

- SUBJECT:** Making personal information in a victim impact statement confidential
- COMMITTEE:** State Affairs — favorable, without amendment
- VOTE:** 7 ayes — Marchant, J. Davis, B. Cook, Elkins, Goodman, Lewis, Villarreal  
0 nays  
2 absent — Madden, Gattis
- SENATE VOTE:** On final passage, April 16 — 31-0, on Local and Uncontested Calendar
- WITNESSES:** For — *(Registered, but did not testify)*: Chuck Noll, Harris County District Attorney's Office; John Rolater, Dallas County District Attorney's Office  
Against — None
- BACKGROUND:** Prosecutors routinely ask crime victims to fill out crime victim impact statements pursuant to Code of Criminal Procedure, art. 56.03. This information is used by the prosecutor in preparing the case for trial, by the judge at sentencing, and by the parole board. Information provided by a crime victim includes identifying information such as name, telephone number, address, and social security number.
- DIGEST:** SB 1015 would make a crime victim's name, social security number, address, telephone number, and other identifying information confidential under the Public Information Act when contained in or submitted in preparation for a victim impact statement held by a governmental body or filed with a court.  
  
The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.
- SUPPORTERS SAY:** SB 1015 would exempt crime victims' identifying information from disclosure under the Public Information Act when it is contained in a victim impact statement. Victims must submit their name, address, social security number, and telephone number when submitting these statements. However,

the fact that this information then becomes available to anyone who seeks it deters some victims from filing impact statements out of fear for their safety. It is important for victims to be protected within the criminal justice system and to know that their personal safety will not be compromised when they exercise their right to inform the court of the personal, economic, physical, familial, and psychological effects they have suffered as crime victims. Without this change in law, a perpetrator or anyone else who would like to locate a victim simply would have to file an open records request.

This legislation is appropriately narrow in that it would affect only personal identifying information on a victim impact statement, which there is no legitimate reason to protect in the public record. It would close a loophole in current law, encourage victims to report the impact of crimes, protect those who do so, and help prosecutors to do their jobs.

As an additional benefit, SB 1015 would help protect victims against identity theft, which is relatively easy to commit and is the fastest growing crime in the nation. A criminal in possession of someone's social security number can obtain credit cards, rent an apartment, write checks, or buy a car, all at the victim's expense. On average, it takes a victim of identity theft two years, \$800 out of pocket, and 175 hours to clear his or her record, in addition to the risk of being denied housing, loans, and jobs in the interim. By restricting availability of victims' social security numbers, the bill would protect victims of violent crimes from being victimized further by identity thieves.

**OPPONENTS  
SAY:**

No apparent opposition.

**NOTES:**

A related bill, HB 1026 by Hupp, et al., which would restrict the use of social security numbers by higher education institutions, passed the House on May 8 and has been referred to the Senate Education Committee. HB 1053 by Rodriguez, et al., which would make social security numbers confidential under certain circumstances when used by private entities, passed the House on May 5 and has been referred to the Senate State Affairs Committee.