

CODE OF CRIMINAL PROCEDURE

CHAPTER 56. RIGHTS OF CRIME VICTIMS

SUBCHAPTER A. CRIME VICTIMS' RIGHTS

Art. 56.06. MEDICAL EXAMINATION FOR SEXUAL ASSAULT VICTIM;
COSTS. (a) If a sexual assault is reported to a law enforcement
agency within 120 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

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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.

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; Acts 2005, 79th Leg., ch. 498, Sec. 2, eff. Sept. 1, 2005.