

A Survivor's Rights

A sexual assault survivor has the legal right to:

- Make the decision whether to file a police report or third-party information report
- Privacy: use a pseudonym and have her/his addresses and phone numbers kept out of all files relating to the case
CCP Art. 57.02
- Have the forensic exam paid for by the law enforcement agency
CCP Art. 56.06
- Crime Victims Compensation for reimbursement of medical bills, lost wages, and certain other expenses
CCP Chapter 56
- Refuse to take a lie detector test
CCP Art. 15.051
- After indictment, have her/his attacker be tested for HIV/AIDS and receive notice of the test results
CCP Art. 21.31
- Have her/his safety considered when bail is set
CCP Art. 21.31
- Be notified of all legal proceedings after making a written request to be notified
CCP Art. 56.08
- Write a "victim impact statement" and have the information in it considered during punishment and parole
CCP Art. 56.03
- Receive notice of any parole proceedings and defendant's release from prison after notice
CCP Art. 56.02(7)

Statute of Limitations CCP Art. 12.01

Felony indictments must be presented within these limits:

Indecency with a child:

- 10 years from the date of the commission of the offense if the victim was a child when sexual offense occurred.

Sexual assault:

- 10 years from the date of the sexual assault offense if the victim is an adult. Statute of limitations is suspended if DNA evidence was collected.

Child sexual assault:

- 10 years from the 18th birthday of the victim if victim is a child.

Sections 21 & 22 of the Texas Penal Code define: indecency with a child, sexual assault, and aggravated sexual assault.

"Child" means a person younger than 17 years of age who is not the spouse of the actor.

Helpful Numbers

Women's Advocacy Project	1-800-325-SAFE
Sexual Assault Legal Line	1-888-343-4414
Texas Rural Legal Aid, Inc.	1-888-988-9996
Sexual Assault in the Workplace Project	
Texas Lawyer Referral	1-800-252-9690
Crime Victims' Compensation	1-800-983-9933
Client Attorney Assist. Program	1-800-204-2222
complaints about attorneys	ext. 1790



A Legal Resource About Sexual Assault

Texas Association Against
Sexual Assault
7701 N. Lamar, Ste 104
Austin, TX 78752
512 474-7190
www.taasa.org

Criminal Procedure Shortcut

The laws and issues cited here are not meant to be exhaustive but are intended to help you better understand the legal system. The actual code citations are included to empower you when dealing with the system. CCP refers to the Texas Code of Criminal Procedure while the criminal statutes indicated by the § symbol can be found in the Texas Penal Code. The text of the codes can be found on the Internet at www.capitol.state.tx.us/statutes/statutes.html.

This is not intended as a substitute for advice from a lawyer. If you have any questions contact an attorney near you.

Law Enforcement Must

- Pay for the forensic part of a medical exam if the survivor has made a police report CCP Art. 56.06
- At initial contact with the survivor, give written notice of rights and information and referrals concerning the availability of medical and social services including a referral to a sexual assault program.
CCP Art. 56.07
- Not require a survivor to submit to a lie detector test. They must inform the survivor that a complaint may not be dismissed solely because she/he did not take the polygraph exam nor on the basis of the exam results
CCP Art. 15.051

Bail

The accused has a right to reasonable bail. Bail must be high enough to ensure that the accused shows up for court, but bail cannot be used to punish. The nature of the offense as well as the future safety of the victim and the community shall be considered. CCP Art. 17.15 & Art. 17.40

If a child is the victim of a sexual offense, bail may contain specific conditions that the defendant not communicate with the child. Supervised visitation may be granted. If there is already a court order in place (such as a divorce decree) that conflicts with the bail order, the bail conditions take priority over other decrees for at least 90 days.
CCP ART. 17.41

Civil Suit

A survivor can file a lawsuit against her/his attacker. The attacker could be ordered to pay money to compensate the survivor for physical and emotional damages. In limited situations, a survivor may also be able to hold a third party responsible for what the attacker did. The standard of proof is much lower in a civil suit than in a criminal prosecution.

Attorneys will take on these cases if the attacker or third party has assets or money. If the attacker doesn't, then it is usually impossible to obtain the damages awarded by the court. Survivors may want to consult with a civil attorney to decide whether to sue the perpetrator or a negligent third party.

Protective Orders

Sexual assault victims may apply for a protective order no matter the relationship between themselves and the assailant.

A protective order is a civil court order that can have both civil and criminal consequences if it is violated. A person who has a protective order entered against him may be arrested and prosecuted for a crime if they do something that the protective order says they may not do, or if he fails to do something the protective order requires.

A protective order lists the types of behavior that a person may not engage in for the period that the order is in place. It is typically valid for up to two years from the date that it is signed by the judge.
CCP Ch. 7A

Confidentiality vs. Privilege

The Texas Rules of Evidence, Article V (rules 501-513) contains the rules governing communications.

- A confidential communication is one that is not intended to be disclosed to a third party, but can be disclosed in court.
- A privilege is the right to prevent disclosure of a confidential communication in a court or other legal proceedings.
- A communication can be confidential without being privileged.