

CODE OF CRIMINAL PROCEDURE
TITLE 1. CODE OF CRIMINAL PROCEDURE
CHAPTER 56A. RIGHTS OF CRIME VICTIMS

SUBCHAPTER A. GENERAL PROVISIONS

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

- (1) "Board" means the Board of Pardons and Paroles.
- (2) "Clearinghouse" means the Texas Crime Victim Clearinghouse.
- (3) "Close relative of a deceased victim" means a person who:
 - (A) was the spouse of a deceased victim at the time of the victim's death; or
 - (B) is a parent or adult brother, sister, or child of a deceased victim.
- (4) "Department" means the Texas Department of Criminal Justice.
- (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.
- (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](#).
- (6-a) "Sexual assault examiner" and "sexual assault nurse examiner" have the meanings assigned by Section [420.003](#), Government Code.
- (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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05,
eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. [3607](#)), Sec.
4.007(a), eff. September 1, 2021.

SUBCHAPTER B. CRIME VICTIMS' RIGHTS

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

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

(2) 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;

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

(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

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

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

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

(B) 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;

(5) 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;

(6) 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;

(7) the right to:

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

(B) participate in the parole process;

(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

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

(8) 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;

(9) 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;

(10) 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;

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

(12) 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:

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

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

(13) 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; and

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

(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;

(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

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

(b) 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.

(c) 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 this subchapter and, on request, an explanation of those rights.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL ASSAULT, INDECENT ASSAULT, STALKING, OR TRAFFICKING. (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:

(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 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 120 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 provider.

(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](#), [22.012](#), [22.021](#), [42.072](#), or [43.05](#), Penal Code. A victim described by this subsection or a parent or guardian of the victim, if the victim is younger than 18 years of age or an adult ward, is entitled to the following rights within the criminal justice system:

(1) the right to be informed:

(A) that the victim or, if the victim is younger than 18 years of age or an adult ward, the victim's parent or guardian or another adult acting on the victim's behalf may file an

application for a protective order under Article 7B.001;

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

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

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

(2) the right to:

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

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

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

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

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

(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).

(e) A victim of an offense under Section [20A.02](#), [20A.03](#), or [43.05](#), Penal Code, is entitled to be informed that the victim may petition for an order of nondisclosure of criminal history record information under Section [411.0728](#), Government Code, if the victim:

(1) has been convicted of or placed on deferred adjudication community supervision for an offense described by Subsection (a)(1) of that section; and

(2) committed that offense solely as a victim of an offense under Section [20A.02](#), [20A.03](#), or [43.05](#), Penal Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 787 (H.B. [39](#)), Sec. 10, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 817 (H.B. [2462](#)), Sec. 1, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. [3607](#)), Sec. 4.008(a), eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. [3607](#)), Sec. 4.009(a), eff. September 1, 2021.

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

(b) The failure or inability of any person to provide a right or service granted by this subchapter may not be used by a defendant in a criminal case as a ground for appeal, a ground to set aside the conviction or sentence, or a ground in a habeas corpus petition.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.

Art. 56A.054. STANDING. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to:

(1) participate as a party in a criminal proceeding;
or

(2) contest the disposition of any charge.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

SUBCHAPTER C. ADDITIONAL PROTECTIONS FOR VICTIMS AND WITNESSES

Art. 56A.101. VICTIM PRIVACY. (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.

(b) The phone number of the victim may not be a part of the court file.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.102. VICTIM OR WITNESS DISCOVERY ATTENDANCE. Unless absolutely necessary, a victim or witness who is not confined may not be required to attend a deposition in a correctional facility.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

SUBCHAPTER D. VICTIM IMPACT STATEMENT

Art. 56A.151. VICTIM IMPACT STATEMENT; INFORMATION BOOKLET.

(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.

(b) The victim impact statement must be in a form designed to:

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

(2) collect the following information:

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

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

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

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

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

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

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

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

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

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

concerning the release of the defendant from the department.

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

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.152. RECOMMENDATIONS TO ENSURE SUBMISSION OF STATEMENT. The victim services division of the department, in consultation with the board, law enforcement agencies, offices of attorneys representing the state, and other participants in the criminal justice system, shall develop recommendations to ensure that completed victim impact statements are submitted to the department as provided by Article 56A.159(b).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.153. NOTIFICATION TO COURT REGARDING RELEASE OF DEFENDANT WITH ACCESS TO CHILD VICTIM. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.154. CHANGE OF ADDRESS. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.155. DISCOVERY OF STATEMENT. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.156. INSPECTION OF STATEMENT BY COURT; DISCLOSURE OF CONTENTS. 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:

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

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

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

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

(b) On inquiry by the sentencing court, the attorney representing the state shall make a copy of the statement available for consideration by the court.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.158. DEFENDANT RESPONSE TO STATEMENT. Before

sentencing a defendant, a court shall permit the defendant or the defendant's attorney a reasonable period to:

(1) read the victim impact statement, excluding the victim's name, address, and telephone number;

(2) comment on the statement; and

(3) with the approval of the court, introduce testimony or other information alleging a factual inaccuracy in the statement.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.

Art. 56A.159. TRANSFER OF STATEMENT AFTER SENTENCING.

(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.

(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).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.

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

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

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

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

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

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

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

(2) determine whether the selected agency is making a good faith effort to protect the rights of the persons served.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.

SUBCHAPTER E. VICTIM ASSISTANCE COORDINATOR; CRIME VICTIM LIAISON

Art. 56A.201. DESIGNATION OF VICTIM ASSISTANCE COORDINATOR. The 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.

Art. 56A.202. DUTIES OF VICTIM ASSISTANCE COORDINATOR.

(a) The victim assistance coordinator designated under Article [56A.201](#) shall:

(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

(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).

(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.

(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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.203. DESIGNATION OF CRIME VICTIM LIAISON. Each local law enforcement agency shall designate one person to serve as the agency's crime victim liaison.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.204. DUTIES OF CRIME VICTIM LIAISON. (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).

(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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

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

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

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

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

(b) The crime victim liaison or victim assistance coordinator may provide the counseling using a provider that assists local criminal justice agencies in providing similar

services to victims.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

SUBCHAPTER F. FORENSIC MEDICAL EXAMINATION OF SEXUAL ASSAULT
VICTIM REPORTING ASSAULT

Art. 56A.2506. DEFINITION. In this subchapter, "reported sexual assault" means a sexual assault that has been reported to a law enforcement agency.

Added by Acts 2021, 87th Leg., R.S., Ch. 817 (H.B. 2462), Sec. 3, eff. September 1, 2021.

Art. 56A.2505. APPLICABILITY. This subchapter applies to health care providers described by Article 56A.302.

Added by Acts 2021, 87th Leg., R.S., Ch. 817 (H.B. 2462), Sec. 2, eff. September 1, 2021.

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

(a) If a sexual assault is reported to a law enforcement agency within 120 hours after the assault, the law enforcement agency, with the consent of the victim of the reported 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.

(b) If a sexual assault is not reported within the period described by Subsection (a) and the victim is a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a) or the consent described by Section 32.003 or 32.005, Family Code, a law enforcement agency shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense.

(c) If a sexual assault is not reported within the period described by Subsection (a) and the victim is not a minor as defined by Section 101.003, Family Code, on receiving the consent described by Subsection (a), a law enforcement agency may request a forensic

medical examination of a victim of a reported sexual assault for use in the investigation or prosecution of the offense if:

(1) based on the circumstances of the reported assault, the agency believes a forensic medical examination would further that investigation or prosecution; or

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

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

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

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

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

(2) maintain the documentation of the agency's decision in accordance with the agency's record retention policies. Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 649 (H.B. [1172](#)), Sec. 3, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 649 (H.B. [1172](#)), Sec. 7, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 817 (H.B. [2462](#)), Sec. 4, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. [3607](#)), Sec. 4.010(b), eff. September 1, 2021.

Art. 56A.252. PAYMENT OF COSTS OF EXAMINATION.

(a) On application to the attorney general, a health care provider that provides a forensic medical examination to a sexual assault survivor in accordance with this subchapter, or the sexual assault examiner or sexual assault nurse examiner who conducts the examination, as applicable, is entitled to be reimbursed in an amount set by attorney general rule for:

(1) the reasonable costs of the forensic portion of that examination; and

(2) the evidence collection kit.

(b) The application under Subsection (a) must be in the form and manner prescribed by the attorney general and must include:

(1) the documentation of the law enforcement agency's request for the forensic medical examination, as required under Article [56A.251\(d\)](#); and

(2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination.

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

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

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

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

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

Text of subsection as added by Acts 2021, 87th Leg., R.S., Ch. 822

(H.B. [2706](#)), Sec. 2

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

Text of subsection as added by Acts 2021, 87th Leg., R.S., Ch. 817

(H.B. 2462), Sec. 5

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

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

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 817 (H.B. 2462), Sec. 5, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 822 (H.B. 2706), Sec. 2, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 4.010(c), eff. September 1, 2021.

Art. 56A.253. PAYMENT OF COSTS RELATED TO TESTIMONY. A law enforcement agency or office of the attorney representing the state may pay all costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of a forensic medical examination described by Article 56A.251 or the manner in which the examination was performed.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.254. PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE. The attorney general may make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Sections 323.004, 323.053, and 323.054, Health and Safety Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 822 (H.B. 2706), Sec. 3, eff. September 1, 2021.

Art. 56A.255. PAYMENT OF COSTS OF TREATMENT NOT REQUIRED. This subchapter does not require a law enforcement agency to pay any costs of treatment for injuries.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.256. RULES. The attorney general shall adopt rules necessary to implement this subchapter.

Added by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 4.010(a), eff. September 1, 2021.

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

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

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

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

(3) Repealed by Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 4.011, eff. September 1, 2021.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 4.011, eff. September 1, 2021.

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

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

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

- (3) an outpatient clinic;
- (4) a private physician's office; and
- (5) a SAFE program as defined by Section 323.051,

Health and Safety Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 817 (H.B. 2462), Sec. 6, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 822 (H.B. 2706), Sec. 4, eff. September 1, 2021.

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

- (1) the victim arrives at the provider within 120 hours after the assault occurred;
- (2) the victim consents to the examination; and
- (3) at the time of the examination the victim has not reported the assault to a law enforcement agency.

(b) If a health care provider does not provide diagnosis or treatment services to victims of sexual assault, the provider shall refer a victim of a sexual assault who seeks a forensic medical examination under Subsection (a) to a health care provider that provides services to those victims.

(c) A victim of a sexual assault may not be required to participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination under this article.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 817 (H.B. 2462), Sec. 7, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 822 (H.B. 2706), Sec. 5, eff.

September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 4.012(a), eff. September 1, 2021.

Art. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION. (a) On application to the attorney general, a health care provider that provides a forensic medical examination to a sexual assault survivor in accordance with this subchapter, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination, as applicable, within 120 hours after the sexual assault occurred is entitled to be reimbursed in an amount set by attorney general rule for:

(1) the reasonable costs of the forensic portion of that examination; and

(2) the evidence collection kit.

(b) The application under Subsection (a) must be in the form and manner prescribed by the attorney general and must include:

(1) certification that the examination was conducted in accordance with the requirements of Article 56A.303(a); and

(2) a complete and itemized bill of the reasonable costs of the forensic portion of the examination.

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

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

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

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

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

Text of subsection as added by Acts 2021, 87th Leg., R.S., Ch. 817 (H.B. 2462), Sec. 8

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

Text of subsection as added by Acts 2021, 87th Leg., R.S., Ch. 822
(H.B. 2706), Sec. 6

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

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

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

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

(2) the evidence collection kit.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 817 (H.B. 2462), Sec. 8, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 822 (H.B. 2706), Sec. 6, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 4.012(b), eff. September 1, 2021.

Art. 56A.305. PAYMENT OF COSTS FOR CERTAIN MEDICAL CARE. The attorney general may make a payment to or on behalf of an individual for the reasonable costs incurred for medical care provided in accordance with Sections 323.004, 323.053, and 323.054, Health and Safety Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05,

eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 822 (H.B. 2706), Sec. 7, eff. September 1, 2021.

Art. 56A.306. PROCEDURES FOR TRANSFER AND PRESERVATION OF EVIDENCE. (a) The department, consistent with Chapter 420, Government Code, shall develop procedures for:

(1) the transfer of evidence collected under this subchapter to a crime laboratory or other suitable location designated by the public safety director of the department;

(2) the preservation of the evidence by the entity receiving the evidence; and

(3) the notification of the victim of the offense before a planned destruction of evidence under this article.

(b) Subject to Subsection (c), an entity receiving evidence described by Subsection (a) shall preserve the evidence until the earlier of:

(1) the fifth anniversary of the date on which the evidence was collected; or

(2) the date on which written consent to release the evidence is obtained as provided by Section 420.0735, Government Code.

(c) An entity receiving evidence described by Subsection (a) may destroy the evidence on the expiration of the entity's duty to preserve the evidence under Subsection (b)(1) only if:

(1) the entity provides written notification to the victim of the offense, in a trauma-informed manner, of the decision to destroy the evidence that includes:

(A) detailed instructions on how the victim may make a written objection to the decision, including contact information for the entity; or

(B) a standard form for the victim to complete and return to the entity to make a written objection to the decision; and

(2) a written objection is not received by the entity from the victim before the 91st day after the date on which the

entity notifies the victim of the planned destruction of the evidence.

(d) The entity shall document the entity's attempt to notify the victim under Subsection (c).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 915 (H.B. 3607), Sec. 4.013(a), eff. September 1, 2021.

Art. 56A.307. PROCEDURES FOR SUBMISSION OR COLLECTION OF ADDITIONAL EVIDENCE.

The department, consistent with Chapter 420, Government Code, may develop procedures regarding the submission or collection of additional evidence of a sexual assault other than through a forensic medical examination as described by Article 56A.303(a).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 817 (H.B. 2462), Sec. 9, eff. September 1, 2021.

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

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

(2) concerns the victimization of a person.

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

(1) contains identifying information regarding a victim who receives a forensic medical examination under Article 56A.303(a); and

(2) is created by, provided to, or in the control or possession of the department.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

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

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

SUBCHAPTER H. PRESENCE OF ADVOCATE OR REPRESENTATIVE DURING
FORENSIC MEDICAL EXAMINATION OR LAW ENFORCEMENT INTERVIEW

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

(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.

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

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

(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.

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

(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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.3515. PRESENCE OF SEXUAL ASSAULT PROGRAM ADVOCATE OR OTHER VICTIM'S REPRESENTATIVE DURING LAW ENFORCEMENT INTERVIEW.

(a) Before conducting an investigative interview with a victim reporting a sexual assault, other than a victim who is a minor as defined by Section 101.003, Family Code, the peace officer conducting the interview shall offer the victim the opportunity to have an advocate from a sexual assault program, as defined by Section 420.003, Government Code, be present with the victim during the interview, if the advocate is available at the time of the interview. The advocate must have completed a sexual assault training program described by Section 420.011(b), Government Code.

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

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

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

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

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

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

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

Added by Acts 2021, 87th Leg., R.S., Ch. 649 (H.B. 1172), Sec. 5, eff. September 1, 2021.

Art. 56A.352. REPRESENTATIVE PROVIDED BY PENAL INSTITUTION.

(a) In this article, "penal institution" has the meaning assigned by Section 1.07, Penal Code.

(b) If a victim alleging to have sustained injuries as the victim of a sexual assault was confined in a penal institution at the time of the alleged assault, the penal institution shall provide, at the victim's request, a representative to be present with the victim:

(1) at any forensic medical examination conducted for the purpose of collecting and preserving evidence related to the investigation or prosecution of the alleged assault; and

(2) during an investigative interview conducted by a peace officer in relation to the investigation of the alleged assault.

(b-1) The representative provided by the penal institution under Subsection (b) must:

(1) be approved by the penal institution; and

(2) be a:

(A) psychologist;

(B) sociologist;

(C) chaplain;

(D) social worker;

(E) case manager; or

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

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

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

(d) A representative may not delay or otherwise impede:

- (1) the screening or stabilization of an emergency medical condition; or
- (2) the interview process.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 649 (H.B. [1172](#)), Sec. 6, eff. September 1, 2021.

SUBCHAPTER I. REQUIRED NOTIFICATIONS BY LAW ENFORCEMENT AGENCY

Art. 56A.401. NOTIFICATION OF RIGHTS. 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:

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

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

- (3) notice that the victim has the right to receive information regarding compensation to victims of crime as provided by Chapter [56B](#), including information about:

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

- (B) the payment for a forensic medical examination under Article [56A.252](#) for a victim of an alleged sexual assault; and

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

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

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

(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."
Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.402. REFERRAL TO SEXUAL ASSAULT PROGRAM. (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:

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

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

(b) A sexual assault program may provide a written description of the program's services to a law enforcement agency.
Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

SUBCHAPTER J. REQUIRED NOTIFICATIONS BY ATTORNEY REPRESENTING THE STATE

Art. 56A.451. NOTIFICATION OF RIGHTS. (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:

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

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

(3) suggested steps the victim may take if the victim

is subjected to threats or intimidation;

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

(5) notification of:

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

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

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

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

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

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

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

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

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

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

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

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

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

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.452. NOTIFICATION OF SCHEDULED COURT PROCEEDINGS. If requested by the victim, the attorney representing the state, as far as reasonably practical, shall give the victim notice of:

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

(2) the filing of a request for continuance of a trial setting.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

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

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.454. VICTIM CONTACT INFORMATION. (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:

(1) the attorney representing the state; and

(2) the department if the defendant is imprisoned in the department after sentencing.

(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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

SUBCHAPTER K. NOTIFICATION BY CERTAIN ENTITIES OF RELEASE OR
ESCAPE

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

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

(2) "Family violence" has the meaning assigned by Section 71.004, Family Code.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.502. APPLICABILITY. This subchapter applies to a defendant 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.503. NOTIFICATION OF RELEASE OR ESCAPE. (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:

(1) completes the defendant's sentence and is

released; or

(2) escapes from a correctional facility.

(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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.504. NOTIFICATION REGARDING DEFENDANT SUBJECT TO ELECTRONIC MONITORING. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.505. NOTIFICATION OF RIGHT TO NOTICE. 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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

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

(1) provide the department, the sheriff, or the community supervision and corrections department supervising the defendant, as appropriate, with the e-mail address, mailing

address, and telephone number of the victim, witness, or other person through whom the victim or witness may be contacted; and

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

(b) Information obtained and maintained by the department, a sheriff, or a community supervision and corrections department under this article is privileged and confidential.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

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

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

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

(i) completes the sentence and is released;
or

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

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

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

(b) An attempt by the department, the sheriff, or the community supervision and corrections department supervising the defendant to give notice to a victim or witness at the victim's or witness's last known mailing address or, if notice by e-mail is possible, last known e-mail address, as shown on the records of the appropriate department or agency, constitutes a reasonable attempt to give notice under this subchapter.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

SUBCHAPTER L. NOTIFICATION BY DEPARTMENT OF ESCAPE OR TRANSFER

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

(1) was the spouse of a deceased witness at the time of the witness's death; or

(2) is a parent or adult brother, sister, or child of a deceased witness.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.552. NOTIFICATION OF VICTIM. 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:

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

(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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

Art. 56A.553. NOTIFICATION OF WITNESS. The department shall immediately notify a witness who testified against a defendant at the trial for the offense for which the defendant is imprisoned, the witness's guardian, or the witness's close relative, if the witness, witness's guardian, or witness's close relative has notified the department as provided by Article 56A.554, when the defendant:

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

(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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05,

eff. January 1, 2021.

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

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

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

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

SUBCHAPTER M. OTHER POWERS AND DUTIES OF DEPARTMENT AND
CLEARINGHOUSE

Art. 56A.601. DATABASE FOR DEFENDANT RELEASE INFORMATION. The department shall:

(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

(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).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. 4173), Sec. 1.05, eff. January 1, 2021.

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

(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

(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.

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.

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

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

(2) charge a fee to a person attending the conference described by Subdivision (1).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.

Art. 56A.604. CRIME VICTIM ASSISTANCE STANDARDS. The clearinghouse shall develop crime victim assistance standards and distribute those standards to law enforcement officers and attorneys representing the state to aid those officers and attorneys in performing duties imposed by this chapter, Chapter [56B](#), and Subchapter [B](#), Chapter [58](#).

Added by Acts 2019, 86th Leg., R.S., Ch. 469 (H.B. [4173](#)), Sec. 1.05, eff. January 1, 2021.