

Texas Department of Public Safety

Help for Victims of Sexual Assault, Indecent Assault, Stalking, and Trafficking



ADDITIONAL RIGHTS OF SEXUAL ASSAULT, INDECENT ASSAULT, STALKING OR TRAFFICKING AND BLUE CARD INFORMATION

This is an abridged version and full text is available at <https://statutes.capitol.texas.gov>

Code of Criminal Procedure, Article 56A.052

(a) A victim, guardian of a victim, or close relative of a deceased victim of an offense under Section 21.02, 21.11, 22.011, 22.012, 22.021, or 62.072. Penal Code, is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information regarding (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 on 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;

(4) If requested, the right to be informed about, and confer with the attorney representing the state regarding, the disposition of the offense, including sharing the victim's, guardian's, or relative's views regarding; (A) a decision not to file charges; (B) the dismissal of charges; (C) the use of a pretrial intervention program; or (D) a plea bargain agreement; and

(5) For the victim, the right to: (A) testing for AIDS, HIV, 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 120 hours of the offense: (i) the offense is reported to a law enforcement agency; or (ii) a forensic medical examination is otherwise conducted by a health care provider. (b) Subject to Subsection (c), a victim, guardian of a victim, or close relative of a deceased victim who requests to be notified or received information under Subsection (a) (1), (2), or (4) must: (1) provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense and (2) 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 an offense described by subsection (a) to receive any notice requested under Subsection (a) (2).

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 later.

You have the right to: Obtain a medical forensic exam within 120 hours of the assault to collect potential evidence and receive preventative medications, even if you decide not to make a police report; and Anonymously track or receive updates regarding the status and location of each item of evidence collected in your case; and Have an advocate present during this exam and during an investigative interview with law enforcement; and Ask the local prosecutor to file a criminal complaint against the person who assaulted you; and If a defendant is arrested for a crime against you involving sexual assault or abuse, trafficking or stalking, you may request an emergency order of protection be issued by a magistrate; 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).

You cannot be charged a fee by a court in connection with filing, serving, or entering a protective order.; and For example, the court can enter an order that: (1) the person not commit further acts of violence; (2) the person not threaten, harass, or contact you or a member of your family or household; (3) prohibits the person from going near your place of employment, child care facility or school of you or a member of your family.

If you have questions about the status of your case or need assistance you may contact a crime victim liaison/victim services counselor or advocate at our agency,

Texas Department of Public Safety (DPS)

5805 N. Lamar Blvd. Austin, TX 78773

512-424-2211 (main line for victim services for DPS).

If you would like to speak with someone in the prosecuting attorney's office, our staff can assist you in reaching the victim assistance coordinator in the county where the crime occurred.

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

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

Code of Criminal Procedure Chapter 58

Information on confidentiality of identifying information by use of a pseudonym for victims of sexual assault, stalking, and trafficking.

Additional Resources

As a survivor of sexual assault, you may anonymously track or receive updates on the status of evidence collected in your case. <https://tx.track-kit.us/>

To locate a sexual assault crisis center in your area: <https://taasa.org/crisis-center-locator/>

DPS Victim Services Program

512-424-2211

Crime Victims Compensation

800-983-9933 or <https://www.texasattorneygeneral.gov>

Victim Information and Notification Everyday (VINE)

877-894-8463 or www.vinelink.com

National Sexual Assault Hotline

800-656-4673 or www.rain.org

Notes: _____



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