



TEXAS

Specific requirement to report sexual assault? No.

Requirement to report non-accidental or intentional injuries? No.

Requirement to report injuries caused by criminal conduct? No.

Additional statutes that may impact competent adult victims of sexual assault? It is mandatory to report gunshot wounds.

STATUTES ADDRESSING PAYMENT FOR EXAMINATIONS

Tex. Code Crim. Proc. art. 56.06. Medical Examination for Sexual Assault Victim; Costs

(a) If a sexual assault is reported to a law enforcement agency within 96 hours of the assault, the law enforcement agency, with the consent of the victim, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a medical examination of the victim of the alleged assault for use in the investigation or prosecution of the offense. A law enforcement agency may decline to request a medical examination under this subsection only if the person reporting the sexual assault has made one or more false reports of sexual assault to any law enforcement agency and if there is no other evidence to corroborate the current allegations of sexual assault.

(b) If a sexual assault is not reported within the period described by Subsection (a), on receiving the consent described by that subsection the law enforcement agency may request a medical examination of a victim of an alleged sexual assault as considered appropriate by the agency.

(c) A law enforcement agency that requests a medical examination of a victim of an alleged sexual assault for use in the investigation or prosecution of the offense shall pay all costs of the examination. On application to the attorney general, the law enforcement agency is entitled to be reimbursed for the reasonable costs of that examination if the examination was performed by a physician or by a sexual assault examiner or sexual assault nurse examiner, as defined by Section 420.003, Government Code.

(d) A law enforcement agency or prosecuting attorney's office may pay all costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of the medical examination or manner in which it was performed.

(e) This article does not require a law enforcement agency to pay any costs of treatment for injuries.



HISTORY: Added by Acts 1989, 71st Leg., ch. 2, Sec. 5.05(a), eff. Aug. 28, 1989. Subsec. (a) amended by Acts 1991, 72nd Leg., ch. 75, Sec. 1, eff. Sept. 1, 1991. Amended by Acts 2001, 77th Leg., ch. 1507, Sec. 1, eff. June 15, 2001. Amended by: Acts 2005, 79th Leg., Ch. [498](#), Sec. 2, eff. September 1, 2005. Acts 2009, 81st Leg., R.S., Ch. [1140](#), Sec. 2, eff. June 19, 2009.

Tex. Code Crim. Proc. art. 56.065. Medical Examination for Sexual Assault Victim who has not reported assault; Costs

(a) In this article:

- (1) "Crime laboratory" has the meaning assigned by Article 38.35.
- (2) "Department" means the Department of Public Safety.
- (3) "Sexual assault examiner" and "sexual assault nurse examiner" have the meanings assigned by Section 420.003, Government Code.

(b) This article applies to the following health care facilities that provide diagnosis or treatment services to victims of sexual assault:

- (1) a general or special hospital licensed under Chapter 241, Health and Safety Code;
- (2) a general or special hospital owned by this state;
- (3) an outpatient clinic; and
- (4) a private physician's office.

(c) In accordance with Subchapter B, Chapter 420, Government Code, and except as provided by Subsection (e), a health care facility shall conduct a forensic medical examination of the victim of an alleged sexual assault if:

- (1) the victim arrives at the facility within 96 hours after the assault occurred;
- (2) the victim consents to the examination; and
- (3) at the time of the examination the victim has not reported the assault to a law enforcement agency.

(d) The department shall pay the appropriate fees, as set by attorney general rule, for the forensic portion of the medical examination and for the evidence collection kit if a physician, sexual assault examiner, or sexual assault nurse examiner conducts the forensic portion of the examination within 96 hours after the alleged sexual assault occurred. The attorney general shall reimburse the department for fees paid under this subsection.

(e) If a health care facility does not provide diagnosis or treatment services to victims of sexual assault, the facility shall refer a victim seeking a forensic medical examination under Subsection (c) to a health care facility that provides services to those victims.



(f) The department may develop procedures regarding the submission or collection of additional evidence of the alleged sexual assault other than through an examination as described by this article.

(g) The department shall develop procedures for the transfer and preservation of evidence collected under this article to a crime laboratory or other suitable location designated by the public safety director of the department. The receiving entity shall preserve the evidence until the earlier of:

- (1) the second anniversary of the date the evidence was collected; or
- (2) the date the victim or a legal representative of the victim signs a written consent to release the evidence.

(h) The victim may not be required to:

- (1) participate in the investigation or prosecution of an offense as a condition of receiving a forensic medical examination under this article; or
- (2) pay for the forensic portion of the medical examination or for the evidence collection kit.

(i) The attorney general and the department each shall adopt rules as necessary to implement this article.

HISTORY: Added by Acts 2009, 81st Leg., R.S., Ch. [1140](#), Sec. 3, eff. June 19, 2009.

Tex. Admin. Code tit. 1, § 61.803. Reimbursement Procedures

(a) The law enforcement agency seeking reimbursement for the reasonable costs of a forensic sexual assault examination must comply with the provisions of this section.

(b) The forensic sexual assault examination must have been performed at the request of a law enforcement agency for use in the investigation and prosecution of an alleged sexual assault.

(c) A physician, a sexual assault examiner, or a sexual assault nurse examiner must have performed the forensic sexual assault examination. A sexual assault examiner or a sexual assault nurse examiner performing a forensic sexual assault examination must have oversight by a medical director.

(d) Payments will be only for reimbursement; therefore, the law enforcement agency must have received and paid all bills associated with the forensic sexual assault examination before applying to the OAG for reimbursement. The law enforcement agency should attach all necessary supporting documentation to the OAG approved Application for Reimbursement.



(e) The law enforcement agency must complete all sections of the Application for Reimbursement. Incomplete applications will not be processed and will be returned to the law enforcement agency noting the reason the application is incomplete. The verification section of the Application for Reimbursement must be signed by an appropriate representative of the law enforcement agency who has knowledge of the facts stated in the application.

(f) All bills associated with the requested forensic sexual assault examination must be attached to the application, and only those expenses for the actual forensic sexual assault examination will be considered for reimbursement. All bills must be submitted at one time. No other bills submitted to the OAG will be processed after the Application for Reimbursement is received. At the written request of a law enforcement agency, items that have been denied on an application submitted between June 17, 2001, and July 30, 2002, may be re-submitted for review by the OAG if such denied items would be reimbursable under these rules.

REPORTING STATUTES WHICH MAY IMPACT RAPE VICTIMS

Tex. Health & Safety Code § 161.041. Mandatory Reporting of Gunshot Wounds

A physician who attends or treats, or who is requested to attend or treat, a bullet or gunshot wound, or the administrator, superintendent, or other person in charge of a hospital, sanatorium, or other institution in which a bullet or gunshot wound is attended or treated or in which the attention or treatment is requested, shall report the case at once to the law enforcement authority of the municipality or county in which the physician practices or in which the institution is located.

HISTORY: Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Amended by Acts 1999, 76th Leg., ch. 38, Sec. 1, eff. Sept. 1, 1999.