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, Adult Survivors 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 Art. 56A.303 & 56A.251
- Texas Health and Safety Code §462.000

Refuse treatment or stop an exam at any time
- Texas Code of Criminal Procedure Art. 56A.351

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 (1)

Request to receive counseling on and testing for AIDS/HIV infections
- Texas Code of Criminal Procedure Art. 56A.052 (a)(3)(A)
- Texas Health and Safety Code §332.004 (b)(1)(E) & §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 Code of Criminal Procedure Art. 56A.052 (a)(2)

The evidence collected from your forensic medical exam will be stored for five years by the Texas Department of Public Safety.

For further information, please visit dps.texas.gov/section/crime-laboratory/non-reported-sexual-assault-evidence-program

...DURING AN INVESTIGATION
During their interaction with law enforcement, Adult Survivors 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.351

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. 56A.051 (a)(3)

Be informed about the name and contact information for the prosecutor’s office’s victim assistance coordinator.
- Texas Code of Criminal Procedure Art. 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 (b)

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 Code of Criminal Procedure Art. 56A.052 (a)(2)

If requested, receive information on public facing police reports and databases and in legal proceedings regarding the offense
- Texas Code of Criminal Procedure Arts. 58.102 & 58.103

...AFTER AN ARREST
If someone is arrested for the assault, Adult Survivors 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. 17.092

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)(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, Adult Survivors have the right to:

Upon conviction or deferred adjudication, have a permanent protective order filed on your behalf.
- Texas Code of Criminal Procedure Art. 78.001 (a)(1)(B-D)

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)(3)(A-B) & 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.402 (2)

...IN COURT PROCEEDINGS
If their case goes to court, Adult Survivors have the right to:
- Texas Code of Criminal Procedure Art. 56A.053 (a)(3)(A) & 78.001 (e-1)

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 Art. 56A.051 (b)

Be present at all offense-related court proceedings with the judge’s approval.
- 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)(10)

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)

...AT ANY TIME
Adult Survivors always have the right to:
- Texas Property Code §92.0161

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 Art. 78.001 (a)(13)

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)

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...AT ANY TIME
Adult Survivors 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 §92.0161

Participate in the Office of the Attorney General’s Address Confidentiality Program.
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