



YOUR RIGHTS as a SURVIVOR

ADULT

This guide was written by and for adult survivors of sexual assault in Texas.

Its purpose is to empower survivors by providing them with an accessible overview of their rights, informing them about the systems designed to serve them, and promoting access to appropriate and timely care.

...AT THE MEDICAL FACILITY

During a Sexual Assault Forensic Exam, you have the right to:

A **medical forensic exam**, within 120 hours of the assault (and in certain cases even when reported after this time period), for treatment and **evidence collection** by a certified **Sexual Assault Nurse Examiner** or **healthcare provider**

TEXAS CODE OF CRIMINAL PROCEDURE ARTS. [56A.303](#) & [56A.251](#)

Refuse treatment or stop an exam at any time

TEXAS HEALTH AND SAFETY CODE [§462.009](#)

Have an **advocate** from a sexual assault program in the room with you during an exam

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.351](#)

Not be charged for the forensic portion of the exam or evidence collection kit

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.304 \(f\)](#)

Request to receive counseling on and testing for **AIDS/HIV** infections

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.052 \(a\)\(3\)\(4\)](#)

A private treatment room and access to a shower after a medical forensic exam *if provider space allows*

TEXAS HEALTH AND SAFETY CODE [§§323.004 \(b\)\(5\)\(8\)](#) & [323.053](#)

Receive information on the status of evidence collected during a medical forensic exam, and/or "track" the evidence through the **Track-Kit** website

TEXAS GOVERNMENT CODE [§420.034 \(c\)\(4\)](#)



You do not have to contact law enforcement to be entitled to the rights listed in this section.

...DURING AN INVESTIGATION

During your interaction with law enforcement, you have the right to:

Use a **pseudonym** (in place of your name) on public facing police reports and databases and in legal proceedings regarding the offense

TEXAS CODE OF CRIMINAL PROCEDURE ARTS. [58.102](#) & [58.103](#)

Have an advocate from a sexual assault program present with you during the law enforcement investigative/follow-up interviews

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.3515](#)

Not be required or requested to take a **polygraph** examination by a law enforcement officer or an attorney representing the state

TEXAS CODE OF CRIMINAL PROCEDURE ART. [15.051](#)

Be informed about the name and contact information for the prosecutor's office's **victim assistance coordinator**

TEXAS CODE OF CRIMINAL PROCEDURE ARTS. [56A.401 \(4\)\(5\)](#)

Be provided with information about **crime victims' compensation** and referrals to service providers that can offer additional assistance

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.051 \(6\)](#)

The prompt return of property that is no longer needed as evidence

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.051 \(9\)](#)

If requested, receive information on the status of evidence collected during a medical forensic exam; including testing of biological evidence and completion of DNA database comparisons

TEXAS GOVERNMENT CODE [§420.034 \(c\)\(4\)](#) & TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.052 \(a\)\(2\)](#)

After a medical forensic exam, you have the right to decide if you want to file a report with law enforcement. Although the collected evidence will be stored by the Texas Department of Public Safety, it will not be tested unless you report the sexual assault.

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.306](#)

Texas DPS stores medical forensic evidence for a period of five years. You can still file a report with law enforcement after five years but the evidence collected will no longer be admissible in the prosecution of your case.

Further information about medical forensic evidence storage and procedures regarding notification of survivors can be found at dps.texas.gov/section/crime-laboratory

YOUR RIGHTS as a **SURVIVOR**

...AFTER AN ARREST

If someone is arrested for the assault, you have the right to:

Request an emergency **protective order** from the courts while the defendant is still in custody, or have one requested on your behalf, and receive a copy of that order

TEXAS CODE OF CRIMINAL PROCEDURE ART. [17.292](#)

To be informed, if requested, about a defendant's right to bail, as well as procedures in criminal investigations and the criminal justice system

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.051\(a\)\(3\)\(4\)](#)

Have the safety of you and your family considered when bail is set for the offender

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.051\(a\)\(2\)](#)

Have the **indicted** offender tested for AIDS/HIV infections or antibodies

TEXAS CODE OF CRIMINAL PROCEDURE ART. [21.31](#)

...AFTER CONVICTION

If the offender is convicted, you have the right to:

Upon conviction or **deferred adjudication**, have a permanent protective order filed on your behalf

TEXAS CODE OF CRIMINAL PROCEDURE ART. [7B.001\(a\)\(1\)\(2\)](#)

Provide a Victim Impact Statement, describing how the crime has impacted your life, to be considered by the prosecution, judge, and Board of Pardons and Paroles at the time of sentencing and during any parole hearing

TEXAS CODE OF CRIMINAL PROCEDURE ARTS. [56A.051\(a\)\(5\)\(12\)](#) & [56A.151](#)

Be informed of the ways in which your Victim Impact Statement may be used

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.051\(a\)\(12\)\(A-B\)](#)

Be informed of parole procedures, participate in the parole process, be notified of parole proceedings, provide Board of Pardons and Paroles information to be considered for parole, and be notified of the offender's release

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.051\(a\)\(7\)\(A-D\)](#)

Request victim-offender mediation by the Texas Department of Criminal Justice

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.602\(2\)](#)

...IN COURT PROCEEDINGS

If your case goes to court, you have the right to:

If requested, be informed about relevant **court proceedings**, including appellate court proceedings, and to be informed prior to a proceeding should it be canceled

TEXAS CODE OF CRIMINAL PROCEDURE ARTS. [56A.051\(a\)\(3\)\(A\)](#) & [7B.001\(a-1\)](#)

Be present at all offense-related court proceedings with the judge's approval

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.051\(b\)](#)

A separate, secure area for you to wait to testify in proceedings concerning the offender

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.051\(a\)\(8\)](#)

Receive law enforcement protection from threats or harm for cooperating with prosecution

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.051\(a\)\(1\)](#)

Have the attorney representing the state notify your employer, if requested, if testifying requires your absence from work

TEXAS CODE OF CRIMINAL PROCEDURE ART. [56A.051\(a\)\(10\)](#)

Be informed about **plea bargains** and the terms of the agreement before they are accepted by the court

TEXAS CODE OF CRIMINAL PROCEDURE ARTS. [56A.453](#) & [26.13\(e\)\(2\)](#)

...AT ANY TIME

You always have the right to:

Terminate your rental lease, if the listed tenant is a victim or a parent or guardian of a victim of sexual assault, or has been in the last six months, and the assault took place on the premises of your rental property or complex

TEXAS PROPERTY CODE [§92.001](#)

Participate in the Office of the Attorney General's **Address Confidentiality Program**

TEXAS CODE OF CRIMINAL PROCEDURE ARTS. [58.052](#) & [58.053](#)

Request a final protective order from the courts, or have the attorney representing the state request one on your behalf, and not be charged any fees related to the protective order, including for copies of an order

TEXAS CODE OF CRIMINAL PROCEDURE ARTS. [7B.001\(a\)\(1\)\(3\)](#), [7B.001\(a-1\)](#) & TEXAS FAMILY CODE [§81.002](#)

File a civil suit against the person(s) who attacked you, up to 5 years from the date of the offense

TEXAS CIVIL PRACTICE AND REMEDIES CODE [§16.0045\(b\)\(1\)](#)



You do not have to contact law enforcement to be entitled to the rights listed in this section.

GLOSSARY OF TERMS

Address Confidentiality Program

A substitute PO Box and mail forwarding service provided by the Office of the Attorney General to survivors to keep their physical address secret. This is the only kind of PO Box that can be listed on a driver's license.

Advocate

A volunteer or staff from a community based sexual assault program, that provides support for victims/survivors of sexual assault and similar crimes. Their job duties may include offering crisis intervention, safety planning, needs assessments and advocating on behalf of a survivor and/or accompanying the survivor to law enforcement interviews and forensic medical exams. They will also supply information or referrals for shelters, restraining orders, and other support services.

AIDS *Acquired Immunodeficiency Syndrome*

A spectrum of medical conditions caused by HIV. AIDS interferes with the immune system, making a person more vulnerable to other diseases and medical conditions.

Court Proceedings

Refers to formal parts of a criminal or civil case. Ex: arraignment, hearing, entering a plea, trial, sentencing, appeals, and protective order hearings.

Crime Victims' Compensation

Funds meant to reimburse victims and immediate family members, dependents, and others who assume certain financial obligations for costs related to the crime against them (ex: counseling, medical treatment, funerals, and loss of income not paid by other sources). Funds are collected from fines and fees paid in criminal cases and managed by the Office of the Attorney General.

Deferred Adjudication

A type of punishment that is judge/court-ordered community supervision or probation that allows a defendant to avoid a formal conviction on the condition that they plead guilty and complete certain terms of their supervision.

Evidence Collection

Method of collecting, documenting, and storing different items relevant to the investigation of a crime.

Healthcare Provider

A person or entity that provides medical care or treatment. Includes physicians and nurses who work at a hospital or a clinic that provides forensic medical exams.

HIV *Human Immunodeficiency Virus*

A virus that attacks the cells that help the body fight off infections, causing the medical condition known as AIDS. HIV is spread by contact with certain bodily fluids of an infected person, which can occur during a sexual assault.

Indicted/Indictment

A grand jury decision which allows a prosecutor's office to move the case forward to prosecution.

Medical Forensic Exam

Medical assessment, treatment and collection of evidence of a sexual assault by a certified SANE or healthcare provider. The exam includes gathering information from the patient, coordinating treatment of injuries with needed follow-up care, and documentation of biological and physical findings.

Plea Bargain

An agreement between a prosecutor and a defendant where the defendant pleads guilty in exchange for a set punishment, some of the charges against them to be dismissed or reduced, and/or for the prosecutor seeking a lesser sentence. This is the most common outcome of a case. **The Judge is not bound by the terms of the plea deal.**

Polygraph

Commonly used to detect deception and sometimes incorrectly called a "lie detector test" despite little proof it can actually detect lies.

Protective Order

A civil court order requiring an individual to stay away from a person. Can include other provisions for the safety and support of the protected party. Ex: child support, custody determinations, and others.

Pseudonym

A fake name. Victim can submit a form to request that initials or a fake name of their choosing be used in all records and court proceedings related to the offense. Ex: Jane Doe.

SANE *Sexual Assault Nurse Examiner*

A registered nurse with special training in trauma response, evidence collection, and evidence storage to conduct a sexual assault forensic medical examination.

SAFE *Sexual Assault Forensic Exam*

A forensic exam conducted by a certified SANE or a physician with specialized training to conduct a forensic medical examination.

Track-Kit

The program run by the Texas Department of Public Safety that allows survivors who have had a medical forensic exam to track where the evidence currently is in the process.

Victim Assistance Coordinator

Designated person at the prosecutor's office to help survivors understand and access their rights. If a sexual assault advocate is not available to accompany a survivor during an investigative interview, the victim assistance coordinator may fulfill that role.

