

Rights of Crime Victims in Texas

Every local law enforcement agency in the state of Texas must have a department designee that serves as the agency's crime victim liaison. This liaison is responsible for ensuring that crime victims are afforded the rights granted to them under 56.02 of the Texas Code of Criminal Procedures. Austin Police Department Victim Services Division is the designated liaison for the Department. Article 56.02 states that victims of sexual assault, kidnapping, or aggravated robbery or a person who has suffered bodily injury or death as a result of the criminal conduct of another, the guardian of a victim, or the close relative of a deceased victim is entitled to the following rights within the criminal justice system;

- (1) the right to receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- (2) the right to have the safety of the victim or her/his family into consideration as an element in fixing the amount of bail for the accused;
- (3) the right, if requested, to be informed of relevant court proceedings, including appellate proceedings, and to be informed if those proceedings have been canceled or rescheduled prior to the event; and decisions of the court, after the decisions are entered but before the decisions are made public;
- (4) the right to be informed, when requested, by a peace officer concerning the defendant's right to bail and the procedures in criminal investigations and by the district attorney's office 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 probation department conducting a presentencing investigation concerning the impact of the offense on the victim and his family by testimony, written statement, or any other manner prior to any sentencing of the offender;
- (6) the right to receive information regarding compensation to victims of crime including information related to the costs that may be compensated and the amount of compensation, eligibility for compensation, and procedures for application for compensation, the payment for a medical examination for a victim of a sexual assault, and when requested, referral to available social service agencies that may offer additional assistance;
- (7) the right to be informed, upon request, of parole proceedings, the right to participate in the parole process, and the right to provide to the Board of Pardons

and Pardons information to be considered by the board prior to the parole of the defendant, and upon request to be notified of the defendant's release;

(8) the right to be provided with a waiting area, separate or secure from other witnesses, including the offender and relatives of the offender, before testifying in any proceeding concerning the offender;

(9) the right to prompt return of any property of the victim that is held by a law enforcement agency or the attorney for the state as evidence when the property is no longer required for that purpose;

(10) the right to have the attorney for the state notify the employer of the victim, if requested, of the necessity of the victim's cooperation and testimony in a proceeding that may necessitate the absence of the victim from work for good cause;

(11) the right to counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and 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, if the offense is a sexual;

(12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice;

(13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, to complete the victim impact statement, and to have the victim impact statement considered by the attorney representing the state, the judge before sentencing or before a plea bargain agreement is accepted and by the Board of Pardons and Paroles before an inmate is released on parole;

(14) the right for a victim of a sexual assault to receive a forensic medical examination if, within 120 hours of the sexual assault, the assault is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility; and

(15) the right for a victim of an assault or sexual assault who is younger than 17 years of age or whose case involves family violence to have the court consider the impact on the victim of a continuance requested by the defendant.

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