

RIGHTS OF CRIME VICTIMS

The Code of Criminal Procedure, Chapter 56.02 ensures the right of victims of sexual assault, kidnapping, aggravated robbery, trafficking of persons, or injury to a child, elderly individual, or disabled individual or who has suffered personal injury or death as a result of the criminal conduct of another; to the guardian of a victim; and to the close relative of a deceased victim. The rights of victims as specified in the law are summarized below. The full text is available at www.statutes.legis.state.tx.us

(a)

1) The right to receive adequate protection from law enforcement agencies from harm and threats of harm arising from a victim's cooperation with the prosecution efforts.

2) The right to have magistrates take the safety of the victim or his/her 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 and to be informed if those court proceedings have been canceled or rescheduled prior to the event.

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.

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/her family prior to any sentencing of the offender. Victim information may be provided by testimony, written statement, or any other manner.

6) The right to receive information regarding compensation to victims of crime as provided by Subchapter B of chapter 56. Such information includes the costs that may be compensated and the amount of compensation; eligibility for compensation; procedures for application for compensation; the payment for medical examination for a victim of a sexual assault; and referral information to social services agencies that may offer additional assistance, when requested.

7) The right to be informed, upon request, of parole procedures; to participate in the parole process; and to be notified, upon request, of parole proceedings concerning a defendant in the victim's case. Victims also have the right to provide information, to be included in the defendant's file, to the Board of Pardons and Paroles, to be considered by the board prior to the parole of any defendant convicted of any crime subject to this Act. When requested, victims will 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 the relatives of the offender, before testifying in any proceeding concerning the offender. If a separate waiting area is not available, other safeguards should be taken to minimize the victim's contact with the offender and the offender's relatives and witnesses, before and during court proceedings.

9) The right to prompt return of any property of the victim that is held as evidence by a law enforcement agency or by the attorney for the state 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 request victim-offender mediation coordinated by the victim services division of the Texas Dept. of Criminal Justice.

12) The right to be informed of the uses of a victim impact statement, the statement's purpose in the criminal justice system, and the right to complete the victim impact statement and to have the victim impact statement considered by the appropriate entities in the criminal justice system. A victim who provides a victim impact statement has the right to have that statement considered before sentencing or acceptance of a plea agreement and by the Board of pardons and Paroles before an inmate 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 counsel for the defendant, the court shall state on the record the reason for granting or denying the continuance.

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 afforded the rights granted by this article and Article 56.021 and, on request, an explanation of those rights.

(d) A judge, attorney for the state, peace officer, or law enforcement agency is not liable for a failure or inability to provide a right enumerated in this article or Article 56.021. The failure or inability of any person to provide a right or service enumerated in this article or Article 56.021 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. A victim, guardian of a victim, or close relative of a deceased victim does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

CRIME VICTIMS' COMPENSATION

CVC is a financial assistance program that helps eligible victims of violent crime with certain expenses related to the crime. Benefits may be awarded for expenses such as medical bills, counseling, crime scene clean up, funeral and burial expenses.

Crimes covered by CVC include sexual assault, family violence, kidnapping, aggravated robbery, assault, homicide, child abuse, and other crimes where the victim suffers physical or emotional harm or death. Motor vehicle crimes covered by CVC include DWI, manslaughter, criminally negligent homicide, aggravated assault and intoxication manslaughter.

**Article 56.021 (d),
Code of Criminal Procedure**

Additional Rights of Victim of Sexual Assault or Abuse, Stalking, or Trafficking

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. 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:

(1) 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 under Article 7A.01 on behalf of the victim;

(2) 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 7A.01;

(B) of the court in which the application for a protective order may be filed; and

(C) that, on request of the victim or 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;

(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 be given by the court the information described by Subdivision (2) and, if the court has jurisdiction over applications for protective orders that are filed under Article 7A.01, the right to file an application for a protective order immediately following the defendant's conviction or placement on deferred adjudication community supervision; 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 (2).

**TEXAS
DEPARTMENT OF
PUBLIC SAFETY
VICTIM SERVICES**



**HELP FOR
CRIME VICTIMS AND
FAMILIES IN TEXAS**

Trooper/Officer: _____

Phone Number: _____

Case #: _____

CONTACT:
VICTIM SERVICES COUNSELOR
CORPUS CHRISTI
1922 S. PADRE ISLAND DRIVE
CORPUS CHRISTI, TEXAS 78416
WWW.DPS.TEXAS.GOV

**OFFICE: 361-698-5531
FAX: 361-698-5524**

DPS Victim Services Program is an equal opportunity provider and does not discriminate on the basis of race, color, national origin, ethnicity, religion, gender, age or disability.

VESS-3C (7/17)

YOU ARE NOT ALONE

The Texas Department of Public Safety is dedicated to providing direct, personal service to victims and their families throughout Texas.

*For victims' assistance, you may contact our DPS Victim Services personnel at:
361-698-5531 or 512-424-2211*

For case status, you may contact the investigating agency or may request assistance from Victim Services.

VICTIM SERVICES PROGRAM

► **CRIMINAL JUSTICE SUPPORT**

- Referral to assigned detective
- Status of case information
- Arrest notification
- Court accompaniment
- Crime Victims' Rights

► **INFORMATION AND REFERRALS**

TO LOCAL SOCIAL SERVICE
PROVIDERS

► **NOTIFICATION AND ASSISTANCE
IN FILING FOR CRIME VICTIMS'
COMPENSATION**

► **ASSISTANCE WITH EVIDENCE RETURNS**

► **COUNSELING**

► **PERSONAL ADVOCACY**

HELPFUL PHONE NUMBERS

Crime Victims' Compensation Fund
800-983-9933
www.oag.state.tx.us/victims

Vine (Victim Information Notification Everyday)
877-894-8463 or www.vinelink.com

Hotlines

Nat'l Domestic Violence
800-799-7233; 800-787-3224 (TDD)
<http://www.thehotline.org/>

Nat'l Teen Dating Abuse
866-331-9474; 866-331-8453 (TDD)

Nat'l Sexual Assault
800-656-4673
<https://ohl.rainn.org/online/>

Suicide & Crisis
1-800-273-8255

Legal

Child/Adult Abuse 24-Hour reporting
800-252-5400

Texas Legal Services
(888) 343-4414

Texas Advocacy Project
800-777-3247

Other:

Funeral home/medical examiner
_____ (name)
_____ (phone number)

The vehicle was towed by
_____ (name)
_____ (phone number)

Additional referrals
