

Crime Victims' Rights

A victim of crime is defined by Chapter 56 of the Code of Criminal Procedure, as (1) someone who is the victim of sexual assault, kidnapping, or aggravated robbery or who has suffered bodily injury or death because of the criminal conduct of another, (2) the close relative (spouse, parent, adult brother or sister, or child) of a deceased victim or (3) the guardian of a victim. The law also applies to victims of juvenile crime, including victims who suffer property loss.

The State of Texas intends that victims of crime receive the following safeguards, assurances and considerations:

- Receive adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- have their safety considered by the magistrate when setting bail;
- receive information, on request, of relevant court proceedings, including appellate proceedings, of cancellations and rescheduling prior to the event, and appellate court decisions after the decisions are entered but before they are made public;
- be informed, when requested, by a peace officer about the defendant's right to bail and criminal investigation procedures, and from the prosecutor's office about general procedures in the criminal justice system, including plea agreements, restitution, appeals and parole;
- provide pertinent information concerning the impact of the crime to the probation department prior to sentencing;
- information about the Texas Crime Victims' Compensation Fund and payment for a medical examination for a victim of sexual assault, and, on request, referral to social service agencies that provide additional assistance;
- information, on request, about parole procedures; notification of parole proceedings and of the inmate's release; and the opportunity to participate in the parole process by submitting written information to the Board of Pardons and Paroles for inclusion in the defendant's file for consideration by the Board prior to parole;
- a separate or secure waiting area at all public court proceedings;
- prompt return of any property that is no longer needed as evidence;
- have the prosecutor notify, upon request, an employer that the need for the victim's testimony may involve the victim's absence from work;

- on request, counseling and testing regarding AIDS and HIV infection and testing for victims of sexual assault
- request victim-offender mediation coordinated by the Victim Services Division of the Texas Department of Criminal Justice;
- be informed of the use and purpose of a victim impact statement, to complete a victim impact statement and to have the statement considered before sentencing and acceptance of a plea bargain and before an inmate is released on parole.

A victim, guardian of a victim, or close relative of a deceased victim may be present at all public court proceedings, with the consent of the presiding judge;

A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a service enumerated herein.

Victims should also know that they can have a victim advocate accompany them during the sexual assault exam if an advocate is available at the time of the examination.