

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.
- (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;
 - (B) has suffered personal injury or death as a result of the criminal conduct of another.

Chapter enacted effective Jan. 1, 2021 (HB 4173, §1.05). Section 3.01 of HB 4173 repeals former Chapter 56, among others. Section 4.01 of HB 4173 provides: "This Act is enacted under Section 43, Article III, Texas Constitution. This Act is intended as a codification only, and no substantive change in the law is intended by this Act."

Section 4.02 of HB 4173 provides: "(a) Chapter 311, Government Code (Code Construction Act), applies to the construction of each provision in the Code of Criminal Procedure that is enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), in the same manner as to a code enacted under the continuing statutory revision program, except as otherwise expressly provided by the Code of Criminal Procedure. (b) A reference in a law to a statute or a part of a statute in the Code of Criminal Procedure enacted under Section 43, Article III, Texas Constitution (authorizing the continuing statutory revision program), is considered to be a reference to the part of that code that revises that statute or part of that statute."

2019 LEGISLATIVE NOTE

Note that the nonsubstantive revisions of HB 4173 did not take into account additional substantive amendments to Chapter 56 made during the 2019 session. These amendments have been included at the end of this compilation and presumably will be incorporated into the new chapters in the 2021 legislative session.

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.

ART. 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF SEXUAL 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 96 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 facility.

(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, 22.021, 42.072, or 43.05, Penal Code. A victim described by this subsection or a parent or guardian of the victim is entitled to the following rights within the criminal justice system:

(1) the right to be informed:

(A) that the victim or the victim's parent or guardian, as applicable, 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; and

(C) that, on request of the victim or of the victim's parent or guardian, as applicable, and subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state may file the application for a protective order on behalf of the victim;

(2) the right to 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);

(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).

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.

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.

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.

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.

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.

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).

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.

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.

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.

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.

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.

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.

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).

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.

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.

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.

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.

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.

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.

Subchapter F. Forensic Medical Examination of Sexual Assault Victim Reporting Assault

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

(a) Except as provided by Subsection (b), if a sexual assault is reported to a law enforcement agency within 96 hours after the assault, the law enforcement agency, with the consent of the victim of the alleged 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) A law enforcement agency may decline to request a forensic medical examination under Subsection (a) only if:

- (1) the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency; and
- (2) there is no other evidence to corroborate the current allegations of sexual assault.

(c) If a sexual assault is not reported within the period described by Subsection (a), on receiving the consent described by that subsection a law enforcement agency may request a forensic medical examination of a victim of an alleged sexual assault as considered appropriate by the agency.

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

A law enforcement agency that requests a forensic medical examination under Article 56A.251 shall pay all costs of the examination. On application to the attorney general, the law enforcement agency is entitled to be reimbursed for the reasonable costs of the examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by Section 420.003, Government Code.

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.

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 Section 323.004, Health and Safety Code.

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.

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) "Sexual assault examiner" and "sexual assault nurse examiner" have the meanings assigned by Section 420.003, Government Code.

ART. 56A.302. APPLICABILITY

This subchapter applies to the following health care facilities 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; and
- (4) a private physician's office.

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 facility shall conduct a forensic medical examination of a victim of an alleged sexual assault if:

- (1) the victim arrives at the facility within 96 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 facility does not provide diagnosis or treatment services to victims of sexual assault, the facility shall refer a victim of an alleged sexual assault who seeks a forensic medical examination under Subsection (a) to a health care facility that provides services to those victims.

(c) A victim of an alleged 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.

ART. 56A.304. PAYMENT OF FEES RELATED TO EXAMINATION

(a) The department shall pay the appropriate fees, as set by attorney general rule, for the forensic portion of a forensic medical examination conducted under Article 56A.303(a) and for the evidence collection kit if a physician, sexual assault examiner, or sexual assault nurse examiner conducts the forensic portion of the examination within 96 hours after the alleged sexual assault occurred.

(b) The attorney general shall reimburse the department for fees paid under Subsection (a).

(c) A victim of an alleged sexual assault may not be required to pay for:

- (1) the forensic portion of the forensic medical examination; or
- (2) the evidence collection kit.

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 Section 323.004, Health and Safety Code.

ART. 56A.306. PROCEDURES FOR TRANSFER AND PRESERVATION OF EVIDENCE

(a) The department, consistent with Chapter 420, Government Code, shall develop procedures for the transfer and preservation of evidence collected under this subchapter to a crime laboratory or other suitable location designated by the public safety director of the department.

(b) An entity receiving the evidence shall preserve the evidence until the earlier of:

- (1) the second 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.

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 an alleged sexual assault other than through a forensic medical examination as described by Article 56A.303(a).

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.

ART. 56A.309. RULES

The attorney general and the department shall each adopt rules as necessary to implement this subchapter.

Subchapter H. Presence of Advocate or Representative during Forensic Medical Examination

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.

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

The representative 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 the screening or stabilization of an emergency medical condition.

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."

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.

Subchapter J. Required Notifications by Attorney Representing the State

ART. 56A.451. NOTIFICATIONS 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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).

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.

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).

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.

CHAPTER 56. RIGHTS OF CRIME VICTIMS

Repealed effective Jan. 1, 2021 (HB 4173, §3.01(2)). Now see Code of Criminal Procedure Chapters 56A & 56B.

Subchapter A. Crime Victims' Rights

ART. 56.01. DEFINITIONS

In this chapter:

(2-b) "Sexual assault examiner" and "sexual assault nurse examiner" have the meanings assigned by Section 420.003, Government Code.

Addition of (2-b) effective Sept. 1, 2019 (HB 616, §1).

2019 LEGISLATIVE NOTE

HB 4173 (effective January 1, 2021) combines, revises, and re-codifies Chapters 56, 57, 57A, 57B, 57C, and 57D into new Chapters 56A (Rights of Crime Victims), 56B (Crime Victims' Compensation), and 58 (Confidentiality of Identifying Information and Medical Records of Certain Crime Victims). These changes are *non-substantive* revisions passed for the sole purpose of re-organizing those laws in a more logical and coherent fashion; the laws themselves are not being altered in any meaningful way. However, note that the nonsubstantive revisions of HB 4173 did

not take into account additional substantive amendments to Chapter 56 made during the 2019 session. These amendments have been included in this compilation and presumably will be incorporated into the new chapters in the 2021 legislative session.

ART. 56.021. RIGHTS OF VICTIM OF SEXUAL ASSAULT OR ABUSE, INDECENT ASSAULT, STALKING, OR TRAFFICKING

(a) In addition to the rights enumerated in Article 56.02, if the offense is a sexual assault, the victim, guardian of a victim, or close relative of a deceased victim is entitled to the following rights within the criminal justice system:

(6) to the extent provided by Articles 56.06 and 56.065, for the victim of the offense, the right to a forensic medical examination if, within 120 [96] hours of the offense, the offense is reported to a law enforcement agency or a forensic medical examination is otherwise conducted at a health care facility.

(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. In addition to the rights enumerated in Article 56.02 and, if applicable, Subsection (a) of this article, a victim described by this subsection or a parent or guardian of the victim is entitled to the following rights within the criminal justice system:

(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.

Amendments to heading and (d) effective Sept. 1, 2019 (SB 194, §§8 & 9). Section 15 of SB 194 provides: "Article 56.021(d), Code of Criminal Procedure, as amended by this Act, applies to a victim of criminally injurious conduct for which a judgment of conviction is entered or a grant of deferred adjudication is made on or after the effective date of this Act, regardless of whether the criminally injurious conduct occurred before, on, or after the effective date of this Act."

Amendment to (a)(6) effective Sept. 1, 2019 (HB 616, §2). Section 9 of HB 616 provides: "The change in law made by this Act applies to a forensic medical examination that occurs on or after the effective date of this Act. A forensic medical examination that occurs before the effective date of this Act is governed by the law as it existed immediately before that date, and the former law is continued in effect for that purpose."

Identical additions of (e) effective Sept. 1, 2019 (SB 1801, §2 and SB 20, §4.02).

ART. 56.06. FORENSIC MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM WHO HAS REPORTED ASSAULT; COSTS

(a) This article applies to health care facilities described by Article 56.065. (a-1) If a sexual assault is reported to a law enforcement agency within 120 [96] hours of the assault, the law enforcement agency, with the consent of the victim, 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 of the alleged assault for use in the investigation or prosecution of the offense. A law enforcement agency may decline to request a forensic medical examination under this subsection only if the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement

agency and if there is no other evidence to corroborate the current allegations of sexual assault.

(b) If a sexual assault is not reported within the period described by Subsection (a-1) ~~[(a)],~~ on receiving the consent described by that subsection the law enforcement agency may request a forensic medical examination of a victim of an alleged sexual assault as considered appropriate by the agency.

(b-1) If a sexual assault is reported to a law enforcement agency as provided by Subsection (a-1) or (b), 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 facility and the 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.

(b-2) On application to the attorney general, a health care facility that provides a forensic medical examination to a sexual assault survivor in accordance with this article, or the sexual assault examiner or sexual assault nurse examiner who conducts that 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-3) The application under Subsection (b-2) must be in the form and manner prescribed by the attorney general and must include:

(1) the documentation that the law enforcement agency requested the forensic medical examination, as required under Subsection (b-1); and

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

(b-4) A health care facility or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (b-2) shall accept reimbursement from the attorney general as payment for the costs unless:

(1) the health care facility 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.

(b-5) A health care facility is not entitled to reimbursement under this article unless the forensic medical examination was conducted at the facility by a physician, sexual assault examiner, or sexual assault nurse examiner.

[(c) A law enforcement agency that requests a forensic medical examination of a victim of an alleged sexual assault for use in the investigation or prosecution of the offense shall pay all costs of the examination. On application to the attorney general, the law enforcement agency is entitled to be reimbursed for the reasonable costs of that examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by Section 420.003, Government Code.]

(g) The attorney general shall adopt rules necessary to implement this article.

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

Amendments to (a) & (b), addition of (a-1), (b-1)-(b-5), (f), & (g), and repeal of (c) effective Sept. 1, 2019 (HB 616, §§3 & 8(1)). See effective note following Art. 56.021.

ART. 56.065. MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM WHO HAS NOT REPORTED ASSAULT; COSTS

(a) In this article:

[(3) "Sexual assault examiner" and "sexual assault nurse examiner" have the meanings assigned by Section 420.003, Government Code.]

(c) In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (e), a health care facility shall conduct a forensic medical examination of the victim of an alleged sexual assault if:

(1) the victim arrives at the facility within 120 ~~[96]~~ 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.

(c-1) On application to the attorney general, a health care facility that provides a forensic medical examination to a sexual assault survivor in accordance with this article, or the sexual assault examiner or sexual assault nurse examiner who conducts that examination, as applicable, within 120 hours after the alleged 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.

(c-2) The application under Subsection (c-1) 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 Subsection (c); and

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

(c-3) A health care facility or a sexual assault examiner or sexual assault nurse examiner, as applicable, who applies for reimbursement under Subsection (c-1) shall accept reimbursement from the attorney general as payment for the costs unless:

(1) the health care facility 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.

(c-4) A health care facility is not entitled to reimbursement under this article unless the forensic medical examination was conducted at the facility by a physician, sexual assault examiner, or sexual assault nurse examiner.

[(d) The department shall pay the appropriate fees, as set by attorney general rule, for the forensic portion of the medical examination and for the evidence collection kit if a physician, sexual assault examiner, or sexual assault nurse examiner conducts the forensic portion of the examination within 96 hours after the alleged sexual assault occurred. The attorney general shall reimburse the department for fees paid under this subsection.]

(g) The department, consistent with Chapter 420, Government Code, shall develop procedures for:

(1) the transfer ~~[and preservation]~~ of evidence collected under this article 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 receiving entity; and

(3) the notification of the victim of the offense before a planned de-

struction of evidence under this article.

(g-1) Subject to Subsection (g-2), an ~~[The receiving]~~ entity receiving evidence described by Subsection (g) shall preserve the evidence until the earlier of:

(1) the ~~fifth~~ ~~[second]~~ 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.

(g-2) An entity receiving evidence described by Subsection (g) may destroy the evidence on the expiration of the entity's duty to preserve the evidence under Subsection (g-1)(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.

(g-3) The entity shall document the entity's attempt to notify the victim under Subsection (g-2).

* * *

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

Amendments to (c), addition of (c-1)–(c-4) & (l), and repeal of (a)(3) & (d) effective Sept. 1, 2019 (HB 616, §§4 & 8(2)). See effective note following Art. 56.021.

Amendment of (g) and addition of (g-1)–(g-3) effective Sept. 1, 2019 (HB 8, §4). Section 14(a) of HB 8 provides: "Except as provided by this section, the changes in law made by this Act to Article 56.065, Code of Criminal Procedure, and Chapter 420, Government Code, apply only to sexual assault evidence and evidence of other sex offenses collected on or after the effective date of this Act. Evidence collected before the effective date of this Act is governed by the law in effect on the date the evidence was collected, and the former law is continued in effect for that purpose."

CCP CH. 56, SUB. A DISPOSITION CHART TO CCP CH. 56A

Ch. 56 reference	New number	Ch. 56 reference	New number	Ch. 56 reference	New number
56.01		56.045		56.08	
(1)	56A.001(3)	(a)	56A.351(a)	(a)	56A.451(a)
(2)	56A.001(5)	(b)	56A.351(b)	(b)	56A.452
(2-a)	56A.001(6)	(c)	56A.351(c)	(b-1)	56A.453
(2-b)*	—	(d)	56A.351(d)	(c)	56A.454(a)
(3)	56A.001(7)	(e)	56A.351(e)	(d)	56A.454(b)
		(f)	56A.352	(e)	56A.451(b)
56.02		56.05		56.09	56A.101
(a)	56A.051(a)	(a)	56A.160(a)-(b)	56.10	56A.102
(b)	56A.051(b)	(b) S1	56A.160(c)	56.11	
(c)	56A.051(c)	(b) S2	56A.160(d)	(a)	56A.503(a)
(d) S1	56A.053(a)	(c)	56A.604	(a-1)	56A.504
(d) S2	56A.053(b)	56.06		(b)	56A.503(b)
(d) S3	56A.054	(a) S1*	56A.251(a)	(c)	56A.502
56.021*	56A.052	(a) S2	56A.251(b)	(d)	56A.506
56.03		(b)*	56A.251(c)	(e)	56A.507(a)
(a)	56A.151(a)	(b-1)-(b-5)*	—	(f)	56A.507(b)
(b)(1)-(6)	56A.151(b)(2)(A)-(F)	(c)^	56A.252	(g)	56A.505
(b)(7) Cl 1	56A.151(b)(2)(G)	(d)	56A.253	(h)	56A.501
(b)(7) Cl 2	56A.151(c)	(e)	56A.255	56.12	
(b)(8)	56A.151(b)(2)(I)	(f)	56A.254	(a)	56A.552
(c) S1	56A.202(b)	(g)-(h)*	—	(a-1)	56A.553
(c) S2	56A.202(c)	56.065*		(b)	56A.554
(d)	56A.154	(a)*	56A.301	(c)	56A.555
(e) S1	56A.157(a)	(b)	56A.302	(d)	56A.551
(e) S2	56A.158	(c)*	56A.303(a)	56.13	56A.602
(e) S3	56A.159(a)	(c-1)-(c-4)*	—	56.14	56A.603
(f)	56A.156	(d)^	56A.304(a)-(b)	56.15	56A.601
(g)	56A.155	(e)	56A.303(b)		
(h)	56A.151(d)	(f)	56A.307		
(i) S1	56A.151(b)(2)(H)	(g)	56A.306(a)-(b)		
(i) S2	56A.153	(g-1)-(g-3)*	—		
56.04		(h)(1)	56A.303(c)		
(a)	56A.201	(h)(2)	56A.304(c)		
(b) S1	56A.202(a)(1)	(i)	56A.309		
(b) S2	56A.202(a)(2)	(j) S1	56A.308(b)		
(c) S1	56A.203	(j) S2	56A.308(a)		
(c) S2	56A.204(b)	(k)	56A.305		
(d)	56A.204(a)	(l)*	—		
(d-1)	56A.152	56.07			
(e) S1	56A.157(b)	(a)	56A.401(a)		
(e) S2	56A.159(b)	(b)	56A.402		
(f) S1	56A.205(a)				
(f) S2	56A.205(b)				

Notes: In these charts, "S" = sentence, and "Cl" = clause.

* = Amendments made to statute in same session (2019) that are not accounted for in the nonsubstantive rewrite of HB 4173.

^ = This subsection repealed in same session (2019) and not accounted for in the nonsubstantive rewrite of HB 4173.

CCP CH. 56A SOURCE CHART FROM CCP CH. 56

<u>New Art.</u>	<u>Ch. 56A reference</u>	<u>New Art.</u>	<u>Ch. 56A reference</u>	<u>New Art.</u>	<u>Ch. 56A reference</u>
56A.001		56A.202		56A.351	
(1)-(2), (4)	new	(a)(1)	56.04(b) S1	(a)	56.045(a)
(3)	56.01(1)	(a)(2)	56.04(b) S2	(b)	56.045(b)
(5)	56.01(2)	(b)	56.03(c) S1	(c)	56.045(c)
(6)	56.01(2-a)	(c)	56.03(c) S2	(d)	56.045(d)
(7)	56.01(3)	56A.203	56.04(c) S1	(e)	56.045(e)
56A.051	56.02(a)-(c)	56A.204		56A.352	56.045(f)
56A.052	56.021	(a)	56.04(d)	56A.401	56.07(a)
56A.053		(b)	56.04(c) S2	56A.402	56.07(b)
(a)	56.02(d) S1	56A.205		56A.451	
(b)	56.02(d) S2	(a)	56.04(f) S1	(a)	56.08(a)
56A.054	56.02(d) S3	(b)	56.04(f) S2	(b)	56.08(e)
56A.101		56A.251*		56A.452	56.08(b)
(a)	56.09 S1	(a)	56.06(a) S1	56A.453	56.08(b-1)
(b)	56.09 S2	(b)	56.06(a) S2	56A.454	
56A.102	56.10	(c)	56.06(b)	(a)	56.08(c)
56A.151		56A.252*	56.06(c)	(b)	56.08(d)
(a)	56.03(a)	56A.253	56.06(d)	56A.501	56.11(h)
(b)(1)-(2)	56.03(b)(1)-(6)	56A.254	56.06(f)	56A.502	56.11(c)
(A)-(F)		56A.255	56.06(e)	56A.503	
(b)(2)(G)	56.03(b)(7) Cl 1	56A.301		(a)	56.11(a)
(b)(2)(H)	56.03(i) S1	(1)-(2)	56.065(a)	(b)	56.11(b)
(b)(2)(I)	56.03(b)(8)	(3)^	56.065(a)	56A.504	56.11(a-1)
(c)	56.03(b)(7) Cl 2	56A.302	56.065(b)	56A.505	56.11(g)
(d)	56.03(h)	56A.303*		56A.506	56.11(d)
56A.152	56.04(d-1)	(a)	56.065(c)	56A.507	
56A.153	56.03(i) S2	(b)	56.065(e)	(a)	56.11(e)
56A.154	56.03(d)	(c)	56.065(h)(1)	(b)	56.11(f)
56A.155	56.03(g)	56A.304*		56A.551	56.12(d)
56A.156	56.03(f)	(a)	56.065(d) S1	56A.552	56.12(a)
56A.157		(b)	56.065(d) S2	56A.553	56.12(a-1)
(a)	56.03(e) S1	(c)	56.065(h)(2)	56A.554	56.12(b)
(b)	56.04(e) S1	56A.305	56.065(k)	56A.555	56.12
56A.158	56.03(e) S2	56A.306*		56A.601	56.15
56A.159		(a)	56.065(g) S1	56A.602	56.13
(a)	56.03(e) S3	(b)	56.065(g) S2	56A.603	56.14
(b)	56.04(e) S2	56A.307	56.065(f)	56A.604	56.05(c)
56A.160		56A.308			
(a)	56.05(a) Cl 1	(a)	56.065(j) S2		
(b)	56.05(a) Cl 2	(b)	56.065(j) S1		
(c)	56.05(b) S1	56A.309	56.065(i)		
(d)	56.05(b) S2				
56A.201	56.04(a)				

Notes: In these charts, "S" = sentence, and "Cl" = clause.

* = Amendments made to statute in same session (2019) that are not accounted for in the nonsubstantive rewrite of HB 4173.

^ = This subsection repealed in same session (2019) and not accounted for in the nonsubstantive rewrite of HB 4173.