

TEXAS DEPARTMENT OF CRIMINAL JUSTICE

VICTIM SERVICES DIVISION

TEXAS CRIME VICTIMS' RIGHTS

You have rights as a

Victims of crime are afforded certain rights under Texas law. These rights include, but are not limited to, the right to protection, information, notification, to be heard, to participate in the criminal justice system, and to seek financial remedies. Below is a general summary of the crime victims' rights, enumerated on the following pages.

You have the right to:

- *be treated with fairness and respect*
- *be reasonably protected from harm or threats from the accused*
- *have your safety considered in setting bail*
- *receive information regarding compensation (Crime Victims' Compensation)*
- *be informed of the uses of a Victim Impact Statement and the statement's purpose*
- *submit a Victim Impact Statement and have it considered by the prosecution, judge, and Board of Pardons and Paroles*
- *privacy - as far as is reasonably practical, the contact information of the victim may not be part of the court file*
- *have the court consider the impact of a continuance on family violence victims or victims of assault or sexual assault younger than 17*
- *be present at all public proceedings, subject to the approval of the judge*
- *have the attorney for the state notify your employer if you must be absent from work in order to attend court*
- *have a waiting area in the courthouse separate from the defendant, his/her family, and witnesses*
- *prompt return of property after it is no longer needed as evidence*
- *provide information to the probation department concerning the impact of the offense*
- *seek financial remedies*
- *receive written explanation of defense-initiated victim outreach, for capital felonies*
- *request victim-offender mediation dialogue*

If requested, the right to:

- *be informed about procedures in criminal investigations and the defendant's right to bail*
- *be informed about court proceedings*
- *confer with a representative of the prosecutor's office*
- *be informed about general procedures in the criminal justice system, including plea negotiations, arrangements, restitution, appeals, and parole*
- *be informed about the conviction, sentence, imprisonment, and release of the defendant*
- *be informed of parole proceedings and your right to participate and provide information to be considered by the board*

If the crime was sexual in nature, the right to:

- *have a trained advocate present during a forensic medical examination and law enforcement interview*
- *file an application for a protective order against the defendant for certain offenses*
- *counseling and testing for AIDS and HIV-related infections*

The remainder of this brochure provides a detailed description of your rights as a crime victim, as defined by the Texas Constitution Article 1, § 30, Crime Victims' Bill of Rights and the Texas Code of Criminal Procedure (CCP) Chapter 56A, Rights of Crime Victims.

To exercise your rights as a victim of crime it is necessary to contact your local law enforcement agency, district or county attorney's office, probation office, adult prison system, or parole office to speak with a crime victim service provider. Each agency has staff available to assist you and discuss services and rights available upon request.

The crime victims' rights listed in this brochure are current through the Regular Session of the 89th Legislature.

THE TEXAS CONSTITUTION

Article 1 § 30. RIGHTS OF CRIME VICTIMS

(a) A crime victim has the following rights:

(1) the right to be treated with fairness and with respect for the victim's dignity and privacy throughout the criminal justice process; and

(2) the right to be reasonably protected from the accused throughout the criminal justice process.

(b) On the request of a crime victim, the crime victim has the following rights:

(1) the right to notification of court proceedings;

(2) the right to be present at all public court proceedings related to the offense, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial;

(3) the right to confer with a representative of the prosecutor's office;

(4) the right to restitution; and

(5) the right to information about the conviction, sentence, imprisonment, and release of the accused.

(c) The legislature may enact laws to define the term "victim" and to enforce these and other rights of crime victims.

(d) The state, through its prosecuting attorney, has the right to enforce the rights of crime victims.

(e) The legislature may enact laws to provide that 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 section. The failure or inability of any person to provide a right or service enumerated in this section may not be used by a defendant in a criminal case as a ground for appeal or post-conviction writ of habeas corpus. A victim or guardian or legal representative of a victim has standing to enforce the rights enumerated in this section but does not have standing to participate as a party in a criminal proceeding or to contest the disposition of any charge.

TEXAS CODE OF CRIMINAL PROCEDURE

Article 56A.001. DEFINITIONS

(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.

(4-a) "Family violence" means an offense under the following provisions of the Penal Code if the offense is committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code: (A) Section 21.02; (B) Section 21.11(a)(1); (C) Section 22.01; (D) Section 22.011; (E) Section 22.02; (F) Section 22.021; (G) Section 22.04; and (H) Section 25.11.

(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.

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

(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; (v) injury to a child, elderly individual, or disabled individual; (vi) family violence; or (vii) stalking; (B) has suffered personal injury or death as a result of the criminal conduct of another; or (C) is the victim of an offense committed under Section 25.07, 25.071, or 25.072, Penal Code, if a violation that is an element of the offense occurred through the commission of an assault, aggravated assault, sexual assault, or the offense of stalking, regardless of whether that violation occurred with respect to a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code.

Article 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 in the manner provided by Article 56A.0525: (A) by the attorney representing the state of relevant court proceedings, including appellate proceedings, at least five business days before the date of each proceeding or otherwise as soon as reasonably practicable, and to be informed as soon as possible 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 in the manner provided by Article 56A.0525: (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 (i) the general procedures in the criminal justice system, including general procedures in guilty plea negotiations and arrangements, restitution, and the appeals and parole process; and (ii) whether the defendant has fully complied with any conditions of the defendant's bail;
(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, in the manner provided by Article 56A.0525: (A) 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; (B) for a victim of sexual assault, regarding the payment under Subchapter G for a forensic medical examination and for any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following that examination, as provided by subchapter G; and (C) when requested, providing a referral to available social service agencies that may offer additional assistance. (7)the right to: (A) be informed, on request, and in the manner provided by Article 56A.0525, 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 in the manner provided by Article 56A.0525, if requested, of: (i) parole proceedings concerning a defendant in the victim's case; (ii) the defendant's release on

parole for the offense involving the victim, including the county in which the defendant is required to reside, and the nonconfidential conditions of the defendant's parole, including any condition: (a) prohibiting the defendant from going near the victim's home or work; or (b) requiring the defendant to complete a battering intervention and prevention program established under Article 42.141; (iii) any offense with which the defendant is charged while released on parole for the offense involving the victim, if the department is aware of the offense; (iv) the issuance of any warrant under Section 508.251, Government Code, for the return of the defendant; and (v) any revocation of the defendant's parole for the offense involving the victim;

(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, in the manner provided by Article 56A.0525, 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)[1] for a victim of sexual assault, or a victim of assault who is younger than 17 years of age or whose case involves family violence, as defined by Section 71.004, 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;

(13)[2] for a victim of an assault, aggravated assault, or sexual assault who is younger than 17 years of age or whose case involves family violence, 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.

(d) An advocate for a victim is entitled to obtain on behalf of the victim the information described by Subsection (a)(7)(D).

Article 56A.052. ADDITIONAL RIGHTS OF VICTIMS OF CERTAIN SEXUAL, TRAFFICKING, OR BURGLARY OFFENSES

(a) A victim, guardian of a victim, or close relative of a deceased victim of an offense under Section 21.02, 21.11, 22.011, 22.012, 22.021, Penal Code, is entitled to the following rights within the criminal justice system:

(1) if requested, the right to a disclosure of information, in the manner provided by Article 56A.0525, 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 on any evidence described by Paragraph (A);

(2) if requested, the right to be notified in the manner provided by Article 56A.0525: (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;
(4) if requested, the right to be informed about, and confer with the attorney representing the state regarding, the disposition of the offense, including sharing the victim's, guardian's, or relative's views regarding: (A) a decision not to file charges; (B) the dismissal of charges; (C) the use of a pretrial intervention program; or (D) a plea bargain agreement; and
(5) for a 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; (B) a forensic medical examination as provided by Subchapter G; (C) any prescribed continuing medical care that is related to the sexual assault and provided to the victim during the 30-day period following a forensic medical examination, as provided by Subchapter G.

(b)[3] 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. The victim, guardian, or relative must provide an e-mail address and update any change in that e-mail address if the victim, guardian, or relative chooses to receive notifications by e-mail.

(b)[4] Subject to Subsection (c), a victim, guardian of a victim, or close relative of a deceased victim who requests to be notified or receive information under Subsection (a)(1), (2), or (4) must:

(1) provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense; and

(2) 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 an offense described by Subsection (a), to received any notice requested under Subsection (a)(2). This person may not be the person charged with the offense. (d) This subsection applies only to a victim of an offense listed in Article 7B.001(a)(1) or (2) A victim described by this subsection or a parents or guardian of the victim, if the victim is younger than 18 years of age or an adult ward, is entitled to the following rights within the criminal justice, system:

(1)the right to be informed in the manner provided by Article 56A.0525: (A) that the victim or, if the victim is younger than 18 years of age or an adult ward, the victim's

parent or guardian or another adult acting on the victim's behalf 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; (C) that, on request of the victim or, if the victim is younger than 18 years of age or an adult ward, on request of the victim's parent or guardian or another adult acting on the victim's behalf, the attorney representing the state may, subject to the Texas Disciplinary Rules of Professional Conduct, file the application for a protective order on behalf of the requestor; and (D) that, subject to the Texas Disciplinary Rules of Professional Conduct, the attorney representing the state generally is required to file the application for a protective order with respect to the victim if the defendant is convicted of or placed on deferred adjudication community supervision for the offense;

(2)the right to (A) 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); and (B) be notified in the manner provided by Article 56A.0525 when the attorney representing the state files an application for a protective order under Article 7B.001;

(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), in the manner provided by

Article 56A.0525; 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), in the manner provided by Article 56A.0525.

(e) A victim of an offense under Section 20A.02, 20A.03, or 43.05, Penal Code, is entitled to be informed, in the manner provided by Article 56A.0525, 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.

Article 56A.0525. AUTHORIZED FORM OF NOTIFICATIONS

For the purposes of this subchapter, a judge, attorney representing the state, peace officer, or law enforcement agency that is required to notify, inform, or disclose information to a victim, guardian of a victim, or close relative of a deceased victim in accordance with a right granted under subchapter shall provide the notification or information in the following manner: (1) electronically, including by text message, videoconference, or e-mail;

(2) by mail; (3) through an anonymous, online portal; or (4) by contacting by telephone or otherwise making personal contact with the victim, guardian, or relative, as applicable.

Article 56A.0521. ADDITIONAL RIGHTS OF VICTIMS OF CERTAIN FAMILY VIOLENCE OFFENSES, STALKING, AND VIOLATION OF PROTECTIVE ORDER OR CONDITION OF BOND

(a) This article applies only to an offense:

(1) involving family violence:

(2) under Section 42.072, Penal Code;or

(3) under Section 25.07, 25.071, or 25.072, Penal Code, if a violation that is an element of the offense occurred through the commission of an assault, aggravated assault, sexual assault, or the offense of stalking, regardless of whether that violation occurred with respect to a person whose relationship or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code.

(b) A victim, guardian of a victim, or close relative of a deceased victim of an offense described by Subsection (a) 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 on any evidence described by Paragraph (A);

(2) if requested, the right to be notified 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;

(3) if requested, the right to be informed about, and confer with the attorney representing the state regarding, the disposition of the offense, including sharing the victim's, guardian's, or relative's views regarding: (A) a decision not to file charges; (B) the dismissal of charges; (C) the use of a pretrial intervention program; or (D) a plea bargain agreement;

(4) the right to be notified that the attorney representing the state does not represent the victim, guardian of a victim, or close relative of a deceased victim; and

(5) for an offense under Section 42.072, Penal Code, all of the rights provided to victims, parents, and guardians as described by Article 56A.052(d), for the offenses to which that subsection applies.

(c) Subject to Subsection (d), a victim, guardian of a victim, or close relative of a deceased victim who requests to be notified or receive information under Subsection (b) must:

(1) provide a current address and phone number to the attorney representing the state and the law enforcement agency that is investigating the offense;

(2) inform the attorney representing the state and the law enforcement agency of any change in the address or phone number; and

(3) if the victim, guardian, or relative chooses to re***ceive notifications by e-mail, provide an e-mail address and update any change in that e-mail address.***

(d) 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 an offense described by Subsection (a), to receive any notice requested under Subsection (b)(2). This person may not be the person charged with the offense.
(e) If a victim of an offense described by Subsection (a) is also entitled to additional rights under Article 56A.052, or if a conflict exists between this article and Article 56A.052, that article controls.

Article 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.

Article 56A.0531. ASSERTION OF RIGHTS

A victim, guardian of a victim, or close relative of the deceased victim may assert the rights provided by this chapter either orally or in writing, individually or through an attorney.

[1]56A.051 (a)(13) text was amended by Acts 2025, 89th Leg., R.S., Ch. 365 (H.B 47), Sec. 2.
[2]56A.051 (a)(13) text was amended by Acts 2025, 89th Leg., R.S., Ch. 797 (S.B. 1120), Sec. 2.
[3]56A.052 (b) text was amended by Acts 2023, 88th Leg., R.S., Ch. 107 (S.B. 2101), Sec. 2.
[4]56A.052 (b) text was amended by Acts 2023, 88th Leg., R.S., Ch. 1059 (S.B. 409), Sec. 1.
These discrepancies will likely be resolved during the 90th Legislative session.

Texas Department of Criminal Justice

VICTIM SERVICES DIVISION

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(IVSS) Victim Portal:
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The mission of the TDCJ Victim Services Division is to provide a central mechanism for crime victims to participate in the Criminal Justice System.

Rev. 2/2026