
<p><b>Sexual Assault Victims’ Right to Forensic Medical Examination When Assault Reported to Law Enforcement; Exceptions.</b></p> <p>(a) Except as provided by Subsection (b), if a sexual assault is reported to a law enforcement agency within 96 hours after the assault, the law enforcement agency, with the consent of the victim of the alleged 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) A law enforcement agency may decline to request a forensic medical examination under Subsection (a) only if:</p> <ol style="list-style-type: none"> <li>(1) the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency; and</li> <li>(2) there is no other evidence to corroborate the current allegations of sexual assault.</li> </ol> <p>(c) If a sexual assault is not reported within the period described by Subsection (a), on receiving the consent described by that subsection a law enforcement agency may request a forensic medical examination of a victim of an alleged sexual assault as considered appropriate by the agency.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.251.</p>


<p><b>Sexual Assault Victims' Right to No-Cost Forensic Medical Examination When Assault Reported to Law Enforcement.</b></p> <p>A law enforcement agency that requests a forensic medical examination under Article 56A.251 shall pay all costs of the examination. On application to the attorney general, the law enforcement agency is entitled to be reimbursed for the reasonable costs of the examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by Section 420.003, Government Code.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.252.</p>
<p><b>Sexual Assault Victims' Right to Request Forensic Medical Examination When Assault Not Reported to Law Enforcement.</b></p> <p>(a) In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (b), a health care facility shall conduct a forensic medical examination of a victim of an alleged sexual assault if:</p> <ol style="list-style-type: none"> <li>(1) the victim arrives at the facility within 96 hours after the assault occurred;</li> <li>(2) the victim consents to the examination; and</li> <li>(3) at the time of the examination the victim has not reported the assault to a law enforcement agency.</li> </ol> <p>(b) If a health care facility does not provide diagnosis or treatment services to victims of sexual assault, the facility shall refer a victim of an alleged sexual assault who seeks a forensic medical examination under Subsection (a) to a health care facility that provides services to those victims.</p> <p>(c) A victim of an alleged 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><b>Sexual Assault Victims' Right to No-Cost Forensic Medical Examination When Assault Not Reported to Law Enforcement.</b></p> <p>(a) The department shall pay the appropriate fees, as set by attorney general rule, for the forensic portion of a forensic medical examination conducted under Article 56A.303(a) and for the evidence collection kit if a physician, sexual assault examiner, or sexual assault nurse examiner conducts the forensic portion of the examination within 96 hours after the alleged sexual assault occurred.</p> <p>(b) The attorney general shall reimburse the department for fees paid under Subsection (a).</p> <p>(c) A victim of an alleged sexual assault may not be required to pay for:</p> <ol style="list-style-type: none"> <li>(1) the forensic portion of the forensic medical examination; or</li> <li>(2) the evidence collection kit.</li> </ol>	<p>Tex. Code Crim. Proc. Ann. art. 56A.304.</p>
<p><b>Sexual Assault Victims' Right to Confidentiality of Certain Forensic Medical Examination Records When Assault Not Reported to Law Enforcement.</b></p> <p>(a) In this article, "identifying information" includes information that:</p> <ol style="list-style-type: none"> <li>(1) reveals the identity, personal history, or background of a person; or</li> <li>(2) concerns the victimization of a person.</li> </ol> <p>(b) A communication or record is confidential for purposes of Section 552.101, Government Code, if the communication or record:</p> <ol style="list-style-type: none"> <li>(1) contains identifying information regarding a victim who receives a forensic medical examination under Article 56A.303(a); and</li> <li>(2) is created by, provided to, or in the control or possession of the department.</li> </ol>	<p>Tex. Code Crim. Proc. Ann. art. 56A.308.</p>
<p><b>Sexual Assault Victims' Right to Victim Advocate Presence at Forensic Medical Examination.</b></p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.351.</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 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"> <li>(1) counseling and other support services; and</li> <li>(2) information regarding the rights of crime victims under Subchapter B.</li> </ol> <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><b>Sexual Assault Victims' Right to Victim Representative Presence at Forensic Medical Examination Where Victim is Confined at a Penal Institution.</b></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</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.352.</p>




<p>provide, at the victim's request, a representative to be present with the victim at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault. The representative must:</p> <ul style="list-style-type: none"> <li>(1) be approved by the penal institution; and</li> <li>(2) be a: <ul style="list-style-type: none"> <li>(A) psychologist;</li> <li>(B) sociologist;</li> <li>(C) chaplain;</li> <li>(D) social worker;</li> <li>(E) case manager; or</li> <li>(F) volunteer who has completed a sexual assault training program described by Section 420.011(b), Government Code.</li> </ul> </li> </ul> <p>(c) A representative may only provide the victim with:</p> <ul style="list-style-type: none"> <li>(1) counseling and other support services; and</li> <li>(2) information regarding the rights of crime victims under Subchapter B.</li> </ul> <p>(d) A representative may not delay or otherwise impede the screening or stabilization of an emergency medical condition.</p>	
<p><b>Victims' Right to Written Notification of Rights from Law Enforcement.</b></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> <ul style="list-style-type: none"> <li>(1) information about the availability of emergency and medical services, if applicable;</li> <li>(2) information about the rights of crime victims under Subchapter B;</li> <li>(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:</li> </ul>	<p>Tex. Code Crim. Proc. Ann. art. 56A.401.</p>



<p>(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>(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> 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><b>Sexual Assault Victims' Right to Referral to Sexual Assault Program.</b></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> 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><b>Victims' Right to Written Notification from Prosecutors.</b></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"> <li>(1) the case number and assigned court for the case;</li> <li>(2) a brief general statement of each procedural stage in the processing of a criminal case, including bail, plea bargaining, parole restitution, and appeal;</li> <li>(3) suggested steps the victim may take if the victim is subjected to threats or intimidation;</li> <li>(4) the name, address, and phone number of the local victim assistance coordinator; and</li> <li>(5) notification of: <ul style="list-style-type: none"> <li>(A) the rights and procedures under this chapter, Chapter 56B, and Subchapter B, Chapter 58;</li> <li>(B) the right to file a victim impact statement with the office of the attorney representing the state and the department;</li> <li>(C) the right to receive information regarding compensation to victims of crime as provided by Chapter 56B, including information about: <ul style="list-style-type: none"> <li>(i) the costs that may be compensated under that chapter, eligibility for compensation, and procedures for application for compensation under that chapter;</li> <li>(ii) the payment for a forensic medical examination under Article 56A.252 for a victim of an alleged sexual assault; and</li> <li>(iii) referral to available social service agencies that may offer additional assistance; and</li> </ul> </li> </ul> </li> </ul>	<p>Tex. Code Crim. Proc. Ann. art. 56A.451.</p>



<p>(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.</p> <p>(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:</p> <p>(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</p> <p>(2) the judge before accepting a plea bargain agreement is required under Article 26.13(e) to ask:</p> <p>(A) whether a victim impact statement has been returned to the attorney representing the state;</p> <p>(B) if a victim impact statement has been returned, for a copy of the statement; and</p> <p>(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.</p> <p> 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.</p>	
<p><b>Victims' Right to Notification of Scheduled Court Proceedings.</b></p> <p>If requested by the victim, the attorney representing the state, as far as reasonably practical, shall give the victim notice of:</p> <p>(1) any scheduled court proceedings and changes in that schedule; and</p> <p>(2) the filing of a request for continuance of a trial setting.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.452.</p>







<p> 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.</p> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they 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> A promising practice is to have a policy and procedure in place regarding how and when 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><b>Victims’ Right to Notification of Plea Bargain Agreement.</b></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.453.</p>
<p><b>Victims’ Obligation to Keep Contact Information Current for Purposes of Notifications.</b></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>	<p>Tex. Code Crim. Proc. Ann. art. 56A.454.</p>




<p>(1) the attorney representing the state; and  (2) the department if the defendant is imprisoned in the department after sentencing.</p> <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> 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><b>Victims' Right to Notification Regarding Release or Escape of Certain Defendants by Certain Entities.</b></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  (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> 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</p>	<p>Tex. Code Crim. Proc. Ann.  art. 56A.503.</p>



<p>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 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><b>Victims' Right to Notification Regarding Certain Defendants Subject to Electronic Monitoring.</b></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> 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 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.504.</p>

<p><b>Victims' Right to Notification of Their Right to Receive Notice of the Release or Escape of Certain Defendants from Certain Entities.</b></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> 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 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.505.</p>
<p><b>Victims' Right to Confidentiality Regarding Requests for Notification of Certain Defendants' Escape or Release from Certain Entities.</b></p> <p>(a) A victim or witness who wants notification under this subchapter must:</p> <p>(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</p> <p>(2) notify the appropriate department or the sheriff of any change of address or telephone number of the victim, witness, or other person.</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.506.</p>


<p>(b) Information obtained and maintained by the department, a sheriff, or a community supervision and corrections department under this article is privileged and confidential.</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 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><b>Timeframe for Victims’ Right to Notification of the Release or Escape of Certain Defendants from Certain Entities.</b></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</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.507.</p>



<p>address, as shown on the records of the appropriate department or agency, constitutes a reasonable attempt to give notice under this subchapter.</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 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><b>Victims’ Right to Notification of a Defendant’s Escape or Transfer from Custody Under a Writ of Attachment or Bench Warrant.</b></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.552.</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><b>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.</b></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>  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>Tex. Code Crim. Proc. Ann. art. 56A.554.</p>
<p><b>Victims' Right to Notification of a Defendant's Transfer or Return to Custody.</b></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>  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>Tex. Code Crim. Proc. Ann. art. 56A.555.</p>

<p><b>Victims' Right to Access Computer Database with Defendant's Release Information.</b></p> <p>The department shall:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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).</li> </ul> <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><b>Victim-Offender Mediation: Training and Provision of Services.</b></p> <p>The victim services division of the department shall:</p> <ul style="list-style-type: none"> <li>(1) train volunteers to act as mediators between victims, guardians of victims, and close relatives of deceased victims and offenders whose criminal conduct caused bodily injury or death to victims; and</li> <li>(2) provide mediation services through referral of a trained volunteer, if requested by a victim, guardian of a victim, or close relative of a deceased victim.</li> </ul> <p> A promising practice is to have a policy and procedure in place to ensure that victims are aware at the earliest stages of a case that they must “request” the exercise of certain</p>	<p>Tex. Code Crim. Proc. Ann. art. 56A.602.</p>



rights. Agencies should carefully maintain documentation of a victim's request to exercise rights.	
<p><b>Address Confidentiality Program.</b></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> <ol style="list-style-type: none"> <li>(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;</li> <li>(2) act as agent to receive service of process and mail on behalf of the participant; and</li> <li>(3) forward to the participant mail received by the office of the attorney general on behalf of the participant.</li> </ol> <p>(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.</p> <p>(d) The attorney general shall make and retain a copy of the envelope in which certified mail is received on behalf of the participant.</p> <p>(e) The attorney general shall adopt rules to administer the program.</p> <p> Additional information about Texas's Address Confidentiality Program is Contained in other statutory provisions. <i>See, e.g.</i>, Tex. Code Crim. Proc. Ann. art. 58.053 (agency acceptance of substitute address required; exemptions); <i>id.</i> at art. 58.054 (eligibility); <i>id.</i> at art. 58.055; <i>id.</i> at art. 58.056 (application and eligibility rules and procedures); <i>id.</i> at art.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.052.</p>

<p>58.057 (false statement on application); <i>id.</i> at art. 58.058 (exclusion from participation in program; withdrawal); <i>id.</i> at art. 58.059 (certification of program participation); <i>id.</i> at art. 58.060 (confidentiality of participant information); <i>id.</i> at art. 58.061 (exceptions to nondisclosure); <i>id.</i> at art. 58.062 (liability).</p>	
<p><b>Sex Offense Victims' Confidentiality Protections: Right to Use Pseudonym; Pseudonym Form.</b></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 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.</p> <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>Tex. Code Crim. Proc. Ann. art. 58.102.</p>

**Sex Offense Victims' Confidentiality Protections: Confidentiality of Victim Information.**

Tex. Code Crim. Proc. Ann.  
art. 58.103.

(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 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.


(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:

- (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.


(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.






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><b>Sex Offense Victims' Confidentiality Protections: Court-Ordered Disclosure of Victim Information Only Upon Finding that Information is Essential or Identity is at Issue.</b></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. 58.104.</p>
<p><b>Sex Offense Victims' Confidentiality Protections: Prohibition on Disclosure of Child Victims' Information.</b></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 parent, conservator, or guardian is a defendant in the case.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.105.</p>
<p><b>Sex Offense Victims' Confidentiality Protections: Disclosure of Confined Victims' Information.</b></p>	<p>Tex. Code Crim. Proc. Ann. art. 58.106.</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><b>Sex Offense Victims' Confidentiality Protections: Disclosure of Victims' Information as an Offense.</b></p> <p>(a) A public servant commits an offense if the public servant:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(2) knowingly discloses the name, address, or telephone number of the victim to: <ul style="list-style-type: none"> <li>(A) a person who is not assisting in the investigation or prosecution of the offense; or</li> <li>(B) a person other than: <ul style="list-style-type: none"> <li>(i) the defendant;</li> <li>(ii) the defendant's attorney; or</li> <li>(iii) the person specified in the order of a court.</li> </ul> </li> </ul> </li> </ul> <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"> <li>(1) has access to or obtains the name, address, or telephone number of a victim younger than 17 years of age; and</li> <li>(2) knowingly discloses the name, address, or telephone number of the victim to: <ul style="list-style-type: none"> <li>(A) a person who is not assisting in the investigation or prosecution of the offense; or</li> <li>(B) a person other than: <ul style="list-style-type: none"> <li>(i) the defendant;</li> <li>(ii) the defendant's attorney; or</li> <li>(iii) a person specified in an order of a court.</li> </ul> </li> </ul> </li> </ul> <p>(c) It is an affirmative defense to prosecution under Subsection (b) that the actor is:</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.107.</p>

<p>(1) the victim; or</p> <p>(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:</p> <p>(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;</p> <p>(2) the victim is an inmate or state jail defendant confined in a facility operated by or under contract with the department; and</p> <p>(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><b>Stalking Victims' Confidentiality Protections: Right to Use Pseudonym; Pseudonym Form.</b></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> 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>Tex. Code Crim. Proc. Ann. art. 58.152.</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><b>Stalking Victims' Confidentiality Protections: Confidentiality of Victim Information.</b></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 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.</p> <p>(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:</p> <ol style="list-style-type: none"> <li>(1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;</li> <li>(2) notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym;</li> <li>(3) provide to the victim a copy of the completed pseudonym form showing that the form was returned to the law enforcement agency; and</li> <li>(4) maintain the form in a manner that protects the confidentiality of the information contained on the form.</li> </ol> <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. 58.153.</p>



<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><b>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.</b></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"> <li>(1) the information is essential in the trial of the defendant for the offense;</li> <li>(2) the identity of the victim is in issue; or</li> <li>(3) the disclosure is in the best interest of the victim.</li> </ul>	<p>Tex. Code Crim. Proc. Ann. art. 58.154.</p>
<p><b>Stalking Victims' Confidentiality Protections: Prohibition on Disclosure of Child Victims' Information.</b></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</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.155.</p>



<p>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><b>Stalking Victims' Confidentiality Protections: Disclosure of Victims' Information as an Offense.</b></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. 58.156.</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:</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>(d) An offense under this article is a Class C misdemeanor.</p>	
<p><b>Stalking Victims' Confidentiality Protections: Effect on Other Laws.</b></p> <p>This subchapter does not affect:</p> <p>(1) a victim's responsibility to provide documentation of stalking under Section 92.0161, Property Code; or</p> <p>(2) a person's power or duty to disclose the documented information as provided by Subsection (j) of that section.</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.157.</p>
<p><b>Family Violence Victims' Confidentiality Protections: Right to Use Pseudonym; Pseudonym Form.</b></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>Tex. Code Crim. Proc. Ann. art. 58.202.</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> 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 to use a pseudonym, consideration should be given to using alternatives to full names to identify victims, such as the victims' initials.</p>	
<p><b>Family Violence Victims' Confidentiality Protections: Confidentiality of Victim Information.</b></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> <p>(1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.203.</p>

<p>(2) notify the attorney representing the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and</p> <p>(3) maintain the form in a manner that protects the confidentiality of the information contained on the form.</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> 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><b>Family Violence Victims' Confidentiality Protections: Court-Ordered Disclosure of Victim Information Only Upon Finding that Information is Essential or Identity is at Issue.</b></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. 58.204.</p>
<p><b>Family Violence Victims' Confidentiality Protections: Prohibition on Disclosure of Child Victims' Information.</b></p>	<p>Tex. Code Crim. Proc. Ann. art. 58.205.</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 58.201.</p>	
<p><b>Family Violence Victims' Confidentiality Protections: Disclosure of Victims' Information as an Offense.</b></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>Tex. Code Crim. Proc. Ann. art. 58.206.</p>

<p>(B) a person other than:</p> <ul style="list-style-type: none"> <li>(i) the defendant;</li> <li>(ii) the defendant's attorney; or</li> <li>(iii) a person specified in an order of a court.</li> </ul> <p>(c) It is an affirmative defense to prosecution under Subsection (b) that the actor is:</p> <ul style="list-style-type: none"> <li>(1) the victim; or</li> <li>(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.</li> </ul> <p>(d) An offense under this article is a Class C misdemeanor.</p>	
<p><b>Family Violence Victims' Confidentiality Protections: Applicability of Subchapter to Department of Family and Protective Services.</b></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. 58.207.</p>
<p><b>Family Violence Victims' Confidentiality Protections: Applicability of Subchapter to Political Subdivisions.</b></p> <p>This subchapter does not require a political subdivision to use a pseudonym in a report, file, or record that:</p>	<p>Tex. Code Crim. Proc. Ann. art. 58.208.</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><b>Trafficking Victims' Confidentiality Protections: Right to Use Pseudonym; Pseudonym Form.</b></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> 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>Tex. Code Crim. Proc. Ann. art. 58.252.</p>
<p><b>Trafficking Victims' Confidentiality Protections: Confidentiality of Victim Information.</b></p>	<p>Tex. Code Crim. Proc. Ann. art. 58.253.</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.

(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.

(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:

- (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.

(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.



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.



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><b>Trafficking Victims' Confidentiality Protections: Court-Ordered Disclosure of Victim Information Only Upon Finding that Information is Essential or Identity is at Issue.</b></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. 58.254.</p>
<p><b>Trafficking Victims' Confidentiality Protections: Prohibition on Disclosure of Child Victims' Information.</b></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. 58.255.</p>
<p><b>Trafficking Victims' Confidentiality Protections: Disclosure of Victims' Information as an Offense.</b></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>Tex. Code Crim. Proc. Ann. art. 58.256.</p>

<p>(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) 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 18 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 victim's parent, conservator, or guardian allegedly committed the offense described by Article 58.251.</p> <p>(d) An offense under this article is a Class C misdemeanor.</p>	
<p><b>Child Victims' Right to Seal Medical Records.</b></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>	<p>Tex. Code Crim. Proc. Ann.          art. 58.302.</p>

<p>(1) the attorney representing the state;  (2) the defendant; or  (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><b>Access to Child Victims' Sealed Medical Records.</b></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. 58.303.</p>

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