

BILL ANALYSIS

Senate Research Center
77R4096 KEL-D

S.B. 814
By: Barrientos
Criminal Justice
3/6/2001
As Filed

DIGEST AND PURPOSE

Under current Texas law, there are no provisions prohibiting law enforcement authorities or attorneys from publicly disclosing the true identity of juvenile victims of a sex offense. As proposed, S.B. 814 prohibits the public release of a juvenile victim's true identity in any public document without the express written consent of the juvenile's parents or by court order with good cause.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 57, Code of Criminal Procedure, as follows:

Art. 57.01. Redefines "pseudonym" and "victim."

Art. 57.02. (a) Requires the Sexual Assault Prevention and Crisis Services Program established under Chapter 420 (Sexual Assault Prevention and Crisis Services), Government Code, rather than of the Texas Department of Health, to 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) Authorizes a victim who is 17 years of age or older to 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. Requires the victim, to elect to use a pseudonym as described by this subsection, to complete a pseudonym form developed under this article and return the form to the law enforcement agency investigating the offense. Deletes existing text pertaining to electing to use a pseudonym.

(c) Provides that a victim who is younger than 17 years of age is not required to make an election regarding the use of a pseudonym as described by Subsection (b). Requires the law enforcement agency investigating the offense to choose for the victim an appropriate pseudonym to be used as described by that subsection and to complete for the victim a pseudonym form developed under this article.

(d) Prohibits a victim who completes and returns a pseudonym form to the law enforcement agency investigating the offense, or a victim for whom a pseudonym form is completed as required by Subsection (c), from being required to disclose certain specific information in connection with the investigation or prosecution of the offense. Reletters existing text of Subsection (c).

(e) Provides that a pseudonym form, rather than a completed and returned pseudonym

form, that is completed and, for a victim who is 17 years of age or older, returned is confidential and prohibits a pseudonym form from being 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. Makes a conforming change. Reletters existing text of Subsection (d).

(f) Requires the law enforcement agency, if a victim completes and returns a pseudonym form to a law enforcement agency under this article, or if a law enforcement agency completes a pseudonym form for a victim as required by Subsection (c), to take certain enumerated actions. Deletes existing text pertaining to receipt of the form. Reletters existing text of Subsection (e).

(g) Makes a conforming change. Reletters existing text of Subsection (f).

(h) Reletters existing Subsection (g).

Art. 57.025. PROHIBITION REGARDING IDENTIFYING INFORMATION OF JUVENILE VICTIM. Prohibits a person other than the victim or the victim's parent, conservator, or guardian, except as provided by law, if a victim is younger than 17 years of age, from disclosing certain specific 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 the order of a court of competent jurisdiction.

Art. 57.03. Deletes existing text pertaining to designation by a pseudonym. Makes a conforming change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2001.