

CHAPTER 571

S.B. No. 1392

AN ACT

relating to the confidentiality of the name, address, and telephone number of a victim of certain sexual offenses.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Title I, Code of Criminal Procedure, is amended by adding Chapter 57 to read as follows:

**CHAPTER 57. CONFIDENTIALITY OF IDENTIFYING INFORMATION OF  
SEX OFFENSE VICTIMS**

*Art. 57.01. DEFINITIONS. In this chapter:*

- (1) "Name" means the legal name of a person.*
- (2) "Pseudonym" means a set of initials or a fictitious name chosen by a victim to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings.*
- (3) "Public servant" has the meaning assigned by Subsection (a), Section 1.07, Penal Code.*
- (4) "Victim" means a person who was the subject of an offense or an attempted offense under Section 22.011 or Section 22.021, Penal Code.*

*Art. 57.02. CONFIDENTIALITY OF FILES AND RECORDS. (a) The Sexual Assault Prevention and Crisis Services Program of the Texas Department of Health shall develop and distribute to all law enforcement agencies of the state a pseudonym form to record the name, address, telephone number, and pseudonym of a victim.*

*(b) A victim may choose a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, including police summary reports, press releases, and records of judicial proceedings. A victim who elects to use a pseudonym as provided by this article must complete a pseudonym form developed under this article and return the form to the law enforcement agency investigating the offense.*

*(c) A victim who completes and returns a pseudonym form to the law enforcement agency investigating the offense may not be required to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense.*

(d) A completed and returned pseudonym form is confidential and may not be disclosed to any person other than a defendant in the case or the defendant's attorney, except on an order of a court of competent jurisdiction. The court finding required by Subsection (g) of this article is not required to disclose the confidential pseudonym form to the defendant in the case or to the defendant's attorney.

(e) If a victim completes and returns a pseudonym form to a law enforcement agency under this article, the law enforcement agency receiving the form shall:

(1) remove the victim's name and substitute the pseudonym for the name on all reports, files, and records in the agency's possession;

(2) notify the attorney for the state of the pseudonym and that the victim has elected to be designated by the pseudonym; and

(3) maintain the form in a manner that protects the confidentiality of the information contained on the form.

(f) An attorney for the state who receives notice that a victim has elected to be designated by a pseudonym shall ensure that the victim is designated by the pseudonym in all legal proceedings concerning the offense.

(g) A court of competent jurisdiction may order the disclosure of a victim's name, address, and telephone number only if the court finds that the information is essential in the trial of the defendant for the offense or the identity of the victim is in issue.

Art. 57.03. OFFENSE. (a) A public servant with access to the name, address, or telephone number of a victim who has chosen to be designated by a pseudonym commits an offense if the public servant intentionally or knowingly discloses the name, address, or telephone number of the victim to any person who is not assisting in the investigation or prosecution of the offense or to any person other than the defendant, the defendant's attorney, or the person specified in the order of a court of competent jurisdiction.

(b) An offense under this article is a Class C misdemeanor.

SECTION 2. This Act takes effect September 1, 1987. The Texas Department of Health shall develop and distribute a pseudonym form in accordance with this Act not later than December 31, 1987. This Act applies to victims of offenses defined by Section 22.011 or 22.021, Penal Code, that were committed on or after January 1, 1988.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 24, 1987, by a viva-voce vote; and that the Senate concurred in House amendments on May 28, 1987, by a viva-voce vote. Passed the House, with amendments, on May 22, 1987, by a non-record vote.

Approved June 18, 1987.

Effective Sept. 1, 1987.