

1-1 By: Zaffirini S.B. No. 1745  
1-2 (In the Senate - Filed March 14, 2003; March 24, 2003, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 28, 2003, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 28, 2003,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1745 By: Williams

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the right of certain sexual assault victims to a  
1-11 forensic medical examination.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Article 56.02, Code of Criminal  
1-14 Procedure, is amended to read as follows:

1-15 (a) A victim, guardian of a victim, or close relative of a  
1-16 deceased victim is entitled to the following rights within the  
1-17 criminal justice system:

1-18 (1) the right to receive from law enforcement agencies  
1-19 adequate protection from harm and threats of harm arising from  
1-20 cooperation with prosecution efforts;

1-21 (2) the right to have the magistrate take the safety of  
1-22 the victim or his family into consideration as an element in fixing  
1-23 the amount of bail for the accused;

1-24 (3) the right, if requested, to be informed:

1-25 (A) by the attorney representing the state of  
1-26 relevant court proceedings, including appellate proceedings, and  
1-27 to be informed if those proceedings have been canceled or  
1-28 rescheduled prior to the event; and

1-29 (B) by an appellate court of decisions of the  
1-30 court, after the decisions are entered but before the decisions are  
1-31 made public;

1-32 (4) the right to be informed, when requested, by a  
1-33 peace officer concerning the defendant's right to bail and the  
1-34 procedures in criminal investigations and by the district  
1-35 attorney's office concerning the general procedures in the criminal  
1-36 justice system, including general procedures in guilty plea  
1-37 negotiations and arrangements, restitution, and the appeals and  
1-38 parole process;

1-39 (5) the right to provide pertinent information to a  
1-40 probation department conducting a presentencing investigation  
1-41 concerning the impact of the offense on the victim and his family by  
1-42 testimony, written statement, or any other manner prior to any  
1-43 sentencing of the offender;

1-44 (6) the right to receive information regarding  
1-45 compensation to victims of crime as provided by Subchapter B,  
1-46 including information related to the costs that may be compensated  
1-47 under that subchapter and the amount of compensation, eligibility  
1-48 for compensation, and procedures for application for compensation  
1-49 under that subchapter, the payment for a medical examination under  
1-50 Article 56.06 for a victim of a sexual assault, and when requested,  
1-51 to referral to available social service agencies that may offer  
1-52 additional assistance;

1-53 (7) the right to be informed, upon request, of parole  
1-54 procedures, to participate in the parole process, to be notified,  
1-55 if requested, of parole proceedings concerning a defendant in the  
1-56 victim's case, to provide to the Board of Pardons and Paroles for  
1-57 inclusion in the defendant's file information to be considered by  
1-58 the board prior to the parole of any defendant convicted of any  
1-59 crime subject to this subchapter, and to be notified, if requested,  
1-60 of the defendant's release;

1-61 (8) the right to be provided with a waiting area,  
1-62 separate or secure from other witnesses, including the offender and  
1-63 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 by a law enforcement agency or the attorney for the state as evidence 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 counseling, on request, regarding acquired immune deficiency syndrome (AIDS) and human immunodeficiency virus (HIV) infection and 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, if the offense is an offense under Section 21.11(a)(1), 22.011, or 22.021, Penal Code;

(12) the right to request victim-offender mediation coordinated by the victim services division of the Texas Department of Criminal Justice; ~~and~~

(13) the right to be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system, 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 of Pardons and Paroles before an inmate is released on parole; and

(14) for a victim of a sexual assault, the right to a forensic medical examination if the victim reported the sexual assault to a law enforcement agency within 96 hours of the assault.

SECTION 2. (a) This Act takes effect September 1, 2003.

(b) The change in law made by this Act applies only to a report of a sexual assault that is made on or after the effective date of this Act.

\* \* \* \* \*