

# Texas Department of Public Safety

Help for Victims of Certain Sexual,  
Trafficking, and Burglary Offenses



## ADDITIONAL RIGHTS OF CERTAIN SEXUAL, TRAFFICKING OR BURGLARY OFFENSES

*This is an abridged version. The full text is available at:  
[statutes.capitol.texas.gov/Docs/CR/htm/CR.56A.htm](http://statutes.capitol.texas.gov/Docs/CR/htm/CR.56A.htm)*

### Code of Criminal Procedure, Article 56A.052

You are entitled to certain rights within the criminal justice system if you are a victim, a victim's guardian, or a close relative of a deceased victim who experienced a crime of continuous sexual abuse of a young child or disabled individual, indecency with a child, sexual assault, indecent assault, aggravated sexual assault, stalking, trafficking of persons, continuous trafficking of persons, compelling prostitution, or certain burglary offenses. For the following rights to apply to victims of burglary crimes, the unlawful entry (break-in) must have occurred at a place of residence (apartment or home), or if anyone who participated in the burglary did so with the intention of committing another serious crime, other than theft. If you are the victim, guardian of a victim, or a close relative of a deceased victim of any of these crimes, you are entitled to the following rights under the law.

(1) You have the right to ask for and receive information about any evidence collected during the investigation of the crime and the status of any tests being done on that evidence. However, if sharing this information would hinder the investigation or court case, you will be informed about when you can expect to receive that information.

(2) You have the right to ask for and receive notice when evidence from the investigation is sent to a crime lab for testing, when that evidence is compared in the DNA database, and of the results of that comparison. However, if sharing the results of a comparison would hinder the investigation or court case, you will be informed about when you can expect to receive that information.

(3) You have the right to ask for and receive counseling

about acquired immunodeficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection.

(4) You have the right to speak with the attorney representing the state (the prosecutor) and share your thoughts or concerns about the outcome of the case. You also have the right to ask for and receive information about case-related decisions, such as not filing charges, dismissing charges, using a pretrial intervention program, or making a plea bargain agreement.

(5) Victims who experienced an eligible crime, such as sexual assault, have the right to be tested for HIV/AIDS and related conditions, receive a forensic medical exam, and obtain ongoing medical care related to the assault that is provided within 30 days after the exam.

If you are a victim, guardian, or close relative of a deceased victim and want to receive notifications or information about these rights, you need to: 1) give your current address and phone number to the investigating law enforcement agency and the prosecuting attorney; 2) let them know if your contact information changes; and 3) if you prefer email notifications, provide your email address to the investigating agency and prosecutor and update them if it changes.

You can choose to have another person, including an organization that offers services to victims of the crimes mentioned above, receive any notice concerning a request to process and analyze collected evidence on your behalf. This designated person cannot be the individual charged with the crime.

If you are the victim of one of the crimes mentioned above, or the parent or guardian of a victim who is under 18 or an adult dependent, you have the right to be informed that you can ask the court for a protective order to help keep you safe, and which court you can go to for a protective order. You have the right to ask the prosecuting attorney to file the protective order for you and be notified when the prosecutor files for that protective order on your behalf. If the person who committed the crime is found guilty or put on probation, the prosecutor is usually required to file a protective order on your behalf. If you are in court when the person who committed the crime is found guilty or put on probation, you have the right to receive this information from the court and ask for a protective order right away. If you are not in court when the person is found guilty or put on probation, you have the right to have the prosecutor provide you with this information.

Victims of trafficking, continuous trafficking, and compelling prostitution may have the right to ask the court to seal their criminal record if the victim was convicted of a crime or received deferred adjudication (a form of probation) for certain misdemeanor crimes they committed because of their victimization. A Texas Department of Public Safety Victim Services Professional is available to provide you with more information about these additional rights if they apply to you.

**A Victim Services Professional with the Texas Department of Public Safety is available to assist you in exercising these rights.**

## **NOTICE TO ADULT VICTIMS OF SEXUAL ASSAULT AND RELATED CRIMES**

It is a crime for any person to cause you any physical injury or harm. Please tell the investigating peace officer if you have been injured or if you feel you are going to be in danger when the officer leaves, or at a later time.

(1) You have the right to obtain a forensic medical examination within 120 hours of the assault to collect potential evidence and receive preventative medications, even if you decide not to make a report to a law enforcement agency.

(2) You have the right to anonymously track or receive updates regarding the status and location of each item of evidence collected in your case.

(3) You have the right to have a sexual assault program advocate present during a forensic medical examination.

(4) You have the right to have a sexual assault program advocate or other victim's representative present during an investigative interview with law enforcement.

(5) You have the right to ask the local prosecutor to file a criminal complaint against the person who assaulted you.

(6) If a defendant is arrested for a crime against you involving certain sexual crimes, stalking, or trafficking, you have the right to request an order for emergency protection to be issued by a magistrate, request a pseudonym to be used instead of your name in all public files and records concerning the offense, and apply to a court for a permanent order to protect you (you should consult a legal aid office, a prosecuting attorney, or a private attorney).

For example, the court can enter an order that prohibits the person who assaulted you from:

- committing further acts of violence;
- threatening, harassing, or contacting you or a member of your family or household; and
- going near your place of employment or near a child care facility or school attended by you or a member of your family or household.

You cannot be charged a fee by a court in connection with filing, serving, or entering a protective order.

If you have questions about the status of your case or need assistance, you can contact a local Texas Department of Public Safety Victim Services Professional at:

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If you would like to speak with someone in the prosecuting attorney's office, you may reach their victim assistance

coordinator at:

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Call the following sexual assault program or social service organization if you need assistance or wish to speak with an advocate:

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You may receive a sexual assault forensic medical examination at the following location(s):

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To get help from the National Human Trafficking Hotline, call: 1-888-373-7888; or text: “HELP” or “INFO” to 233733 (BeFree).

### **Additional Resources**

**To connect with Victim Services for the Texas Department of Public Safety, call: 512-424-2211**

If you are a survivor of sexual assault, you may anonymously track the status of evidence collected in your case and receive updates at: [tx.track-kit.us/Login](https://tx.track-kit.us/Login)

For confidential 24/7 support services, call: 800-656-HOPE (4673); chat online: [rainn.org](https://rainn.org); or text: “HOPE” to 64673.

You can locate a sexual assault crisis center in your area at: [taasa.org/crisis-center-locator](https://taasa.org/crisis-center-locator)

For free legal assistance or more information on filing a protective order or lease termination, contact your local county or district attorney, legal aid office, or Texas Law Help:

- Texas Advocacy Project 800-374-HOPE (4673)
- Legal Aid for Survivors of Sexual Assault 844-303-7233
- [texaslawhelp.org](https://texaslawhelp.org)



**The Texas Department of Public Safety is dedicated to providing culturally sensitive, trauma-informed services to individuals and families affected by crime in Texas.**