

BILL ANALYSIS

H.B. 2357
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In this age of information dissemination via social media and other outlets that do not have stringent oversight protections for child abuse victims, the issue of privacy and confidentiality gets lost when it comes to children who are victims of crimes. All children have the right to privacy and the right to prevent online disclosure of court documents of a criminal case even when the criminal case is over. It has been suggested that child victims of sexual abuse and sexual assault should be afforded similar disclosure protections currently in place for juvenile offenders. H.B. 2357 seeks to address this issue by providing for the confidentiality of information identifying an individual as a child victim of certain offenses.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 2357 amends the Government Code to make confidential and excepted from disclosure under state public information law information identifying an individual as the following:

- a victim of a criminal offense who was younger than 18 years of age when any element of the offense was committed; or
- a victim of any of the following offenses or an offense that is part of the same criminal episode as any such offense:
 - trafficking of persons or continuous trafficking of persons;
 - continuous sexual abuse of young child or children;
 - indecency with a child;
 - sexual assault or aggravated sexual assault;
 - compelling prostitution; or
 - sexual performance by a child.

The bill authorizes the disclosure of any such identifying information as follows:

- to any victim identified by the information, or the parent or guardian of an identified victim who was younger than 18 years of age when any element of the offense was committed;
- to a law enforcement agency for investigative purposes; or
- in accordance with a court order requiring the disclosure.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2021.