

**SUBJECT:** Giving sexual assault victims a right to forensic medical exams.

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 6 ayes — Keel, Ellis, Denny, Hodge, Pena, Talton  
0 nays  
3 absent — Riddle, Dunnam, P. Moreno

**SENATE VOTE:** On final passage, May 8 — 31-0, on Local and Uncontested Calendar

**WITNESSES:** No public hearing

**BACKGROUND:** Code of Criminal Procedure, art. 56.02 grants certain rights to victims of crimes, guardians of victims, and close relatives of a deceased victim within the criminal justice system, including the right to:

- receive from law enforcement agencies adequate protection from harm and threats of harm arising from cooperation with prosecution efforts;
- have the magistrate take the safety of the victim or the victim's family into consideration as an element in fixing the amount of bail for the accused;
- be informed of proceedings against the accused and of decisions entered before they are made public;
- provide pertinent information to a probation department concerning the impact of the offense on the victim and the victim's family;
- be informed, upon request, of parole procedures and to participate in the parole process;
- receive counseling, on request, regarding infectious diseases that the victim may have contracted from the offender as a result of certain crimes;
- request victim-offender mediation coordinated by the Texas Department of Criminal Justice; and
- be informed of the uses of a victim impact statement and the statement's purpose in the criminal justice system.

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Law enforcement agencies have discretion as to whether or not to provide an immediate forensic medical examination for a victim of sexual assault. In such cases, the investigating law enforcement agency may pay for a forensic medical test, while the victim or the victim's insurer pays for other medical treatment required as a result of the assault.

**DIGEST:**

SB 1745 would give a victim of sexual assault the right to a forensic medical examination within the criminal justice system if the victim reported the assault to a law enforcement agency within 96 hours of the assault.

The bill would take effective September 1, 2003.