

## **BILL ANALYSIS**

H.B. 4323  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Concerns have been raised regarding the privacy and confidentiality of information relating to children who are victims of certain crimes. It has been suggested that there should be specific statutory protections for these children from online disclosure of criminal court documents even after the criminal case is resolved so that these child victims do not have to rely for privacy protection on general privacy law and judicial procedures for sealing court records. To more closely align privacy protections afforded to child victims of abuse and sexual assault with certain statutory protections afforded juvenile perpetrators, H.B. 4323 seeks to address this issue by providing for the confidentiality of identifying information of certain child victims.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 4323 amends the Code of Criminal Procedure to require the office of the attorney general, not later than October 1, 2019, to develop and distribute to all state law enforcement agencies a pseudonym form to record the name, address, telephone number, and pseudonym of a child victim of certain specified trafficking, sexual, or assaultive offenses or an offense that is part of the same criminal episode as one of those offenses. The bill requires the agency investigating the offense to offer the victim a pseudonym to be used instead of the victim's name to designate the victim in all public files and records concerning the offense, requires a victim who elects to use a pseudonym to complete a pseudonym form and return the form to the agency, and provides for the confidentiality of such a form. The bill prohibits the compelling of such a victim to disclose the victim's name, address, and telephone number in connection with the investigation or prosecution of the offense but provides for a court's limited disclosure of that information.

H.B. 4323 sets out requirements for a law enforcement agency that receives a victim's pseudonym form relating to the use of the pseudonym in agency documents, notification of the state's attorney, and maintaining the form and sets out related requirements for the notified attorney. The bill provides for the prohibited release or disclosure by a public servant or other applicable person of the victim's identifying information to any person who is not assisting in the investigation, prosecution, or defense of the case, with certain exceptions.

H.B. 4323 creates a Class C misdemeanor offense for a public servant or other person who has

access to or obtains, as applicable, the name, address, or telephone number of a victim with a pseudonym and who knowingly discloses such information 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 an order of a court of competent jurisdiction, unless the disclosure is required or permitted by other law. The bill establishes as an affirmative defense to prosecution for such an offense that the actor is the victim or the victim's parent, conservator, or guardian, unless such person allegedly committed the applicable offense against the victim.

**EFFECTIVE DATE**

September 1, 2019.